I was delighted to serve another year as Chair of the 1992 Fund Assembly in 2022 and it is with great pleasure that I introduce this Annual Report. The purpose of this publication is to set out the main activities and achievements of the organisation over the past year and also provide key statistics relating to the volumes of oil reported by Member States and a brief financial overview of the organisation.

In my position as Chair, I have been kept regularly updated on developments by the Secretariat, have participated in numerous internal meetings and have enjoyed the direct conversations and close cooperation with the new Director in 2022.

The 1992 Fund was pleased to welcome two new Member States in 2022, San Marino and Costa Rica and a further State, Guinea-Bissau, is set to join the organisation in 2023, bringing the total number of Member States to 121.

We were all very keen to return to in-person meetings in 2022, however, since the audio-visual facilities of the International Maritime Organization (IMO) main hall and committee rooms were undergoing refurbishment at the time, the sessions of the governing bodies in March were again held remotely. Fortunately, our experience of holding such remote meetings during the previous two years, meant that even with a reduced timetable, we were able to cover a full agenda.

That said, the return to a fully in-person meeting in October was very welcome. That four-day physical meeting allowed us to cover a full agenda. That said, the return to a fully in-person meeting in October was very welcome. That four-day physical meeting allowed for lively debates within the hall itself.

2022 A year in brief

New Director joins IOPC Funds. Secretary-General of IMO, Mr Kitack Lim, welcomes Gaute Sivertsen to the IMO building.

January

Secretary-General of IMO, Mr Kitack Lim, welcomes Gaute Sivertsen to the IMO building.

March

First meeting of the Audit Body in person since the outbreak of the pandemic.

April

Meeting on the lessons learned from the Tristar Star incident.

May

Workshop on the lessons learned from the Hebei Spirit incident.

June

Induction course and in-person meeting of the governing bodies. New representatives of Member States attend induction course.

July

Oil Spill India 2022. The new Director is invited as a keynote speaker at this conference and also uses the visit to meet with key Indian authorities and contributors.

August

Meeting of the IOFPC Funds Annual short course.

September

New IOPC Funds introductory video released.

October

IOPC Funds Annual short course. 12 Member States participate in this week-long annual course.

November

Secretariat returns to office and introduces new working practices post-pandemic.

December

Engagement with contributors over previous oil data.

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That said, the return to a fully in-person meeting in October was very welcome. That four-day physical meeting allowed for lively debates within the hall itself.

The 1992 Fund, was the subject of discussion by the governing bodies. It is certainly reassuring to note that the organisation has such experienced experts, who are able to closely monitor developments and advise the Secretariat accordingly, safeguarding the Funds’ assets and protecting the compensation regime as far as possible.

The October meeting was the last occasion that I would share the podium with Mr Sungbum Kim, Chair of the Supplementary Fund Assembly. Mr Kim showed great leadership throughout his 11 years in post, he served the Supplementary Fund Member States with unwavering professionalism, worked together with the Secretariat with great positivity and highly cooperative spirit, and, personally, I have been extremely grateful for his support as a fellow Chair.

Nor should I omit to mention the Secretariat and the previous Director, in finding solutions to the challenges resulting from the Hebei Spirit incident, possibly the most difficult confronting the 1992 Fund so far. Looking ahead to 2023, I will be delighted to work alongside the new Supplementary Fund Assembly Chair, Mr François Marier (Canada). His experience as an old IOPC and IMO hand is certainly most welcome.

I hope to see more States represented at meetings of the governing bodies in the year ahead. There has been a welcome gradual increase in attendance of States in recent years, largely as a result of the new ways of working post-pandemic. Whilst practices were amended on a temporary basis, there were certainly benefits to those changes and the IOPC Funds is already taking steps to make the meetings more accessible by providing a streaming service in May 2022. States will also be invited to consider whether meetings should be provided in a hybrid format of both in person and remote attendance in the future. The participation of a wide representation of the organisation’s membership is extremely beneficial to discussions and important for decision making to ensure the integrity of the international regime.
Director’s Review

When I provided my thoughts in the last Annual Report in 2022, it was as a newly appointed Director. At that time, I had just started in my new role and I was looking to the tasks ahead of me to deliver on the commitment I had given at the time of my election. I had promised to serve the Member States and the victims of oil pollution, to protect the Funds’ interests and to adapt to changing needs.

Now, looking back on my first full year in the post and the various activities of the organisation during that time, I hope that my commitment is reflected in the initial advances that have already been made in some key areas. Recognising that the payment of contributions is crucial to the functioning of the compensation regime and the Funds, and that it is intrinsically linked to the submission of oil reports, we have continued to follow up directly with those States who have outstanding oil reports in order to offer assistance and address the root cause as far as possible. In addition, the Secretariat, in consultation with the Audit Body, has been preparing a draft Resolution on the issuing of invoices based on estimated oil reports when such reports are not submitted.

Another issue that has been highlighted previously, and has become even more of a concern in 2022, is the increasing awareness and understanding of the role of the organisation, have all been priorities for myself and for the Secretariat in 2022. We have participated in various outreach activities, which have taken place at the Funds’ offices in London, on location in a number of States, and online. We have certainly made every effort to maintain regular engagement with our Member States and I endeavoured to introduce myself and meet personally with a number of State representatives during the year whenever the opportunity arose.

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I was delighted that in March 2022, the International Group of P&I Associations. The Secretariat and the Audit Body have continued to highlight its potential impact on the liability and compensation regime, and the IOPC Funds in particular, and we are following discussions on the matter within the IMO closely.

Addressing such issues and increasing awareness and understanding of the role of the organisation, have all been priorities for myself and for the Secretariat in 2022. We have participated in various outreach activities, which have taken place at the Funds’ offices in London, on location in a number of States, and online. We have certainly made every effort to maintain regular engagement with our Member States and I endeavoured to introduce myself and meet personally with a number of State representatives during the year whenever the opportunity arose.

I was delighted that in March 2022, the Secretariat and the Audit Body have continued to highlight its excellent relationship with the Host State and I am extremely pleased that is set to continue under these new Agreements.

I had the benefit of joining a very experienced and efficient Secretariat last January and appreciated the welcome and support I received, particularly from the Deputy Director, Mr Ranjit Pillai. I was fortunate to have the benefit of his guidance until June when he retired after 25 years’ service at the organisation. Ranjit was an exceptional professional and had always provided a calm and steady influence with a wealth of experience both as Deputy Director and as Head of Finance and Administration at the organisation. Following his departure, I appointed the Head of Claims, Ms Liliana Monsalve, as the new Deputy Director and Mr Robert Owen as Head of Administration.

As a Secretariat, we have embraced new technologies, communication tools and management systems for claims and finance.

We saw the closure of the Hebei Spirit incident in 2022. These were major incidents which have led the organisation to implement new practices to ensure that claims were handled efficiently in both cases and that the International Conventions were applied uniformly, ensuring the equal treatment of claimants. These practices have continued to be applied to more recent incidents very successfully.

In 2023, we will be looking to establish the necessary systems and to determine essential processes in respect of the reporting of contributing cargo and the handling of different types of claims, ahead of the entry into force of the 2010 HNS Convention. Last year a larger number of States expressed their commitment to this pending treaty, with many reporting concrete developments towards ratification. The Secretariat must therefore increase its activity in this area over the year ahead. With this in mind, the 1992 Fund Assembly approved an increased budget for HNS matters in October 2022.

Even with the few activities that I have chosen to highlight in this review and which our Chair of the 1992 Fund Assembly has opted to mention in his foreword, I believe I have been true to my promises, serving Member States and victims of oil pollution through the payment of compensation and the application of the assessment criteria to ensure equal treatment; protecting the Funds’ interests both in legal proceedings and by exploring ways in which we can ensure the payment of contributions; and adapting to changing needs by exploring and implementing new technologies to deliver outreach activities and meetings of the governing bodies.

In 2023, I will of course seek to continue to carry out my duties with those three underlying principles in mind. Personally, I am looking forward, with the support of the Secretariat, to my second year in office and am confident that Member States will also join me in my efforts to address the challenges that lie ahead in 2023.
In operation for >40 years

The International Oil Pollution Compensation Funds (IOPC Funds) provide financial compensation for oil pollution damage that occurs in its Member States, resulting from spills of persistent oil from tankers.

Following a number of large incidents during the 1980s, it became clear that the amount available under the original Conventions was insufficient and IMO developed two Protocols which increased the limits and widened the scope of the original Conventions, creating the 1992 Civil Liability Convention and the 1992 Fund Convention.

In 2003, a third instrument, the Supplementary Fund Protocol, was adopted, providing 1992 Fund Member States with additional compensation above that available under the 1992 Fund Convention, should they opt to also become Parties to that Protocol.

In 2022, for further general information about the organisation and its history, please visit iopcfunds.org.

This report focuses on the work of the IOPC Funds during 2022. For further general information about the organisation and its history, please visit iopcfunds.org.
These three instruments all apply to pollution damage caused by spills of persistent oil from tankers in the territory (including the territorial sea) and the exclusive economic zone (EEZ) or equivalent area of a State Party to the respective treaty instrument.

- the International Convention on Civil Liability for Oil Pollution Damage, 1992 (1992 CLC);
- the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (1992 Fund Convention); and

The international liability and compensation regime is currently based on:

**1992 Civil Liability Convention**

The 1992 CLC provides a first tier of compensation which is paid by the owner of a ship which causes pollution damage. Under the 1992 CLC, the shipowner has strict liability for pollution damage caused by the oil, i.e. the shipowner’s liability is independent of fault on the part of the ship or its crew. However, the shipowner can normally limit its liability to an amount that is determined by the tonnage of the ship.

For ships carrying more than 2,000 tonnes of oil as cargo in bulk, the shipowner is obliged to maintain insurance to cover its liability under the 1992 CLC, and claimants have a right of direct action against the insurer.

**1992 Fund Convention**

The International Oil Pollution Compensation Fund, 1992 (1992 Fund) was set up under the 1992 Fund Convention and is financed by the oil industry and managed by governments.

The 1992 Fund provides a second tier of compensation when the amount available under the 1992 CLC is insufficient (i.e. the damage exceeds the limit of the shipowner’s liability) and also when the shipowner is exempt from liability or is financially incapable of meeting its obligations under the 1992 CLC.

The maximum compensation payable by the 1992 Fund is SDR 203 million, irrespective of the size of the spill. This maximum amount includes the sums actually paid by the shipowner under the 1992 CLC.

**Supplementary Fund Protocol**

The Supplementary Fund provides a third tier of compensation on top of the amount available under the 1992 Fund Convention in States which are also Parties to the Supplementary Fund Protocol. The total amount available for compensation for each incident is SDR 750 million, including the amounts payable under the 1992 Conventions.

The full texts of the 1992 Conventions and the Supplementary Fund Protocol may be obtained from the publications page of the Funds’ website: [www.iopcfunds.org](http://www.iopcfunds.org)

The unit of account in the Conventions is the Special Drawing Right (SDR) as defined by the International Monetary Fund.
STOPIA and TOPIA

The Small Tanker Oil Pollution Indemnification Agreement (STOPIA) and the Tanker Oil Pollution Indemnification Agreement (TOPIA) are two voluntary agreements set up by the shipowners and the P&I Clubs which are members of the International Group, to indemnify, up to certain amounts, the 1992 Fund and Supplementary Fund, respectively, for the compensation paid. Although not parties to these agreements, the 1992 Fund and Supplementary Fund have legally enforceable rights to indemnification from the shipowner in accordance with the agreements.

Indemnification was paid to the 1992 Fund under STOPIA in respect of the Solar I incident (Philippines, 2006) and the Trident Star incident (Malaysia, 2014). Since there have been no incidents involving the Supplementary Fund, TOPIA has not been applied.

1969 Civil Liability Convention

The original international regime was based on the 1969 Civil Liability Convention (1969 CLC) and the 1971 Fund Convention. While the 1971 Fund Convention is no longer in force, the 1969 CLC remains active, but it offers lower limits of compensation than the 1992 CLC. It is recommended that any State still Party to the Convention should increase its protection by acceding to the 1992 CLC and denounce the 1969 CLC as soon as possible.
The 1992 Fund and the Supplementary Fund share a joint Secretariat, consisting of 24 staff members as at February 2023. The Director is the chief administrative officer and is responsible for the overall management of the Funds, including maintaining a sound system of internal control that supports the achievement of the Funds’ policies, aims and objectives and safeguards its assets. The system of internal control is based on procedures designed to ensure conformity with the Funds’ Financial Regulations, Internal Regulations and decisions of the respective governing bodies.

The Secretariat is divided into three departments, namely: the Claims Department; the Administration Department; and the External Relations and Conference Department. The Director’s Office sits outside the departmental structure. The Director is assisted by a Management Team, comprising the Deputy Director and the Heads of each Department.

In addition to the permanent staff of the Secretariat, the Funds use external consultants to provide advice on legal and technical matters, as well as on other matters relating to the management of the Funds, where necessary. Also, in connection with a number of major incidents, the Funds and the shipowner’s third-party liability insurer have jointly established local claims offices to provide more efficient handling of claims and to assist claimants.

The Secretariat is based within the same building as the International Maritime Organization in London, United Kingdom. The relationship between the Host State and the IOPC Funds is governed by a Headquarters Agreement between the Government of the United Kingdom and the IOPC Funds. The Agreement sets out the privileges and immunities of the IOPC Funds, of delegates to meetings and of staff members.

The former Deputy Director/Head of Finance and Administration, Mr Ranjit Pillai, retired from the organisation in June 2022 after 25 years’ service. During that time, he played a key role in the management of financial issues and overall administrative management of the Funds. Having worked with four of the five directors in the history of the organisation, Mr Pillai’s expertise, long-term experience and insight will be sorely missed by all in the Secretariat. At the October 2022 sessions of the governing bodies, the Director presented Mr Pillai with an inscribed glass ornament in recognition of his long, dedicated and invaluable service to the organisation.
Audit Body

The joint Audit Body, established by the IOPC Funds’ governing bodies, normally meets in person three times a year to review the adequacy and effectiveness of the organisations. During 2022, the Audit Body discharged its duties by holding all meetings in person.

The Audit Body looks at the key issues of management and financial systems, financial reporting, internal controls, operational procedures and risk management, and it reviews the organisations’ Financial Statements. It also considers all relevant reports by the External Auditor and oversees the selection process of the External Auditor. In that respect, in 2022, the Audit Body examined the options and related issues regarding the appointment of the next Auditor. The Audit Body members also continued to examine the possibility of issuing invoices based on estimated oil receipts if no reports were submitted, and considered the corresponding amendments that would be required to the 1992 Fund and Supplementary Fund Internal Regulations. The Audit Body also continued to monitor the progress of the IMO Legal Committee discussions on the risks relating to incidents involving insurers who are not members of the International Group of P&I Associations.

The current Audit Body consists of the following six members, who were elected by the governing bodies in December 2020 for a period of three years:

- Mr Alfred H.E. Popp, CM, K.C. (Canada)
- Mrs Birgit Sølling Olsen (Denmark) (Chair)
- Mr Arnold Rendueff (France)
- Mr Vatsalya Saxena (India) (Vice-Chair)
- Dr Hideo Osuga (Japan)
- Captain Thomas F. Heinan (Marshall Islands)

The composition of the Audit Body also includes an external expert, that is not related to the organisations and has expertise and experience in financial matters. That position is currently held by Mrs Alison Baker, who was appointed in November 2001 for a three-year term commencing 1 January 2002.

Risk management

The Secretariat has a full risk management system in place, which is regularly reviewed and updated. In consultation with the Audit Body and the External Auditor, the risks are categorised either as operational risks or institutional risks. Operational risks have five further subcategories, namely: finance/contributions, governance/management, compensation, safety/security and communication/publications (including the website). These identified risks and any corresponding mitigation measures which are put in place are continuously monitored to ensure a robust risk management system is maintained.

External Auditor

An External Auditor is appointed by the 1992 Fund Assembly and Supplementary Fund Assembly. The current IOPC Funds’ External Auditor is BDO International (BDO), who were first appointed by the governing bodies in October 2015. They were re-appointed in October 2019 for a four-year term, and again in October 2022 for a further two-year term, as proposed by the Audit Body. A full tender for the position of External Auditor will next be undertaken in 2024 for the accounting year 2026. BDO report on the audit of the Financial Statements of the 1992 Fund and Supplementary Fund at each regular session of the 1992 Fund and Supplementary Fund Assembly (see Financial Review section, pages 62–67).

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Joint Secretariat expenses

The joint administrative expenses (excluding the external audit fees which are paid directly by each of the Funds) for the Secretariat are set out below.

<table>
<thead>
<tr>
<th>Joint Secretariat expenditure</th>
<th>2022 unaudited</th>
<th>2021 audited</th>
<th>2020 audited</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditure</td>
<td>£4 492 194</td>
<td>£4 961 283</td>
<td>£3 934 204</td>
</tr>
<tr>
<td>Budget</td>
<td>£4 855 778</td>
<td>£4 708 287</td>
<td>£4 875 731</td>
</tr>
<tr>
<td>Expenditure as % of budget</td>
<td>92%</td>
<td>84%</td>
<td>81%</td>
</tr>
<tr>
<td>Management fees received</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1992 Fund</td>
<td>£65 908</td>
<td>£53 600</td>
<td>£53 600</td>
</tr>
<tr>
<td>Supplementary Fund</td>
<td>£4 400</td>
<td>£4 400</td>
<td>£3 800</td>
</tr>
<tr>
<td>Management fees received</td>
<td>£36 000</td>
<td>£36 000</td>
<td>£38 000</td>
</tr>
</tbody>
</table>
Compensation and Claims Management

The principal role of the IOPC Funds is to pay compensation to those who have suffered oil pollution damage in a Member State who cannot obtain full compensation for the pollution damage from the shipowner under the 1992 Civil Liability Convention (1992 CLC).

Who can claim?
Claimants may be individuals, partnerships, companies, private organisations or public bodies, including States or local authorities.

When should claims be submitted?
Claimants ultimately lose their right to compensation under the 1992 Fund Convention unless they bring court action against the 1992 Fund within three years of the date on which the damage occurred, or make formal notification to the 1992 Fund of a court action against the shipowner or their insurer within the three-year period. The same time limit applies in respect of claims against the shipowner or their insurer under the 1992 CLC. Although damage may occur some time after an incident takes place, in both cases court action must in any event be brought within six years of the date of the incident.

How can claims be submitted?
Claims should be presented clearly and with sufficient information and supporting documentation to enable the amount of the damage to be assessed. Each item of a claim must be substantiated by an invoice or other relevant supporting documentation, such as work sheets, explanatory notes, accounts and photographs. In the event of an incident, the process for claim submission will be explained and specific, customised claim forms and facilities, including an online claims submission system, will normally be made available to claimants via the IOPC Funds’ website (iopcfunds.org).

How are claims assessed?
Claims are assessed according to criteria established by the governments of Member States. These criteria, which also apply to claims against the Supplementary Fund, are set out in the 1992 Fund’s Claims Manual, which is a practical guide on how to present claims for compensation.

The Funds, normally in cooperation with the shipowner’s insurer, usually appoint experts to monitor clean-up operations, to investigate the technical merits of claims and to make independent assessments of the losses.

What type of claims are admissible?
To be entitled to compensation, the pollution damage must result in an actual and quantifiable economic loss. The claimants must be able to show the amount of their loss or damage by producing accounting records or other appropriate evidence.

An oil pollution incident can generally give rise to claims for five types of pollution damage:

1. Property damage
2. Economic losses in the tourism sector
3. Economic losses in the fishing sector
4. Costs of clean-up operations at sea and on shore
5. Costs for remediation of the environment

How are claims settled?
The IOPC Funds endeavour to pay claims as promptly as possible and normally make provisional payments of compensation to mitigate undue financial hardship to victims of pollution incidents. However, for incidents involving larger claims or where a specific claim gives rise to a question of principle which has not previously been decided by the governing bodies, the Director needs approval from the relevant governing body of the Fund in question. In most cases, claims are settled out of court.

When the total amount of the established claims exceeds the total amount of compensation available, the 1992 Fund may have to restrict compensation payments to a percentage of the established losses to ensure that all claimants are given equal treatment. The level of payments will increase at a later stage if the uncertainty about the total amount of the established losses is reduced. In Supplementary Fund Member States, if the total amount of the established claims exceeds the total amount of compensation available, the 1992 Fund may have to restrict compensation payments to a percentage of the established losses to ensure that all claimants are given equal treatment. The level of payments will increase at a later stage if the uncertainty about the total amount of the established losses is reduced. In Supplementary Fund Member States, in practically all cases, it should be possible from the outset to pay compensation for pollution damage at 100% of the amount of damage agreed between the Fund and the claimant.

Helpful resources
The Claims Manual and various guidelines for claimants are available at www.iopcfunds.org.
Before submitting a claim, make sure you can answer yes to the following questions:

- Have you already actually suffered the expense, loss or damage?
- Does the expense relate to measures taken following the incident which are reasonable and can be justified?
- Was the expense, loss or damage caused by contamination resulting from the spill?
- Can you reasonably link the cause of the expense, loss or damage covered by the claim to the contamination caused by the spill?
- Can you quantify the loss you have suffered?
- Can you prove the amount of your expense, loss or damage and supply appropriate documents or other evidence?

Is my claim admissible for compensation?

Since their establishment in October 1978, the IOPC Funds have been involved in over 150 incidents. Details of all incidents, and in many cases a full case study, including latest developments, can be found under the Incidents section of the IOPC Funds’ website. A summary of key developments in a number of cases during 2022 and the position taken by the governing bodies in respect of claims is set out below.

List of open 1992 Fund incidents as at 31 December 2022

<table>
<thead>
<tr>
<th>Ship</th>
<th>Place of incident</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prestige</td>
<td>Spain</td>
<td>2002</td>
</tr>
<tr>
<td>Solar 1</td>
<td>Philippines</td>
<td>2006</td>
</tr>
<tr>
<td>Redfern</td>
<td>Nigeria</td>
<td>2009</td>
</tr>
<tr>
<td>Seauck Pacific</td>
<td>Republic of Korea</td>
<td>2010</td>
</tr>
<tr>
<td>Alfa</td>
<td>Greece</td>
<td>2012</td>
</tr>
<tr>
<td>Nessa R3</td>
<td>Sultanate of Oman</td>
<td>2013</td>
</tr>
<tr>
<td>Nathan E. Stewart (formerly Incident in Canada)</td>
<td>Canada</td>
<td>2016</td>
</tr>
<tr>
<td>Agia Zoni II</td>
<td>Greece</td>
<td>2017</td>
</tr>
<tr>
<td>Bow Jubail</td>
<td>The Netherlands</td>
<td>2018</td>
</tr>
<tr>
<td>M7 Harcourt</td>
<td>Nigeria</td>
<td>2020</td>
</tr>
<tr>
<td>Incident in Israel</td>
<td>Israel</td>
<td>2021</td>
</tr>
</tbody>
</table>

£752 million paid by the IOPC Funds in compensation since 1978 (£331 million of which was in respect of the 1971 Fund).

Incidents involving The Supplementary Fund

As at 31 December 2022, there have been no incidents involving, or likely to involve, the Supplementary Fund.
### INCIDENT IN ISRAEL  
**(ISRAEL, FEBRUARY 2021)**

In February 2021, the Government of Israel contacted the 1992 Fund requesting assistance with a mystery spill, which resulted in tar balls being washed up along the Israeli coastline. The Israeli Ministry of Environment organised a full response to the spill and an investigation was undertaken to identify the source.

Analyses of samples collected from the polluted site confirmed that they were of crude oil which had originated from a single source. As there were no offshore platforms or pipelines in the area, experts concluded that the only possible source was a tanker carrying crude oil. Following its investigation, the Government of Israel identified only one tanker that it considered likely to be responsible for the spill. However, there was insufficient proof to establish that it was that specific tanker that had caused the pollution.

The 1992 Fund Convention applies to spills of persistent oil even if the ship from which the oil is released cannot be identified, provided it is shown that the oil originated from a ship as defined in the 1992 Civil Liability Convention (CLC). With this in mind, the Executive Committee decided, in July 2021, that the 1992 Civil Liability and Fund Conventions would apply to this incident and authorised the Director to make compensation payments for admissible claims. As at 31 December 2022, 33 claims had been submitted for the amount of ILS 16.1 million (£3.08 million). Of these, two claims had been approved at a total of ILS 105,024 (£24,000) and 22 claims had been rejected. Estimates of the cost of the response to the oil spill are in the region of ILS 85 million (£12.5 million) and further claims for the cost of the response are expected. Additional claims for economic losses are also expected.

### Ongoing incidents

<table>
<thead>
<tr>
<th>Ship</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of incident</td>
<td>17.02.21 (date of the oil reaching the shoreline)</td>
</tr>
<tr>
<td>Place of incident</td>
<td>Israeli EEZ (presumed)</td>
</tr>
<tr>
<td>Cause of incident</td>
<td>Unknown (presumed to be crude oil washing)</td>
</tr>
<tr>
<td>Quantity of oil spilled</td>
<td>Unknown</td>
</tr>
<tr>
<td>Area affected</td>
<td>Israeli coastline (approximately 170 km) with tar balls</td>
</tr>
<tr>
<td>Flag State of ship</td>
<td>Unknown</td>
</tr>
<tr>
<td>P&amp;I Insurer</td>
<td>Unknown</td>
</tr>
</tbody>
</table>

### BOW JUBAIL  
**(NETHERLANDS, JUNE 2018)**

Pollution damage claims submitted in this case may be over USD 50 million; however, it is not clear whether the IDPC Funds will be liable to pay compensation in this incident. In 2018 the shipowner argued before the Rotterdam District Court that the incident was covered under Article 1.8 of the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunkers Convention 2001). However, in November that year, 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 (1) of the 1992 Civil Liability Convention (1992 CLC). The Court of Appeal in The Hague later upheld that decision and the shipowner appealed (filed for cassation) against the judgment to the Supreme Court of the Netherlands on several grounds, mainly on the undue burden of proof imposed on the shipowner.

The 1992 Fund has a financial interest in this case, since if a final judgment were to decide that the 1992 Civil Liability and Fund Conventions apply, the 1992 Fund would pay compensation. However, if the Bunkers Convention 2001 applies, then the Fund would not be involved.

In a ruling on 24 December 2021, the Supreme Court in the Netherlands decided to grant the Fund’s subsidiary application to be admitted as an interested party in the proceedings, based on the civil procedural law of the Netherlands. The Fund requested the Court to reverse its decision that the 1992 Fund Convention is no basis for intervention in limitation proceedings and that the intervention of the Fund should be based on national law instead. The Fund also submitted that the Court of Appeal was obliged to summon the Fund as an interested party to the proceedings but had failed to do so.

The Fund joined the complaints of the shipowner in the principal appeal in cassation against the decision of the Court of Appeal that it is not the Bunker Convention 2001 but the 1992 CLC that applies to the incident. Legal actions have been brought by several claimants before the District Court in Rotterdam against the shipowner, its insurer and other parties. The 1992 Fund has been notified or included as a defendant in some of the actions, in case the 1992 Civil Liability and Fund Conventions were to apply to this incident. The 1992 Fund has requested a stay of the proceedings until such time as the Supreme Court renders its decision on whether the Bunkers Convention 2001 or the 1992 CLC apply.
The 1992 Fund’s lawyers have advised that claims filed by a party that had intentionally caused the pollution in order to benefit from the right to claim compensation, would be considered an abuse by the Greek courts under the provisions of Greek legislation. However, the lawyers have advised that the burden of proof would rest upon the 1992 Fund and that mere suspicion of such action would not be sufficient to deny payment. If, however, the claimant was eventually condemned by a criminal court to have intentionally caused the pollution, the 1992 Fund could commence a recoup action.

Whilst the final results of the investigations into the cause of the incident by the Public Prosecutor remain pending, the Director considers that it would not be appropriate to make any further advance payments to the representatives of the salvor/one of the clean-up contracting companies.

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Whilst the final results of the investigations into the cause of the incident by the Public Prosecutor remain pending, the Director considers that it would not be appropriate to make any further advance payments to the representatives of the salvor/one of the clean-up contracting companies.
20th Anniversary of the Prestige incident

November 2022 saw the 20th anniversary of the Prestige incident, a major incident in the history of the 1992 Fund.

While under tow away from the coast after listing and leaking oil off Cabo Finisterre, the vessel broke in two and sank some 260 kilometres west of Vigo, Spain, releasing an estimated 63,200 tonnes of cargo.

The west coast of Galicia was heavily contaminated and oil eventually moved into the Bay of Biscay affecting the north coast of Spain and France, resulting in claims for compensation amounting to some EUR 1,151 million. This figure far exceeded the amount available under the 1992 CLC and the 1992 Fund Convention and, in order to ensure equal treatment of claimants, the decision was taken to limit payments to 15% of the established losses. This was the lowest figure the 1992 Fund had had to establish to date and the incident provided a major push towards the adoption of the Supplementary Fund Protocol in 2003 to ensure sufficient compensation is available in future major incidents.

The incident lead to a number of legal proceedings in Spain, some of which are continuing. The Prestige therefore remains an open incident with respect to the 1992 Fund.

Legal Proceedings

Criminal proceedings took place in Spain, with the Spanish Supreme Court deciding that:

- the master of the Prestige was criminally liable, with civil liability
- the shipowner had civil liability and was not entitled to limit its liability
- the insurer, the London P&I Club, had civil liability up to the limit of its policy of USD 1,000 million.
- the 1992 Fund had civil liability within the limit provided under the 1992 Fund Convention.

The Spanish Court awarded a total of EUR 1,439.08 million to claimants, including the Spanish and French governments.

Civil proceedings took place in France and the courts awarded EUR 1.18 million to claimants. Further actions are still pending.

A legal action brought by Spain against the classification society that classified the Prestige, the American Bureau of Shipping (ABS) in the United States courts was not successful. However, two separate legal actions against ABS are ongoing in France, brought by France and the 1992 Fund.

The high amounts claimed in compensation, which were well above the amount available under the 1992 Fund Convention, highlighted to States the risk and potential financial impact of such incidents. This accelerated the entry into force of the Supplementary Fund Protocol, increasing the compensation available under the international liability and compensation regime.

The compensation paid

Since the total amount claimed far exceeded the amount available for compensation under the 1992 CLC and the 1992 Fund Convention (EUR 171,520,703), the Member States of the 1992 Fund Executive Committee decided to limit the level of payments 15% of the established losses to ensure equal treatment of the three affected States.

EUR 147.9 million has been paid in compensation for this incident by the 1992 Fund, including a payment in respect of the judgement by the Spanish Court (retaining EUR 804,800 for potential liabilities, mainly in respect of actions pending in France).

The London P&I Club paid into the Spanish Court the amount of the CLC limit i.e. EUR 22.8 million.
Closing of the Hebei Spirit incident

(Republic of Korea, December 2007)

<table>
<thead>
<tr>
<th>Step</th>
<th>Hebei Spirit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of incident</td>
<td>07.12.2007</td>
</tr>
<tr>
<td>Place of incident</td>
<td>Taean, Republic of Korea</td>
</tr>
<tr>
<td>Cause of incident</td>
<td>Collision</td>
</tr>
<tr>
<td>Quantity of oil spilled</td>
<td>Approximately 10 900 tonnes of crude oil</td>
</tr>
<tr>
<td>Area affected</td>
<td>The three southerly provinces on the west coast of the Republic of Korea</td>
</tr>
<tr>
<td>Flag State of ship</td>
<td>People’s Republic of China</td>
</tr>
<tr>
<td>Gross tonnage</td>
<td>146 848 GT</td>
</tr>
<tr>
<td>P&amp;I Insurer</td>
<td>China Shipowners’ Mutual Insurance Association (China P&amp;I Club)/Assuranceforeningen Skuld (Skuld Club)</td>
</tr>
</tbody>
</table>

**DECEMBER 2007**

Some 375 kilometres of shoreline along the west coast of the Republic of Korea was affected to varying degrees as a result of the Hebei Spirit incident. The oil impacted large numbers of mariculture facilities, fisheries and shellfish cultivation areas, as well as amenity beaches and tourist destinations and resulted in over 128 000 claims for compensation. The amount available for compensation for this incident under the 1992 CLC and 1992 Fund Convention was KRW 321.6 billion.

**JUNE 2008**

A Special Law for the ‘Support of affected inhabitants and the restoration of the marine environment in respect of the Hebei Spirit oil pollution incident’, which had been approved by the National Assembly of the Republic of Korea, entered into force in June 2008. Under that Special Law, the Government was authorized to make payments in full to claimants based on the assessments made by the Skuld Club and the 1992 Fund in excess of the limit under the 1992 Fund Convention, which allowed all private claimants to receive full compensation, which would not have otherwise been possible, due to the fact that the Republic of Korea was not, at the time of the incident, a member of the Supplementary Fund. The Government also declared its intention to ‘stand last in the queue’ in respect of claims for compensation by the central and local governments.

**NOVEMBER 2009**

Some 128 000 individuals and organisations lodged their claims, totalling KRW 4 797 billion, into the Hebei Spirit limitation proceedings.

**JULY 2008**

A Cooperation Agreement was concluded between the shipowner, Skuld Club and the Government under which the Skuld Club undertook to make interim payments to claimants at 100% of the assessed amounts up to the shipowner’s limit of liability under the 1992 CLC. In return, the Government undertook to pay in full all claims as assessed by the Club and the 1992 Fund once the 1992 Fund Convention limit was reached, as well as any amount awarded by judgments, mediation and settlement agreements. The Government further undertook to deposit the amount already paid out by the Skuld Club to claimants in court should the Limitation Court order a deposit of the limitation fund.

**SEPTEMBER 2019**

All legal proceedings related to the incident were finalized in September 2019. Following the excellent cooperation between the Government of the Republic of Korea, the ship’s insurer (the Skuld Club) and the IOPC Funds, all admissible claims for this incident were finalised by either mediation or judgment and a total of KRW 492.6 billion was awarded.

**FEBRUARY 2021**

The Limitation Court of the other vessels involved in the collision, owned by Samsung Heavy Industries Co., Ltd (SHI) issued a decision on the distribution of the SHI Limitation Fund and granted the 1992 Fund KRW 9 277 465 000 (€2.2 million). That amount was paid to the 1992 Fund in June 2021 and will be reimbursed to the contributories when the Hebei Spirit Major Claims Fund is closed in 2023.

**OCTOBER 2022**

Since all the outstanding claims arising from the Hebei Spirit incident had been settled and all the legal actions had been finalized, this incident was declared closed at the October 2022 meeting of the IOPC Funds’ governing bodies.

**FINAL REVIEW MEETING**

The Hebei Spirit incident is the largest incident to date handled by the IOPC Funds in terms of both the amounts claimed and the large variety of types of claims submitted. Its successful conclusion was greatly facilitated by the excellent cooperation between the Fund, the insurer and the Korean Government.

In June 2022, together they held a meeting to discuss and review the handling of the incident and to identify any areas for improvement for future spills. The conclusions of the meeting highlighted that:

- The involvement of governments in the management of an incident and the establishment of regular channels of communication throughout the incident between the government and state institutions involved in the incident, such as the national courts, is extremely important.
- Engagement with the public and potential claimants from the outset of the incident, and for some time afterwards, is essential in order to educate the claimants on the claims handling process and to manage expectations.
- This incident also brought to the fore a number of issues that had started to emerge from previous incidents, and a series of policies were implemented by the Funds even before the end of the incident:
  - The publication of a guidance document for Member States which provides a set of measures that governments could undertake to facilitate the handling of claims as well as to alleviate economic hardship caused to the victims of future spills;
  - The development of a process which allows for more flexibility in the way large numbers of claims by small-scale businesses can be assessed by the Funds’ Secretariat in future incidents;
  - The publication of a guidance document for Member States on what to consider when imposing full or partial restrictions following an oil spill to minimise the economic impact of such restrictions;
  - The translation of claim forms and Claims Manual in the language of the country of the incident, even when that is not one of the Funds’ official languages.

Timeline of incident

**JANUARY 2008**

The 1992 Fund and the Skuld Club invoked the Memorandum of Understanding and, in January 2008, they opened a joint claims handling office (Hebei Spirit Centre, or HSC) in Seoul to assist claimants in the presentation of their claims for compensation. They appointed a team of Korean and international surveyors to monitor the clean-up operations and investigate the potential impact of the pollution on fisheries, mariculture and tourism activities.

**FEBRUARY 2021**

In recognition of the good cooperation among the key parties involved in resolving this incident, the Korean Government awarded dedicated plaques to the Directors of the IOPC Funds who were involved in the incident, as well as the Senior Vice President/Deputy Head of Skuld Hong Kong.
Closing of the Trident Star incident

(MALAYSIA, AUGUST 2016)

<table>
<thead>
<tr>
<th>Ship</th>
<th>Trident Star</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of incident</td>
<td>24.8.2016</td>
</tr>
<tr>
<td>Place of incident</td>
<td>Malaysia</td>
</tr>
<tr>
<td>Cause of incident</td>
<td>Overflow</td>
</tr>
<tr>
<td>Quantity of oil spilled</td>
<td>Unconfirmed</td>
</tr>
<tr>
<td>Area affected</td>
<td>Tanjung Bin oil terminal, Port of Tanjung Pelepas, Johor, Malaysia</td>
</tr>
<tr>
<td>Flag State of ship</td>
<td>Malaysia</td>
</tr>
<tr>
<td>Gross tonnage</td>
<td>3 177 GT</td>
</tr>
<tr>
<td>P&amp;I Insurer</td>
<td>The Shipowners' Mutual Protection and Indemnity Association (Luxembourg)</td>
</tr>
</tbody>
</table>

The oil spill from this incident drifted across the Pulai river, reaching a container terminal on the river’s eastern bank (PTP container terminal) and contaminating several cargo vessels and tugs. Some of the container terminal’s berths were closed for approximately three weeks.

Claims for pollution damage arising from the incident exceeded the 1992 CLC limit applicable to the Trident Star of USD 6.5 million. However, the amounts paid by the 1992 Fund have been recovered from the shipowner’s insurer, the Shipowners’ Club, under the Small Tanker Oil Pollution Indemnification Agreement (STOPIA) 2006.

All claims were settled for some USD 10.9 million, i.e. below the STOPIA limit of SDR 20 million and therefore the final compensation costs incurred by the 1992 Fund were nil.

Since all the outstanding claims arising from the Trident Star incident were settled and all the legal actions had been finalized, this incident was declared closed at the March 2022 meeting of the IOPC Funds’ governing bodies.

FINALE REVIEW MEETING

In November 2022, the 1992 Fund held a meeting with the Shipowners’ Club to discuss and review the handling of the incident and to identify any areas for improvement for future spills, in particular those incidents for which STOPIA is applicable. The conclusions of the meeting were as follows:

• The signing of an agreement between the Club and the Fund on interim payments in this incident was beneficial to the management of this case. The purpose of interim payments agreements is to enable payments of compensation to be made as promptly as possible after an oil spill, whilst ensuring that the total amount paid is ultimately borne by the Club/shipowner and the IOPC Funds in the proportions envisaged by the 1992 Conventions. Although interim payments have, over the years, become a regular practice by P&I Clubs to resolve cases, the Trident Star incident was the first case in which a specific agreement had been signed.

• The Fund received some types of claims that it had not had to deal with before, such as a claim for loss of income by the container terminal affected by the pollution and claims for losses suffered by shipping companies in relation to disruption to ship schedules due to contamination of the vessels or the berths allocated. It was helpful that a previous incident, the Double Joy, had given rise to similar claims and the same experts could be used. In addition, the location of the Shipowners’ Club branch, so close to the area affected by the pollution (Johor, Malaysia), facilitated the sourcing of new experts.

• The excellent cooperation between the 1992 Fund and the Club greatly facilitated the swift reimbursement of the amounts paid by the Fund in compensation under STOPIA and the Agreement worked very well in this case.
The IOPC Funds are financed by contributions levied on those entities in our Member States that receive more than 150,000 tonnes of contributing oil per calendar year, after carriage by sea. We refer to such entities as ‘contributors’ and they pay contributions directly to the Funds (see Financial Review).

Governments of Member States are obliged to report to the Secretariat the quantities of oil received by the contributors in their State each year. These quantities are used to calculate a levy per tonne of oil received in order to provide the contributions required to administer the Funds and to pay claims approved by the governing bodies. The formula used to calculate the levy per tonne and the individual invoices for contributors are opposite. A system of deferred invoicing exists whereby the total amount to be levied in contributions for a given calendar year is fixed by the governing bodies, however, they may also decide that only a part of that amount should be invoiced for payment by 1 March. The Director is authorised to invoice the remaining amount, or a part thereof, later in the year if it is required to meet the Funds’ financial obligations.

Contributions to the General Funds are calculated using the quantities of contributing oil received in the preceding calendar year by each contributor. Contributions to Major Claims Funds and Claims Funds are calculated using the quantities of contributing oil received in the year preceding the year in which the incident occurred. Only contributors in States that were a Member of the relevant IOPC Fund at the time of the incident pay contributions to Major Claims Funds.

**WHAT IS CONTRIBUTING OIL?**

Contributing oil is crude or heavy fuel oil that has been transported by tanker to or within a Member State, before being discharged into a port or terminal installation. The IOPC Funds uses the total volume of oil transported in this manner to calculate contributions and allocate the costs of compensation, claims-related expenditure and administrative expenses between the contributors in Member States.

**DOES A COMPANY THAT RECEIVES OIL TEMPORARILY IN A STORAGE FACILITY FOR OTHERS HAVE TO PAY?**

It is the first physical receiver of the oil in a Member State who is normally liable to pay contributions, provided that the oil has previously been transported by sea. It does not matter whether the oil is received on behalf of another company. There may be exceptions based on national legislation.

**IF NOBODY IN A MEMBER STATE RECEIVES OIL, WHAT HAPPENS?**

If there are no entities in a 1992 Fund Member State that receive more than 150,000 tonnes of contributing oil in a year, the State must still inform the Fund by submitting a nil report. The State will have financial protection for any tanker spills but would not have to make any contributions. If that State is also a Member of the Supplementary Fund, the State will pay contributions as if it had received one million tonnes.

### Calculation of contributions

\[
\text{Amount per tonne} = \frac{\text{Total contribution levied} (\text{£})}{\text{Total of contributing oil received in all member states} (\text{metric tonnes})}
\]

\[
\text{Amount per tonne} = \frac{\text{The amount per tonne} (\text{£ per T})}{\text{Quanity of oil received by each contributor} (\text{metric tonnes})}
\]

\[
\text{Amount to be paid by that contributor} (\text{in pounds sterling} (\text{£})) = \text{Amount per tonne} \times \text{Quanity of oil received by each contributor} (\text{metric tonnes})
\]

For further information please visit the website: [iopcfunds.org](http://iopcfunds.org)
CONTRIBUTING OIL RECEIVED IN 1992 FUND MEMBER STATES IN 2021 (AS REPORTED BY 31 DECEMBER 2022)

### Contributing oil received in the calendar year 2021 in the territories of States which were Members of the 1992 Fund on 31 December 2022

<table>
<thead>
<tr>
<th>MEMBER STATE</th>
<th>CONTRIBUTING OIL RECEIVED IN 2021 (TONNES)</th>
<th>% OF TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>India</td>
<td>215 482 925</td>
<td>16.04%</td>
</tr>
<tr>
<td>Japan</td>
<td>161 053 161</td>
<td>11.24%</td>
</tr>
<tr>
<td>Republic of Korea</td>
<td>132 391 350</td>
<td>9.85%</td>
</tr>
<tr>
<td>Netherlands **</td>
<td>99 041 644</td>
<td>7.37%</td>
</tr>
<tr>
<td>Italy</td>
<td>97 718 739</td>
<td>7.27%</td>
</tr>
<tr>
<td>Singapore</td>
<td>89 049 894</td>
<td>6.63%</td>
</tr>
<tr>
<td>Spain</td>
<td>64 366 472</td>
<td>4.79%</td>
</tr>
<tr>
<td>Thailand</td>
<td>46 038 943</td>
<td>3.43%</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>45 567 858</td>
<td>3.39%</td>
</tr>
<tr>
<td>Canada</td>
<td>42 889 575</td>
<td>3.19%</td>
</tr>
<tr>
<td>France</td>
<td>36 417 557</td>
<td>2.71%</td>
</tr>
<tr>
<td>Türkiye</td>
<td>34 811 300</td>
<td>2.59%</td>
</tr>
<tr>
<td>Greece</td>
<td>27 316 034</td>
<td>2.03%</td>
</tr>
<tr>
<td>United Arab Emirates</td>
<td>26 816 463</td>
<td>2.00%</td>
</tr>
<tr>
<td>Germany</td>
<td>23 130 451</td>
<td>1.72%</td>
</tr>
<tr>
<td>Sweden</td>
<td>19 020 853</td>
<td>1.42%</td>
</tr>
<tr>
<td>Iran (Islamic Republic of)</td>
<td>15 141 322</td>
<td>1.13%</td>
</tr>
<tr>
<td>Poland</td>
<td>15 114 286</td>
<td>1.13%</td>
</tr>
<tr>
<td>Israel</td>
<td>12 759 152</td>
<td>0.95%</td>
</tr>
<tr>
<td>Australia</td>
<td>12 074 228</td>
<td>0.90%</td>
</tr>
<tr>
<td>South Africa</td>
<td>9 565 682</td>
<td>0.74%</td>
</tr>
<tr>
<td>Portugal</td>
<td>9 599 274</td>
<td>0.71%</td>
</tr>
<tr>
<td>Finland</td>
<td>8 520 328</td>
<td>0.63%</td>
</tr>
<tr>
<td>Norway</td>
<td>8 383 546</td>
<td>0.62%</td>
</tr>
<tr>
<td>Brunei Darussalam</td>
<td>8 328 568</td>
<td>0.62%</td>
</tr>
<tr>
<td>Lithuania</td>
<td>7 990 649</td>
<td>0.59%</td>
</tr>
<tr>
<td>Denmark</td>
<td>7 024 847</td>
<td>0.52%</td>
</tr>
<tr>
<td>Malaysia **</td>
<td>6 530 163</td>
<td>0.49%</td>
</tr>
<tr>
<td>Croatia</td>
<td>6 282 888</td>
<td>0.47%</td>
</tr>
<tr>
<td>Bahamas</td>
<td>6 036 534</td>
<td>0.45%</td>
</tr>
<tr>
<td>China **</td>
<td>5 422 902</td>
<td>0.40%</td>
</tr>
<tr>
<td>Argentina **</td>
<td>5 168 875</td>
<td>0.39%</td>
</tr>
<tr>
<td>Philippines</td>
<td>5 073 861</td>
<td>0.38%</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>4 155 462</td>
<td>0.31%</td>
</tr>
</tbody>
</table>

** TOTAL **                     | ** 1 343 467 925 **                      | **        **
Supplementary Fund

The Supplementary Fund is financed in the same way as the 1992 Fund, however, a minimum annual tonnage of one million tonnes applies to Member States. When contributions are levied to the Supplementary Fund, Member States that received no contributing oil are required to pay contributions as if they had received one million tonnes of oil. If the Member State has contributors that received less than one million tonnes of contributing oil in total, the State is required to pay contributions to make up the difference between the amount of oil the contributors received and one million tonnes. In 2021, seven States received less than the one million tonne and would have been invoiced if contributions had been levied.

At the October 2022 sessions of the governing bodies, the Supplementary Fund Assembly decided not to levy 2022 contributions, since there had been no incidents involving the Supplementary Fund.

Contributing oil received in the calendar year 2021 in the territories of States which were Members of the Supplementary Fund on 31 December 2022

<table>
<thead>
<tr>
<th>MEMBER STATE</th>
<th>CONTRIBUTING OIL RECEIVED IN 2020 (TONNES)</th>
<th>% OF TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Japan</td>
<td>151 053 161</td>
<td>17.44%</td>
</tr>
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</tr>
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<td>11.43%</td>
</tr>
<tr>
<td>Italy</td>
<td>97 718 739</td>
<td>11.28%</td>
</tr>
<tr>
<td>Spain</td>
<td>64 366 473</td>
<td>7.43%</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>45 567 868</td>
<td>5.26%</td>
</tr>
<tr>
<td>Canada</td>
<td>42 889 575</td>
<td>4.95%</td>
</tr>
<tr>
<td>France</td>
<td>36 417 557</td>
<td>4.20%</td>
</tr>
<tr>
<td>Türkiye</td>
<td>34 811 300</td>
<td>4.02%</td>
</tr>
<tr>
<td>Greece</td>
<td>27 316 634</td>
<td>3.16%</td>
</tr>
<tr>
<td>Germany</td>
<td>23 130 451</td>
<td>2.67%</td>
</tr>
<tr>
<td>Sweden</td>
<td>19 020 853</td>
<td>2.20%</td>
</tr>
<tr>
<td>Poland</td>
<td>15 114 286</td>
<td>1.74%</td>
</tr>
<tr>
<td>Australia</td>
<td>12 074 228</td>
<td>1.39%</td>
</tr>
<tr>
<td>Portugal</td>
<td>9 999 274</td>
<td>1.11%</td>
</tr>
<tr>
<td>Finland</td>
<td>8 520 328</td>
<td>0.98%</td>
</tr>
<tr>
<td>Norway</td>
<td>8 383 546</td>
<td>0.97%</td>
</tr>
<tr>
<td>Lithuania</td>
<td>7 990 649</td>
<td>0.92%</td>
</tr>
<tr>
<td>Denmark</td>
<td>7 024 847</td>
<td>0.81%</td>
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<tr>
<td>Croatia</td>
<td>6 282 888</td>
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</tr>
<tr>
<td>New Zealand</td>
<td>3 755 474</td>
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<tr>
<td>Ireland</td>
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<tr>
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<tr>
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</tr>
<tr>
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</tr>
<tr>
<td>Barbados</td>
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<td>0.12%</td>
</tr>
<tr>
<td>Hungary</td>
<td>1 000 000</td>
<td>0.12%</td>
</tr>
<tr>
<td>Latvia</td>
<td>1 000 000</td>
<td>0.12%</td>
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<tr>
<td>Montenegro</td>
<td>1 000 000</td>
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<tr>
<td>Slovakia</td>
<td>1 000 000</td>
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</tr>
<tr>
<td>Slovenia</td>
<td>1 000 000</td>
<td>0.12%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>866 195 799</strong></td>
<td><strong>151 053 161</strong></td>
</tr>
</tbody>
</table>

As at 31 December 2022, oil reports for the calendar year 2021 had not been received from one Member State: The Congo.

No contributing oil was received during 2021 in the territories of the following five Member States, however, they are deemed to have received 1 000 000 tonnes for the purposes of contributions to the Supplementary Fund: Hungary, Latvia, Montenegro, Slovakia and Slovenia.

Two Member States received less than 1 000 000 tonnes of contributing oil during 2021 but are deemed to have received 1 000 000 tonnes for the purposes of contributions to the Supplementary Fund: Contributing received 166 031 tonnes in Barbados and 450 171 tonnes in Morocco in 2021.

This table includes oil received and oil deemed to have been received in Member States of the Supplementary Fund, for the purposes of calculating contributions.

CONTRIBUTING OIL RECEIVED IN SUPPLEMENTARY FUND MEMBER STATES IN 2021 (AS REPORTED BY 31 DECEMBER 2022)

- Japan 17%
- Republic of Korea 15%
- Kingdom of the Netherlands 11%
- Italy 11%
- Spain 7%
- United Kingdom 5%
- Canada 5%
- France 4%
- Türkiye 4%
- Greece 3%
- Others 18%
External Relations

The Secretariat of the IOPC Funds undertakes a range of activities aimed at strengthening the IOPC Funds’ relationships with Member States and other international, intergovernmental or non-governmental organisations.

Main Activities in 2022

The Secretariat was very pleased to be able to once again attend events in-person and also welcome participants to the IOPC Funds training courses and lectures at their offices in London after having to deliver such events remotely during the previous year as a result of the pandemic. However, with the benefit of the experience gained during that period, the Secretariat has continued to offer online training where appropriate, allowing the organisation to reach a wider audience.

Outreach Activities

Each year, the Secretariat organises or participates in events such as national and regional workshops or gives presentations to enhance understanding of the international liability and compensation regime to assist with the implementation of the Conventions at a national level and to assist potential claimants. Meetings are often held between the Secretariat and government authorities within Member States and can result in the resolution of longstanding issues such as the payment of outstanding contributions and submission of oil reports.

IOPC Funds Short Course

An annual week-long course covering all aspects of the IOPC Funds and the international liability and compensation regime in general and including practical exercises allowing participants to study a theoretical incident and the subsequent claims submission process. Open to self-funded participants from 1992 Fund Member States, nominated directly by their government, the course is supported by IMO, the International Group of P&I Clubs, supported by Lloyd’s of London and managed by the IOPC Funds’ Training & Outreach Division.

Induction Course

A half-day induction course aimed at providing delegates to IOPC Funds meetings of the governing bodies with an insight into the functioning of the IOPC Funds and a better understanding of what exactly happens in the event of an oil spill.

Ongoing Cooperation

Close cooperation with IMO Secretariat, particularly on progress of States towards ratification and implementation of relevant Conventions and delivery of various outreach activities to widen awareness of the international liability and compensation regime. Working with maritime universities and departments to share knowledge and explain the framework behind and the purpose of the IOPC Funds.

Assisting other organisations with the delivery of training and assistance to States.

Working closely with P&I Clubs to ensure good cooperation in the event of an incident.

What we do
Short introductory video

This short video, which was updated in 2022, 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.

New delegate of the IOPC Funds?

Here are some top tips:

Want to learn more?

Contact us to organise a visit, event or activity with the Secretariat. We’re here to help.

What do you need?

- **NON-MEMBER STATE**
  - Information on the benefits of joining the 1992 Fund and how to join.

- **MEMBER STATE**
  - Assistance relating to membership, anything from implementing the Conventions into national law to oil reporting.

- **CONTRIBUTOR RESPONSE ORGANISATION**
  - Help understanding your invoice and with oil report submission procedures.

- **UNIVERSITY OR SCHOOL**
  - As an organisation with similar maritime or environmental interests, further engagement and information sharing.

How can we help?

- **NON-MEMBER STATE**
  - By providing advice, example costs and assistance with applications to become an observer to the IOPC Funds meetings.

- **MEMBER STATE**
  - By setting up a meeting or webinar with our Policy Officer.

- **CONTRIBUTOR RESPONSE ORGANISATION**
  - By regularly sharing information and developments, facilitating applications to become an observer to the IOPC Funds meetings, or organising joint events or workshops.

- **UNIVERSITY OR SCHOOL**
  - Opportunity for students to visit the IOPC Funds headquarters based in London and receive an overview or in-depth lecture on the international liability and compensation regime.

Who should you contact?

- **NON-MEMBER STATE**
  - Information on the benefits of joining the 1992 Fund and how to join.

- **MEMBER STATE**
  - Assistance relating to membership, anything from implementing the Conventions into national law to oil reporting.

- **CONTRIBUTOR RESPONSE ORGANISATION**
  - Help understanding your invoice and with oil report submission procedures.

- **UNIVERSITY OR SCHOOL**
  - By regularly sharing information and developments, facilitating applications to become an observer to the IOPC Funds meetings, or organising joint events or workshops.

Sign up to the IOPC Funds Induction Course

Available in English, French and Spanish

iopcfunds.org
Reflections of women in the IOPC Funds 2022

The IOPC Funds are proud to have women in a variety of key roles across the organisation and continue to encourage Member States to increase female representation within their delegations to IOPC Funds meetings. This not only ensures that a wider variety of perspectives are taken into account during the discussions of the governing bodies, but also provides a more diverse choice of candidates for positions within the organisation, including Chairs of the various governing bodies.

We asked a number of women who are either currently holding, or have recently held some of those key positions, to reflect on their experience working with the IOPC Funds and in the wider maritime community.

MEMBER STATE:

Luisa Burgess
Representative of Ecuador and Former Vice-Chair of the 1992 Fund Executive Committee

As a member of the delegation of Ecuador since 2013, I have learnt to recognise the importance of the Funds - particularly as an organisation that provides financial compensation for persistent oil pollution spills that occur in Member States. As Vice Chair of 1992 Fund Executive Committee during 2022, I took great pride in being guided by the women and men of the IOPC Funds in order to fulfil my role with humble satisfaction.

MEMBER STATE:

Gillian Grant
Former Representative of Canada and Chair of the 1992 Fund Executive Committee

The IOPC Funds was my first exposure to international diplomacy, and for this reason it holds a special place in my heart. I particularly appreciate the constructive atmosphere at Fund meetings where delegates and the Secretariat work together to ensure that the compensation system protects victims and empowers government and industry to respond to oil spills in the most sensible and expeditious way possible. I also like learning about different parts of the world through delving into the circumstances of each incident and how they are resolved through meeting representatives from IOPC Funds Member States.

OVERSIGHT BODY:

Beate Grosskurth
Member of the Investment Advisory Body

Coming from a banking and capital markets background, it has given me the opportunity to gain insight into the ISO/NGO world, its challenges, and the whistle-blower and dedicated work being done. For me, this has been a new and very welcome dimension.

SECRETARIAT:

Liliana Monsalve
Deputy Director and Head of Claims

A commitment to the international community and all parties involved in the compensation regime to be the best professional I can in my dual roles as Head of Claims and Deputy Director. The organisation is an example to follow of international cooperation that gives us hope in all other areas where that collaboration is terribly needed at present.

OVERSIGHT BODY:

Birgit Billing Olsen
Chair of the Audit Body, Former Representative of Denmark, Vice-Chair of Supplementary Funds, Member of Board of Governors of the 1992 Fund Interessional Working Groups

I have participated in the IOPC Funds since 1996, I led the drafting of the Supplementary Fund Protocol and the work to get it accepted. I have chaired 2 working groups. It was an eye-opener to see how States, through international cooperation, secured an efficient and fair compensation system for the victims.

What has your involvement with the IOPC Funds meant to you?

Be resilient! The maritime industry is an ever-changing field, and you cannot give up. There are times when balancing family and professional life has been challenging, however, if we want to have a solid and sustainable future for generations to come, we must ensure that our work continues in a prosperous and tangible manner.

What is the most important lesson your career has taught you?

That to succeeds you may first have to fail. Taking on new challenges is hard and often scary, but by accepting that it’s OK to make mistakes (since you inevitably will), you give yourself space to learn from them, gain confidence and grow.

What words of wisdom could you give to young people starting work in the maritime world?

Sail steady and communicate. No matter how busy you are, remember to communicate, talk, discuss, and laugh. Most of all, remember you have a voice.

Never hesitate to ask questions. The maritime world is technical and complex. But, maritime people - from seafarers, to insurers, naval architects to marine inspectors and every profession in between - are happy to share their knowledge. If you show interest you will be welcomed with open arms and you will become an expert sooner than you think.
The 2010 HNS Convention

The International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 2010 (2010 HNS Convention) is modelled on the highly successful international liability and compensation regime for oil pollution damage. When it enters into force, it will establish an international regime for HNS damage, the cost of which will be shared between shipowners and HNS cargo receivers.

The transport of HNS by sea is a major trade. Chemicals and other products underpin many manufacturing processes and IMO regulations ensure their safe transport. However, incidents can occasionally occur and the 2010 HNS Convention is needed to ensure that those who might suffer any damage will have access to a comprehensive and global liability and compensation regime, similar to that available to those affected by oil spills.

Legal Framework

A two-tier system in ONE SINGLE TREATY

SHIPOWNER is STRICTLY LIABLE to pay the first tier of compensation

The shipowner’s LIABILITY VARIES for bulk HNS and packaged HNS

A Fund (the HNS Fund) generated from levies on cargo receivers in all Member States provides the second tier of compensation

The HNS Fund is divided into four accounts:

- General (with oils and other HNS)
- Oil
- LPG
- LNG

Each separate account will meet claims attributable to the respective cargo and will be funded by the receivers of those cargoes in Member States, which means that there will be no cross-subsidisation between accounts.

What are HNS?

Hazardous and noxious substances covered by the HNS Convention are defined by references to various IMO Conventions and Codes. These include:

- Oils
- Harmful to marine life
- Other liquid substances defined as noxious or dangerous
- Solid bulk materials defined as possessing chemical hazards
- Liquified gases
- Dangerous, hazardous and harmful materials and substances carried in packaged form or in containers

Maximum limits of compensation

The HNS Fund provides up to a total of SDR 250 million irrespective of ship size

Entry into Force Conditions

There are 4 Contracting STATES each with no less than 2 MILLION units of gross tonnage each

The general account’s contributing cargo volume is at least 40 MILLION tonnes

50 years of Container ship growth

1968 Encounter Bay 4,300 teu

2006 Emma Maersk 11,000+ teu

2021 HMM Algeciras 24,000 teu

Container-carrying capacity has increased by around 1500% since 1968 and has almost doubled over the last decade.

12 STATES HAVE RATIFIED

18 months after the date on which:

- 12 STATES have ratified
- The general account’s contributing cargo volume is at least 40 MILLION tonnes

Each separate account will meet claims attributable to the respective cargo and will be funded by the receivers of those cargoes in Member States, which means that there will be no cross-subsidisation between accounts.

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Each separate account will meet claims attributable to the respective cargo and will be funded by the receivers of those cargoes in Member States, which means that there will be no cross-subsidisation between accounts.
Role of the IOPC Funds
The 1992 Fund Secretariat was assigned to carry out the administrative tasks necessary to set up the HNS Fund on the occasion of the international conference which adopted the 2010 HNS Protocol.

Status of Convention
The adoption of the Protocol to the HNS Convention in 2010 was intended to overcome some of the obstacles to ratification, but progress towards entry into force continued to be slow. However, in recent years, the Secretariats of the IOPC Funds and IMO have made significant efforts to facilitate the entry into force and implementation of the Convention, producing technical and educational materials, delivering workshops, liaising with States and industry and offering assistance with implementation and reporting issues. With the support of a number of States who are committed to the Convention, there has been an increase in momentum and positive steps by several other States towards ratification.

Recent progress in brief

- **2010**
  - Adoption of Protocol to the HNS Convention at an IMO Diplomatic Conference in 2010 to overcome some of the obstacles to ratification.
- **2017**
  - Norway became first State to ratify the 2010 HNS Protocol and an EU Council decision formally encouraged EU Member States to become parties to the Convention.
- **2018**
  - Canada, Denmark and Türkiye became Contracting States. They, and Norway reported more than 2 million units of gross tonnage, fulfilling one of the conditions for entry into force.
- **2019**
  - South Africa became a Contracting State
  - Estonia became a Contracting State
  - Action plan issued by IOPC Funds Secretariat to fully prepare for the entry into force of the Convention.
- **2022**
  - 1992 Fund Assembly approved increase to budget for HNS matters, recognising entry into force is expected in the near future.

Activities involving the 1992 Fund in 2022

- **June 2022**
  - Delivery of two interactive sessions at the European Spill Conference, Interspill 2022, in the Netherlands. The first session covered reporting and contributions under the 2010 HNS Convention and included a Q&A session with a representative from the Dutch chemical industry (VCNI). The second, which was delivered jointly with the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), introduced the tools and guidelines available relating to HNS incidents and the 2010 HNS Convention.
- **July 2022**
  - Delivery of an online briefing session on the 2010 HNS Convention organised by Chemical Industries Council of Malaysia (CICM) and the Malaysian Marine Department (MARDEP).
- **October 2022**
  - Participation in the RAMOPEC/IPFSP "U Porto" 2022 training exercise that was held in Imperia, Italy. The exercise involved a product tanker which suffered an accidental spill of oil and HNS and focused on building preparedness for response and strengthening cooperation between France, Italy and Monaco.
  - Participation in a regional seminar in Tunis, organised by REMPEC, on liability and compensation for both oil pollution damage, and damage caused by HNS for Tunisia, Algeria and Morocco.

Want to check whether a substance should be reported or whether it is covered by the Convention?
Use the HNS Finder. It enables users to determine whether a substance is contributing cargo that must be reported and whether it qualifies for compensation under the Convention. It is updated annually in May and includes an archive facility for access to previous years’ lists of substances.

Have a question or comment about the HNS Convention?
Use the HNS blog. It allows States and other interested stakeholders to share information, raise issues and ask questions. Any such questions receive a response from the Secretariat and are posted online. All interested parties are urged to use this tool so that other interested stakeholders can also benefit and widen their knowledge of the subject.

Require assistance?
Contact the IOPC Funds or the IMO. Assistance is offered to both Contracting States and to those States considering according to the Convention, in verifying contributing cargo data and the accuracy of reports before they are submitted. National or regional workshops can also be delivered in person or remotely to widen understanding of the Convention and assist with implementation issues.

Want to find out more?
Visit [www.hnsconvention.org](http://www.hnsconvention.org)
Available in English, French and Spanish.
Governing Bodies

Structure of the governing bodies and post-holders in 2022

Observers to sessions of the governing bodies

Sessions of the governing bodies in 2022
Participation at meetings

What to expect as a delegate

Register to attend the meeting

When: No later than one week before

Why:
1) To ensure security to gain access to the meeting;
2) to ensure your name appears on the official list of participants to the meeting.

Register for a Document Services account

Why:
To receive notification emails when new documents are published;
To receive updates and access batches of documents;
To store previous registration details and register multiple participants as a team.

Download and review meeting documents

When: All documents are normally published no later than two weeks before the meeting in all meeting languages.

Why:
Documents are not available in hard copy at the meetings. Delegates are encouraged to access these online prior to the meeting.

Download final Record of Decisions

The final Record of Decisions is published shortly after the meeting. This will include any amendments made to the draft document on the final day of the meeting.

ATTENDANCE

Be seated in the conference halls promptly
When: No later than 9:30am
Why:
To determine whether a quorum was achieved for each of the governing bodies. Late arrivals on the first day can make it; and
to remain in contact with the Secretariat between meetings for any queries and the exchange of useful information, such as updating of contact information or changes in position within a delegation.

Stay in touch

Delegates are encouraged to remain in contact with the Secretariat between meetings for any queries and the exchange of useful information, such as updating contact information or changes in position within a delegation.

Information on the next meeting of the IOPC Funds’ governing bodies can be found on the Governing Bodies page of the website. Updates about upcoming meetings are also posted on Twitter: @IOPCFunds

STATEMENTS

Forward any lengthy statements to the Secretariat by email
When: ASAP
Why:
To assist the interpreters who will be delivering your statements on your behalf;
To ensure decisions from the meeting are accurately reflected.

ADOPT THE RECORD OF DECISIONS

When: Delegates have access to the final Record of Decisions (verbatim or summarised, translated) and the draft Record of Decisions (verbatim or summarised). Delegates are encouraged to review the draft Record of Decisions and provide corrections.

SUBMITTING CREDENTIALS CORRECTLY

A checklist:

- They are provided in either English, French or Spanish
- They list the full and correct dates of the meeting
- They are signed by an appropriate person of authority
- They are addressed to the Director of the IOPC Funds
- They contain the correct address of the IOPC Funds
- They are submitted electronically via email or at the time of online registration
- They are submitted by the recommended deadline given

AFTER THE MEETINGS

Delegates should review the Record of Decisions and, if needed, bring amendments to the next meeting.

WORKING GROUPS

Working Groups are set up from time to time to consider specific areas of interest to the 1992 Fund. Details of the Working Groups established over the years, and the issues they focused on are provided on the website.

1992 FUND ASSEMBLY (Administrative Council if no quorum)

Composition: All 1992 Fund Member States
Chair: Ambassador Antonio Bandini (Italy)
First Vice-Chair: Tomotaka Fujita (Japan)
Second Vice-Chair: Syphi Mbatha (South Africa)
Frequency of meetings: Normally twice a year. One regular session every October/November. Additional extraordinary session earlier in the year, if required.
Role: Supreme organ of Fund deciding on: budget; contributions; adoption of internal and financial regulations, policy, etc.

1992 FUND EXECUTIVE COMMITTEE

Composition: 15 elected Member States, 7 from among the 11 largest oil receiving States and 8 from the other Member States, taking into account an equitable geographical distribution.
Chair: Samuel Soo (Singapore)
Vice-Chair: Luisa Burgiss (Ecuador)
Frequency of meetings: Normally twice a year.
Role: Subsidiary body established by Assembly to take policy decisions on the admissibility of claims.

SUPPLEMENTARY FUND ASSEMBLY (Administrative Council if no quorum)

Composition: All Supplementary Fund Member States
Chair: Sungbum Kim (Republic of Korea)
First Vice-Chair: Andrew Angel (United Kingdom)
Second Vice-Chair: Emre Dinçer (Turkey)
Frequency of meetings: Often twice a year. One regular session every October/November. Additional extraordinary session earlier in the year, if required.
Role: Supreme organ of Fund deciding on: budget; contributions; adoption of internal and financial regulations, policy, etc.

Representatives of 1992 Fund Member States, Supplementary Fund Member States and States and Organisations holding observer status with the IOPC Funds are invited to attend sessions of the IOPC Funds governing bodies, which usually take place twice per year. The list of Member States as at February 2023 is provided on page 9.

All Member State representatives must submit a letter of credentials authorising them to participate in the meeting and must register online in advance of the sessions. More information on what to expect as a delegate is opposite.
Observers to sessions of the governing bodies

Relations with non-Member States

States considering according to the 1992 Fund Convention may apply for observer status with the 1992 Fund. Such States are invited to attend and participate in IOPC Funds meetings as an observer in order to gain a clearer picture of the benefits of becoming a 1992 Fund Member State and to become acquainted with the way in which Member States make decisions regarding the handling of incidents, the payment of claims and running of the 1992 Fund Secretariat. States which are invited to send observers to meetings of the Assembly of the 1992 Fund automatically also have observer status with the Supplementary Fund.

Observers States of the 1992 Fund and Supplementary Fund as at 31 December 2022

- Bolivia (Plurinational State of)
- Brazil
- Chile
- Democratic People’s Republic of Korea
- Egypt
- Guatemala
- Gambia (1992 Fund Member State as of 12/05/23)
- Honduras
- Indonesia
- Kuwait
- Lebanon
- Pakistan
- Peru
- Saudi Arabia
- Ukraine
- United States

Relations with International Organisations

The IOPC Funds value the input of intergovernmental and non-governmental organisations, as this greatly assists with the proper functioning of the international compensation system. Organisations with a particular interest in the work of the IOPC Funds may apply for observer status with the 1992 Fund. Such organisations are invited to attend and participate in IOPC Funds meetings as an observer.

Non-governmental organisations granted observer status as at 31 December 2022

- BIMCO
- Cefic
- Comité Maritime International (CDMI)
- Conference of Peripheral Maritime Regions (CPMR)
- European Chemical Industry Council (Cefic)
- International Association of Classification Societies Ltd (IACS)
- International Chamber of Shipping (ICS)
- Ibero-American Institute of Maritime Law (IIDM)
- International Group of P&I Associations
- International Salvage Union (ISU)
- International Spill Control Organization (ISCO)
- International Union of Marine Insurance (IUMI)
- INTERTANKO
- ITOPF
- Oil Companies International Marine Forum (OCIMF)
- Sea Alarm Foundation (Sea Alarm)
- World LPG Association (WLPGA)

Intergovernmental organisations granted observer status as at 31 December 2022

- Baltic Marine Environment Protection Commission – Helsinki Commission (HJCOM)
- Central Commission for the Navigation of the Rhine (CCNR)
- European Commission
- International Institute for the Unification of Private Law (UNIDROIT)
- International Maritime Organization (IMO)
- Maritime Organisation of West and Central Africa (MOWCA)
- Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC)
- United Nations (UN)
- United Nations Environment Programme (UNEP)

The governing bodies undertake a review of all non-governmental organisations holding observer status with the IDPC Funds every three years.
Sessions of the governing bodies in 2022

The IOPC Funds held two meetings in 2022, with remote sessions taking place in March due to the refurbishment of IMO conference facilities at the time, and sessions held in-person in October.


In the absence of a quorum at the opening of either session of the 1992 Fund Assembly, sessions of the 1992 Fund Administrative Council were instead convened.

At its March session, the 1992 Fund Administrative Council noted developments and took decisions in respect of a number of items.

A report was given on the progress made by States towards ratification of or accession to the 2010 HNS Convention and on the work undertaken by the Secretariat in preparation for entry into force of the Convention. It was noted in particular that, in January 2022, Estonia had become the sixth State to accede to the 2010 HNS Protocol, bringing its important treaty one step closer to entering into force.

The European Chemical Industry Association (Cefic) shared a position paper in which it confirmed its support for the 2010 HNS Convention as well as its commitment to work with States to implement, as far as possible, a uniform approach to reporting.

A draft IMO Legal Committee circular agreed by the Committee the week prior to the Funds’ sessions on the Guidance on the impact of the situation in the Black Sea and the Sea of Azov on insurance or other financial security certificates, relating to the conflict in Ukraine was circulated to the governing bodies. The circular lists IMO instruments which will be affected by the conflict in Ukraine, including the 1969 and 1992 Civil Liability Conventions. In particular, it states that the absence of insurance or other financial security in accordance with the requirements of the conventions may lead to insufficient compensation for States and victims of pollution and other incidents. It may also expose the IOPC Funds and its contributors to the risk of having to pay all of the compensation for oil spills from tankers because there is not sufficient insurance to cover the shipowner’s liability. With this in mind, the circular set out a number of action points for States. The governing bodies fully endorsed those action points and encouraged Member States to adhere to the recommendations in the circular.

The Director was also instructed to monitor the situation and report back at the next meeting in October 2022.

The 1992 Fund Assembly held its regular session in October 2022, during which it took several decisions and noted a wide range of information provided by the Secretariat in relation to compensation matters; treaty matters; financial policies and procedures; and secretariat and administrative matters.

In particular, the Assembly took a number of key decisions relating to the administration of the organisation, approving the Financial Statements for 2021 and adopting an administrative budget for the 1992 Fund of £5,093,705 for 2023. All decisions relating to the levying of contributions are set out on pages 36 and 38.

The latest oil reporting data is also set out on pages 36–39. At the time of the meeting, 26 Member States of the 1992 Fund had yet to submit reports on contributing oil received in 2021 and a number of those States had reports outstanding for several years. This issue remains a significant concern to the governing bodies and, as a result, the governing bodies approved a proposal by the Director, to prepare a draft Resolution, in consultation with the Audit Body, to enable them to issue invoices to contributors based on estimates if no oil reports were submitted.

In accordance with 1992 Fund Resolution N°5, the 1992 Fund Assembly elected 15 States as members of the 1992 Fund.
Sessions of the governing bodies in 2022

Executive Committee to hold office until the end of the next regular session of the 1992 Fund Assembly. It also appointed Mr Samuel Soo (Singapore) as Chair and Mrs Karen Anderson (Denmark) as Vice-Chair of the Executive Committee. The joint Audit Body presented its annual report to the governing bodies, setting out the work it had undertaken since the November 2021 meeting of the IOFC Funds, describing in detail its areas of focus in line with its agreed work programme and making a number of recommendations, in particular with regards to the selection process for the External Auditor; noting the recommendation of the Audit Body in that regard; the governing bodies approved the re-appointment of BDO International as External Auditor for the IOFC Funds for a further two-year term (see pages 18-19).

A document was presented to the Administrative Council in October reporting on the conclusions of a meeting held by the 1992 Fund in June 2022 in Seoul (Republic of Korea) with all the parties involved in the handling of the claims arising from the Hebei Spirit incident to discuss the case and the lessons to be learned (see page 31).

With regards to the 2010 HNS Convention, details of the progress made on specific tasks since March as well as a number of actions planned for 2023 were reported to the governing bodies. The 1992 Fund Administrative Council approved an additional budget appropriation of €135 000 to cover the costs of the activities to be conducted under the action plan, and in particular the tasks required to assist States with the reporting and contributions issues relating to the HNS Convention.

The development of a viable reporting and contributions system has been highlighted as a priority since it is considered key to facilitating the ratification of the Convention by further States.

The 1992 Fund Administrative Council approved 2021 Financial Statements of the 1992 Fund and a transfer within the 1992 Fund budget from ‘Personnel’ to cover travel costs in 2022. It appointed a new member of the joint Investment Advisory Body and approved amendments to its mandate to take into account changes to the Secretariat structure. Amendments were also made to the Financial Regulations relating to the tenure of the External Auditor and to the Rules of Procedure to clarify who will chair the governing bodies during elections for the position of Chair.

1992 Fund Executive Committee

The Executive Committee held two sessions during 2022 and was informed of all key developments during the course of the year in respect of the 13 open incidents. For full details, see pages 23–33.

It was reported in March that the last claims submitted in respect of the Tridents Star had been settled and corresponding legal actions had been withdrawn. It was therefore reported to the Executive Committee that this incident would now be considered closed.

For the incident in Israel, following the Committee’s decision in July 2021 to authorise the Director to make compensation payments for admissible claims, it was noted that as at the October meeting, a total of 33 claims had been submitted for clean-up operations, property damage and economic losses, totalling ILS 13.8 million and that some 25 claims had been assessed. The remaining claims submitted were being assessed and more claims were expected in the near future. It was reported that the 1992 Fund was continuing to investigate the possible origin of the spill and that the Director had travelled to Israel at the beginning of March 2023 and had held very positive meetings with the Israeli authorities.

In respect of the Bow Jubail incident, the Committee was informed of the latest developments in the legal proceedings relating to this incident. It was reported that the Fund had joined the complaints of the shipowner in the principal appeal in cassation against the decision of the Court of Appeal that it is not the Burker Convention 2001 but the 1992 CLC that applies to this incident. The case was transferred to the Advocate General for their opinion and it was noted that it would take several months before the Supreme Court gave its decision in the case, making it unlikely that there would be a decision before the end of 2022.

The latest claims situation relating to the Agia Zoni II incident was reported but it was noted that the results of the investigation into the cause of the incident by the Public Prosecutor remained pending. During the October session of the 1992 Fund Executive Committee the delegation of Greece provided further information relating to the progress of the Public Prosecutor’s investigation. Several delegations emphasised the importance of the prompt investigation of an incident and stressed the importance of having adequate insurance in place to sustain the international liability and compensation regime.

Since all the outstanding claims arising from the Hebei Spirit incident had been settled and all the legal actions had been finalised, it was reported that this incident was now considered closed.

The Director took the opportunity to thank the Government of the Republic of Korea and the Skuld Club for their assistance and cooperation, which were paramount in resolving the Hebei Spirit incident. He thanked the Hebei Spirit Centre staff, the experts engaged by the Skuld Club and the 1992 Fund, and the Secretariat staff for their excellent work in resolving this incident which involved handling a significantly large and varied number of claims (see page 31).

The Secretariat also provided information in respect of the Prestige (Spain, November 2002), Solar 1 (Philippines, August 2006), RedFern (Nigeria, March 2006), Haekup Pacific (Republic of Korea, April 2010), Atla I (Greece, March 2012), Nesa R5 (Oman, June 2013), Tridents Star (Malaysia, August 2016) and Rota 6 (Spain, November 2010) incidents.
Supplementary Fund Assembly

The Supplementary Fund Assembly participated in the debates and endorsed or took note of decisions taken by the 1992 Fund Administrative Council in respect of a number of items also relevant to the Supplementary Fund.

It approved the Financial Statements of the Supplementary Fund for 2021 and adopted an administrative budget for 2023 of £54,510. A management fee of £38,000 payable to the 1992 Fund for the financial year 2023 was also agreed upon by the Assembly in October 2022.

Since the Chair of the Supplementary Fund Assembly had informed the governing bodies that he would be stepping down from his position at the end of the current session after 11 years in his post, the governing bodies took the opportunity to thank Mr Kim for his excellent leadership.

Mr François Marier (Canada) was elected as the Assembly’s new Chair to hold office until its next regular session.

Farewell to the outgoing Chair of the Supplementary Fund Assembly

Sungbum Kim
(Republic of Korea)
Chair from October 2011 to October 2022

Mr Sungbum Kim was elected as Chair of the Supplementary Fund Assembly in October 2011, having followed IOPC Funds matters and represented the Republic of Korea at IOPC Funds meetings previously. As he stepped down from his post at the October 2022 sessions, words of appreciation were expressed by the Chair of the 1992 Fund Administrative Council, the first Vice Chair of the Supplementary Fund Assembly, the delegation of the Republic of Korea, Chair of the Audit Body and the Director. They referred to his unwavering professionalism, his dedication to the organisation and to his notable calm approach. He was thanked for his wise words and advice over the years and specifically for his assistance and the pivotal role that he played in facilitating cooperation between the IOPC Funds and Republic of Korea in the handling of the Hebei Spirit incident.

The Director presented Mr Kim with a small gift in recognition of his 11 years’ service to the organisation.

Mr Kim thanked the Director and the governing bodies for the gift and expressed his appreciation to delegations, fellow Chairs and members of the Audit body for their support and cooperation over the years. He also thanked the Government of Republic of Korea for allowing him to continue to attend IOPC Funds meetings in London despite the numerous changes in his positions within the Government. Mr Kim noted that chairing the Assembly had been challenging at times, but very fulfilling and he considered it an honour and a very enjoyable experience to have held the position of Chair for 11 years.

Following the experience gained from holding remote meetings in recent years and the introduction on a trial basis of hybrid meetings by IMO, the Director is exploring the possible options to adapt the current in-person format of IOPC Funds meetings to enable remote participation, taking into account the specific activities and requirements of the governing bodies and the experience of IMO. A proposal will be presented at the May 2023 meeting, which will be held in person, but with a passive streaming facility.

Next Sessions of the governing bodies:
the weeks of 22 May 2023 and 6 November 2023

François Marier
(Canada)
Chair since October 2022
Financial Review
Financial Administration

The 1992 Fund and the Supplementary Fund each have General Funds which cover administrative expenses, including the costs of running the joint Secretariat and, in respect of the 1992 Fund, for compensation payments and claims-related expenditure up to a maximum amount of SDR 4 million (approximately £4.4 million) per incident. Separate Major Claims Funds are established for incidents for which the total amounts payable exceed those amounts. A Claims Fund is established for any incident for which the Supplementary Fund has to pay compensation. Since there have been no incidents involving the Supplementary Fund, no Claims Funds have been established.

Financial Statements prepared under the International Public Sector Accounting Standards (IPSAS) provide a comprehensive view of the financial position and the financial performance of the organisation at the entity level. The Funds’ activities have been classified into segments on the basis of the General Funds and Major Claims Funds and disclosure about each stream of activity is provided in the notes to the Financial Statements.

The financial year runs from January to December, with income and expenditure information for 2022 published in this annual report. The annual accounts are subject to external audit, are reviewed by the Audit Body and presented to the governing bodies for approval at their October/November sessions. Once approved, they are reproduced in the form of an online publication entitled ‘Financial Review’ and published on the Funds’ website at www.iopcfunds.org under the Publications page.

Financial highlights for 2022

Revenue and Expenditure figures rounded and subject to audit by the External Auditor (prepared under IPSAS – accrual based accounting)

1992 Fund

REVENUE 2022

<table>
<thead>
<tr>
<th>CONVENIONS DUE IN 2022:</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>12 200 000</td>
</tr>
<tr>
<td>Incident in Israel Major Claims Fund</td>
<td>4 000 000</td>
</tr>
<tr>
<td>OTHER REVENUE:</td>
<td>£</td>
</tr>
<tr>
<td>Reimbursement by P&amp;I Club under STOPA 2006</td>
<td>4 360 000</td>
</tr>
<tr>
<td>Interest on investments</td>
<td>575 000</td>
</tr>
<tr>
<td>Management Fee payable by Supplementary Fund</td>
<td>38 000</td>
</tr>
<tr>
<td>TOTAL REVENUE</td>
<td>21 173 000</td>
</tr>
</tbody>
</table>

ADMINISTRATIVE COSTS 2022

<table>
<thead>
<tr>
<th>JOINT SECRETARIAT:</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budget (excluding External Auditor’s fees for respective IOPC Funds)</td>
<td>4 855 778</td>
</tr>
<tr>
<td>Expenditure (excluding External Auditor’s fees for respective IOPC Funds)</td>
<td>4 492 194</td>
</tr>
<tr>
<td>External Auditor’s fees in respect of 1992 Fund</td>
<td>65 908</td>
</tr>
</tbody>
</table>

CLAIMS EXPENDITURES 2022

<table>
<thead>
<tr>
<th>INCIDENT</th>
<th>COMPENSATION</th>
<th>CLAIMS-RELATED EXPENDITURE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prestige</td>
<td></td>
<td>67 846</td>
<td>67 846</td>
</tr>
<tr>
<td>Hebei Spirit**</td>
<td></td>
<td>119 220</td>
<td>119 220</td>
</tr>
<tr>
<td>Nesa R3</td>
<td></td>
<td>32 859</td>
<td>32 859</td>
</tr>
<tr>
<td>Alfa I</td>
<td></td>
<td>32 192</td>
<td>32 192</td>
</tr>
<tr>
<td>Agia Zoni II</td>
<td>33 167</td>
<td>156 438</td>
<td>189 605</td>
</tr>
<tr>
<td>Incident in Israel</td>
<td>26 589</td>
<td>96 260</td>
<td>122 839</td>
</tr>
<tr>
<td>Other incidents</td>
<td>4 362 283</td>
<td>238 297</td>
<td>4 600 580</td>
</tr>
<tr>
<td>TOTAL CLAIMS EXPENDITURE</td>
<td>4 422 039</td>
<td>703 102</td>
<td>5 125 141</td>
</tr>
</tbody>
</table>

* Including interim reimbursements from the P&I Club for joint costs of £3 633 for Hebei Spirit MCF
Supplementary Fund

**REVENUE 2022**

<table>
<thead>
<tr>
<th>Contributions Due in 2022</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest on investments</td>
<td>16 500</td>
</tr>
</tbody>
</table>

**TOTAL REVENUE**

£ 16 500

**EXPENDITURE 2022**

<table>
<thead>
<tr>
<th>Administrative Costs:</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management fee payable to 1992 Fund</td>
<td>38 000</td>
</tr>
<tr>
<td>External Auditor’s fees</td>
<td>5 433</td>
</tr>
</tbody>
</table>

**CONTRIBUTIONS LEVIED TO MAJOR CLAIMS FUNDS**

<table>
<thead>
<tr>
<th>Contributions levied, due by March 2022 or before</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prestige</td>
<td>119 000 000</td>
</tr>
<tr>
<td>Habel Spirit</td>
<td>131 500 000</td>
</tr>
<tr>
<td>Alfa I</td>
<td>8 075 000</td>
</tr>
<tr>
<td>Agia Zoni II</td>
<td>41 000 000</td>
</tr>
<tr>
<td>Nesa R3</td>
<td>3 600 000</td>
</tr>
<tr>
<td>Incident in Israel</td>
<td>4 000 000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contributions levied, due 1 March 2023</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prestige</td>
<td>-</td>
</tr>
<tr>
<td>Habel Spirit</td>
<td>-</td>
</tr>
<tr>
<td>Alfa I</td>
<td>-</td>
</tr>
<tr>
<td>Agia Zoni II</td>
<td>-</td>
</tr>
<tr>
<td>Nesa R3</td>
<td>-</td>
</tr>
<tr>
<td>Incident in Israel</td>
<td>3 000 000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total contributions levied or approved</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prestige</td>
<td>119 000 000</td>
</tr>
<tr>
<td>Habel Spirit</td>
<td>131 500 000</td>
</tr>
<tr>
<td>Alfa I</td>
<td>8 075 000</td>
</tr>
<tr>
<td>Agia Zoni II</td>
<td>41 000 000</td>
</tr>
<tr>
<td>Nesa R3</td>
<td>3 600 000</td>
</tr>
<tr>
<td>Incident in Israel</td>
<td>7 000 000</td>
</tr>
</tbody>
</table>

Summary of Major Claims Funds

The first SDR 4 million (pound sterling equivalent) for all incidents is paid from the General Fund and covers compensation and claims-related expenditure. Separate Major Claims Funds are established for incidents for which the total amounts payable exceed SDR 4 million. These cumulative incident costs include both General Fund and Major Claims Fund expenditure. All compensation is paid in the currency of the incident - see pages 24-32 for more details of each incident.

<table>
<thead>
<tr>
<th>CUMULATIVE INCIDENT EXPENDITURE TO 31/12/2022 (UNAUDITED)</th>
<th>Prestige</th>
<th>Habel Spirit</th>
<th>Alfa I</th>
<th>Agia Zoni II</th>
<th>Nesa R3</th>
<th>Incident in Israel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compensation paid to 31/12/21</td>
<td>106 621 900</td>
<td>119 575 504</td>
<td>30 856 126</td>
<td>13 143 285</td>
<td>6 703 800</td>
<td>-</td>
</tr>
<tr>
<td>Compensation paid 2022</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>33 167</td>
<td>-</td>
<td>26 589</td>
</tr>
<tr>
<td>Total compensation</td>
<td>106 621 900</td>
<td>119 575 504</td>
<td>30 856 126</td>
<td>13 176 452</td>
<td>6 703 800</td>
<td>26 589</td>
</tr>
<tr>
<td>Claims-related expenditure paid to 31/12/21</td>
<td>24 610 746</td>
<td>37 556 109</td>
<td>773 167</td>
<td>1 107 660</td>
<td>425 039</td>
<td>160 682</td>
</tr>
<tr>
<td>Claims-related expenditure paid 2022</td>
<td>67 646</td>
<td>119 239</td>
<td>32 193</td>
<td>156 438</td>
<td>32 809</td>
<td>96 251</td>
</tr>
<tr>
<td>Total claims-related expenditure paid</td>
<td>24 678 392</td>
<td>37 675 815</td>
<td>805 359</td>
<td>4 264 098</td>
<td>457 898</td>
<td>216 933</td>
</tr>
</tbody>
</table>

**CUMULATIVE INCIDENT EXPENDITURE TO 31/12/2022 (AUDITED)**

<table>
<thead>
<tr>
<th>Prestige</th>
<th>Habel Spirit</th>
<th>Alfa I</th>
<th>Agia Zoni II</th>
<th>Nesa R3</th>
<th>Incident in Israel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund balance 31/12/21</td>
<td>481 734</td>
<td>7 655 119</td>
<td>264 506</td>
<td>26 172 616</td>
<td>362 635</td>
</tr>
<tr>
<td>Provision for compensation at 31/12/2021, added back</td>
<td>676 133</td>
<td>-</td>
<td>-</td>
<td>1 663 436</td>
<td>-</td>
</tr>
<tr>
<td>Fund balance 31/12/2021 (adjusted cash basis)</td>
<td>1 157 867</td>
<td>7 655 119</td>
<td>264 506</td>
<td>27 836 052</td>
<td>362 635</td>
</tr>
</tbody>
</table>

Major Claims Funds are accounted for on an accruals basis and as such they recognize interest earned on investments, provision for compensation, exchange gains and losses, and other assets and liabilities. Full balance sheets for each Major Claims Fund are published in the Financial Statements.
Acknowledgements

Photographs

Cover and pages 12, 14, 19, 32, 39, 64 and 71
Shutterstock

Pages 4, 48 and 49
IMO

Pages 4, 6, 16, 17, 19, 31, 44, 52, 54 and 57-60
You Inspire Photography

Pages 6, 7, 18, 19, 23, 24, 26, 30-33, 40, 41 and 44
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