



International Oil Pollution
Compensation Funds

Fonds internationaux
d'indemnisation pour les
dommages dus à la pollution
par les hydrocarbures

Fondos internacionales
de indemnización de daños
debidos a contaminación por
hidrocarburos

The April 2025 sessions of the governing bodies – In brief

1 May 2025



The governing bodies of the International Oil Pollution Compensation Funds (IOPC Funds) held sessions from Tuesday 29 April to Thursday 1 May 2025 at the headquarters of the International Maritime Organization (IMO) in London. Sixty 1992 Fund Member States, including 21 Supplementary Fund Member States, seven observer States and 10 observer organisations attended sessions of the 1992 Fund Administrative Council^{<1>}, the 1992 Fund Executive Committee and the Supplementary Fund Assembly. This meeting was held in person, complemented by a passive streaming service.

1992 Fund Executive Committee (84th session)

Information was provided to the 1992 Fund Executive Committee on a number of open incidents involving the IOPC Funds. This included reports on recent developments in the following incidents:

Terranova (Philippines, July 2024)

The Executive Committee recalled that the 1992 Fund and the insurer of the *Terranova*, Steamship Mutual, had taken steps to jointly establish two claims submission offices (CSOs) in the Philippines to facilitate the submission of claims for compensation resulting from this incident.

As at the time of the governing bodies' sessions, the CSO in the province of Bataan, which was opened in October 2024, had collected 2 693 claims, and the CSO in Cavite, which was established in January 2025, had collected 6 959 claims. Both CSOs continue to collect claims.

It was reported that on 11 November 2024, the IOPC Funds and Steamship Mutual had signed an agreement on interim payments in respect of the incident.

<1> From this point forward, references to the '1992 Fund Administrative Council' should be taken to read '25th session of the 1992 Fund Administrative Council, acting on behalf of the 29th extraordinary session of the 1992 Fund Assembly'.

During the April 2025 meeting, the Director thanked the Government of the Philippines and the local authorities in the affected areas for their assistance during visits by members of the Secretariat. He expressed his appreciation to Steamship Mutual for its active response to the incident and for the ongoing cooperation with the 1992 Fund. The delegation of the Philippines commended the Director and the Secretariat for their visit to the Philippines in January 2025 and for engaging with local government units and various national government agencies.

Marine Honour (Singapore, June 2024)

Clean-up and response operations following this incident were completed by authorities in Malaysia and Singapore on 16 July 2024 and 3 September 2024, respectively.

The shipowner and its insurer, QBE Insurance, have submitted claims for clean-up costs, the costs for mitigating the risk of further pollution, and a hull-cleaning programme for affected pleasure craft. As at 28 April 2025, the 1992 Fund had approved amounts of USD 2 631 927, SGD 2 477 764, USD 2 770 592 and USD 1 189 082 in relation to QBE's claims for clean-up costs. Other claims submitted by QBE were being assessed and additional claims are expected. The Executive Committee noted that QBE's expenditure as a result of the incident had exceeded the 1992 Civil Liability Convention (1992 CLC) limit and that the 1992 Fund had agreed to make a provisional payment to QBE for USD 11 million. This figure includes the approved amounts and also anticipates a number of forthcoming assessments by the international experts involved in the incident.

Claims have also been submitted by the Maritime Port Authority of Singapore (MPA) and Sentosa Development Corporation. Other claims from government agencies in Singapore are expected.

It was reported to the Executive Committee that 309 claims had been submitted to the CSO in Singapore for a total of approximately SGD 19.5 million and USD 19 million. One hundred and seven offers had been made to claimants excluding QBE which amounted to approximately SGD 1.5 million, and approximately SGD 600 000 had been paid in compensation or was in the process of being paid. In a statement delivered at the meeting, the delegation of Malaysia reported that the spill had affected four major fishing bases and confirmed that it would resubmit claims for compensation on behalf of affected fishers in a corrected format, as requested.

During the Executive Committee session, the Director expressed gratitude to the Singapore Government for its efficient response to the incident. He thanked MPA for the meeting it had hosted with the 1992 Fund, and QBE for its continued cooperation in the handling of the incident. The delegation of Singapore thanked the Director and the Secretariat for the close cooperation with the Singapore Government agencies involved in the incident.

Gulfstream (Trinidad and Tobago, February 2024)

The Executive Committee noted that, since their November 2024 session, oil removal operations had been undertaken by the salvors engaged by the authorities in Trinidad and Tobago, and that a total of 31 998 barrels of oil had been removed and delivered to a refinery in Trinidad. It was reported that it is the intention of the authorities in Trinidad and Tobago to sell the recovered oil at the best available market price to an international buyer, in order to defray the costs they had incurred and thus reduce their claim against the 1992 Fund, but that the authorities in Trinidad and Tobago had faced difficulties due to the likely origin of the oil. In March 2025, the barge was sold for scrap.

As at 28 April 2025, 290 claims for compensation totalling USD 30.3 million, covering some of the clean-up operations and including 171 claims in the fisheries sector in Tobago, had been submitted to the focal point office in Trinidad. These claims are being assessed by the 1992 Fund's experts. The Executive Committee noted that claims amounting to £13 633, EUR 45 328 and USD 3 434 had been submitted by the authorities in Bonaire who undertook surveillance prior to, and clean-up operations following, the arrival of the oil on its coastline on 26 February 2024. It was also noted that further costs relating to the oil recovery operation from the barge had yet to be submitted and no estimates were available for losses that were likely to be claimed in the tourism sector. The Secretariat is continuing its engagement with potential claimants to ascertain the extent of such losses.

During the Executive Committee's session, the delegation of Trinidad and Tobago stated that it was grateful for the assistance provided by the Secretariat. That delegation stressed that whilst the oil pollution had been cleaned up, there remained a number of items still to be resolved, including the sale of the oil, the treatment of the waste oil and the locating of the tug *Solo Creed*.

Princess Empress (Philippines, February 2023)

The Executive Committee recalled that efforts had been made to compensate claimants in the fisheries sector as soon as assessments were ready and that as with the collection of claims, a process was in place to reach legitimate claimants to provide compensation. As a result, by the end of 2024 over 32 000 fisheries claims had been paid.

As at the time of the meeting, the CSO had registered a total of 39 822 claims, mainly in the fisheries sector, with a total claimed amount of PHP 1 901.98 million, USD 26.5 million, EUR 2.7 million and £64 500. The 1992 Fund and the Shipowners' P&I Club had paid 32 987 claims amounting to some PHP 1 060.6 million, USD 26.2 million, EUR 2.7 million and £64 500. A total of 3 478 claims had been rejected.

During the discussion of this incident, the delegation of the Philippines expressed appreciation for the speedy action taken by the shipowner's insurer and the 1992 Fund in assisting those affected by the pollution, in setting up a CSO which paved the way to the efficient processing of claims. It noted that in spite of the challenges created by claimants not having bank accounts, the 1992 Fund had found an alternative way to compensate claimants. In particular, the delegation expressed gratitude for the Secretariat's visit to the Philippines in January 2025 to meet stakeholders and address their concerns.

Prestige (Spain, November 2002)

The Executive Committee decided to authorise the Director to appeal a judgment by the Court of First Instance in Bordeaux, France, in respect of the 1992 Fund's recourse action against the classification society of the *Prestige* (the American Bureau of Shipping (ABS)). The Court had delivered a judgment in February 2025, deciding that the 1992 CLC applied to the 1992 Fund's action against ABS and that therefore the action was time-barred, on the basis that the recourse action had been brought at a date later than the six-year anniversary of the incident, as provided in the 1992 CLC.

All the delegations that spoke on the matter during the Executive Committee's April 2025 session agreed with the Director's view that the 1992 CLC does not apply to actions in tort brought against third parties such as ABS and that therefore these actions should not be governed by the 1992 CLC, but by national law.

Incidents in the Russian Federation (December 2024)

On 15 December 2024 two tankers, the *Volgoneft 212* and *Volgoneft 239*, were caught in a storm at the southern end of the Kerch Strait entering into the Black Sea. As a result of the storm the *Volgoneft 212* split in two and sank, resulting in the death of one crew member. The *Volgoneft 239* also split in two, with the fore part sinking and the aft part running aground near the Port of Kavkaz. Both vessels were carrying a cargo of mazut, with a total volume of approximately 8 450 tonnes of cargo, of which it is estimated that 2 400 to 5 000 tonnes spilled from both vessels. The Director reported to the Executive Committee that the 1992 Fund had had informal

discussions with members of the Russian delegation, and had received an update on the progress of the response on 7 February 2025, confirming that significant clean-up efforts were underway. However, he stated that in the absence of concrete information, it was still too early to assess whether and how the incident would affect the IOPC Funds.

During the session, the delegation of the Russian Federation stated that an investigation into the cause of the incidents was ongoing. The 1992 Fund Member State said it was considering an official application to the IOPC Funds for compensation for losses arising out of the incidents.

The observer delegation of Ukraine, which is Party to the 1992 CLC but not the 1992 Fund Convention, stated that the two tankers were both unsafe and called upon the Russian Federation to act responsibly, comply with international law and ensure transparency in its actions. Other delegations shared the views expressed by the observer delegation of Ukraine.

The Director confirmed that he will continue to monitor the incidents and report any developments at a future session.

Other incidents

The Secretariat also provided information in respect of the *Redfferm* (Nigeria, March 2009) and *Agia Zoni II* (Greece, September 2017) incidents.

1992 Fund Administrative Council (25th session) and Supplementary Fund Assembly (13th extraordinary session)

During their simultaneous sessions, the governing bodies took several decisions and noted a wide range of information which was provided in various documents and presentations. In particular, they considered the following:

Potential impact of sanctions on the international liability and compensation regime

The potential impact of international sanctions on the international liability and compensation regime was again highlighted by the Director and the Secretariat during the April 2025 sessions of the governing bodies. As in previous meetings, concern was expressed about the increasing number of tankers that operate with insurance which does not comply with the 1992 Civil Liability and Fund Conventions, noting in particular the risks that such vessels pose to Member States, the environment, and contributors to the IOPC Funds. Member States were urged to ensure compliance with international safety and liability conventions. Attention was drawn to the guidance issued by IMO and the Resolutions adopted by the IOPC Funds' governing bodies in November 2024, raising awareness of the risk of uninsured and unsafe ships.

During the meeting, several delegations called upon all stakeholders to comply with their obligations to ensure that oil was transported in safe ships which were properly insured, noting that the international compensation regime had proved its worth, but was dependent on individual Member States complying with their obligations.

Review of 1992 Civil Liability and Fund Conventions – proposal by India

During the sessions, the delegation of India presented a document in which it stated that it had been a considerable amount of time since the 1992 Fund Convention was last amended and that during that time, there had been significant changes in the maritime industry, in trade, and the transportation of oil. It further highlighted that there had also been changes in the socioeconomic impact of maritime oil pollution as well as in the technology to respond to such pollution incidents.

India proposed the contribution system of the IOPC Funds should be reassessed to ensure a more equitable distribution of financial responsibility which includes both oil-consuming and major oil-producing States. It also shared concerns regarding incidents involving vessels carrying less than 2 000 metric tonnes of oil where there is no mandatory insurance cover against oil pollution liabilities. It considered that receivers of less than 150 000 tonnes of oil cargo in a Contracting State could also pay contributions and that the definition of 'ship' under the 1992 CLC might need revision, as the non-inclusion of any mention of ensuring sea worthiness might not be consistent with the principles of the organisation. Taking all the points above into account, that delegation proposed that the 1992 Fund Administrative Council should consider requesting the IMO Legal Committee to convene a conference to review and amend the 1992 Fund Convention.

A lengthy debate followed the presentation, during which the Chair of the 1992 Fund Administrative Council clarified that the convening of a diplomatic conference requires broad support, followed by substantial preparatory work before it takes place, including a thorough discussion of the issues within the Assembly or at IMO. He also reminded delegations that the governing bodies had undertaken work in the past to identify any need for change in respect of, not only the current compensation regime for oil pollution, but also for hazardous and noxious substances (HNS). He recalled that such work had resulted in the development of the Supplementary Fund Protocol and the 2010 HNS Protocol, respectively. The Director confirmed that he was conscious of the concerns highlighted by India, and pointed out that he had been consistently seeking ways to address the issues raised within the existing framework of the Conventions since taking up his post.

In summarising the debate, the Chair noted that the vast majority of the delegations that spoke did not support India's proposals. Attention was drawn particularly to the risks of re-opening the Conventions, which might result in a fragmentation of the regime and loss of the delicate balance between the shipowner and the oil industry. There was also strong concern that this would affect the ability to pay compensation in the future.

Many delegations acknowledged the concerns raised in the document, and conceded that whilst the system is not perfect, the longevity of the compensation regime speaks to its success. Any delegations wishing to further explore the issues raised in the document submitted by India were encouraged to submit more detailed proposals, supported by evidence, demonstrating a compelling need for any revision of the Conventions together with an assessment of the potential impact such revisions might have.

Submission of oil reports and payment of contributions

The Secretariat reported that as at the time of the meeting the measure to defer payments of compensation under 1992 Fund Assembly Resolution N°12 and Supplementary Fund Assembly Resolution N°3, as a result of a State having outstanding oil reports or contributions for two years or more, was applicable to 16 Member States. Those States were urged to fulfil their obligations under the 1992 Fund Convention, by submitting outstanding oil reports and ensuring the prompt payment of contributions.

The Secretariat also reported on the implementation of 1992 Fund Assembly Resolution N°13 and Supplementary Fund Assembly Resolution N°5, relating to the invoicing of contributors based on estimates when no oil reports are submitted. It was reported that the Director had issued invoices to six 1992 Fund Member States, all with oil reports outstanding for more than five years, in accordance with Resolution N°13. The governing bodies expressed their appreciation to the Director for the efforts to ensure that Member States fulfil their treaty obligations.

2010 HNS Convention

The Secretariat reported on the various opportunities it had taken since the November 2024 sessions to promote the entry into force of the 2010 HNS Convention, to engage with interested States and other key stakeholders, and to share information with industry representatives through the delivery of various workshops or other training and outreach activities, often in close cooperation with the IMO Secretariat.

In December 2024, the Secretariat welcomed the new HNS Project Manager who will lead and direct HNS-related activities at the IOPC Funds and work with Member States, industry and interested organisations to support the entry into force of the Convention. This position creates a focal point and extra capacity within the Secretariat to carry out the tasks necessary to support the successful entry into force of the Convention and creation of the HNS Fund. The Secretariat has continued to work on the development of the HNS reporting and contributions system, and to make progress on the drafting of a Claims Manual.

At the time of the April 2025 sessions, there were eight contracting States to the 2010 HNS Protocol and Belgium, Germany, the Netherlands and Sweden had expressed a firm commitment to coordinating their accession to the Protocol.

Procedural matters – proposal by Panama

The delegation of Panama presented a document containing proposals to strengthen communication between the IOPC Funds and Member States and between States themselves. Following discussion of the document, the governing bodies recognised that the delegations' right to speak was of great importance and that the relevant Rules of Procedure should be consistently applied and upheld. They decided to amend the Rules of Procedure of the governing bodies to align the wording of the three official languages in relation to the phrase 'right to speak' but decided not to include a new Rule formalising a consultation process between States and between States and the Secretariat. However, the governing bodies did encourage the strengthening of effective communication between one another through voluntary trust-based consultations.

Tributes to Thomas Liebert

Prior to the formal opening of the sessions, the Chair of the 1992 Fund Administrative Council informed delegations of the sad passing in January 2025, of Thomas Liebert, a long-serving member of the IOPC Funds' Secretariat. Everyone present stood to observe a minute's silence in tribute to Mr Liebert. Throughout the week of the meeting many delegations, when intervening for the first time, expressed their sincere condolences to his family and colleagues. Time was also set aside later in the sessions when several delegations paid tribute to Mr Liebert.

Next meeting

The governing bodies decided to hold future meetings of the governing bodies in person complemented by remote-active participation (in hybrid format) from the next sessions, planned for the week of 20 October 2025. In light of this decision, the relevant Rules of Procedure were amended accordingly and the Director was instructed to develop a draft circular setting out the established practices of the governing bodies in respect of meetings for consideration at the next sessions of the governing bodies. The governing bodies were informed that, due to a scheduling conflict in the main IMO conference hall, it might be necessary to hold the next meeting in a smaller room or on a later date.

Note: This is a summary of key aspects of the sessions held and does not reflect the sessions in full. A comprehensive Record of Decisions may be obtained via the Document Services section of the IOPC Funds' website at www.iopcfunds.org.