

CIRCULAR: ID-O/PM/01/2018

Dated: 3rd January 2018

To: All Tanker Berth Users & Concerned Parties

Subject: The International Oil Pollution Compensation Fund 1992 (IOPC)

The purpose of this circular is to inform all tanker berth users and concerned/ interested parties that the International Oil Pollution Compensation Fund 1992 was established under the 1992 Fund Convention in order to provide compensation for the victims who do not obtain full compensation under the 1992 Civil Liability Convention. The 1992 Fund is financed by contribution from any person who has received in a calendar year more than 150,000 tonnes of crude oil or heavy fuel oil after sea transport in a 1992 Fund Member State.

The United Arab Emirates has become a member for the 1992 Fund by ratification on 26th June 1997. The total member countries in this Fund are around 114 members. The UAE Ministry of Energy is the focal point between the UAE government and the 1992 Fund.

The 1992 Fund Convention and the Supplementary Fund Protocol require that all Member States report to the Director of the International Oil Pollution Compensation Funds (IOPC Funds) each year the name and address of any company or entity in that State which is liable to pay contributions to the 1992 Fund and/or to the Supplementary Fund, as well as the quantity of contributing oil received by each of these companies and entities in the preceding year. The Funds International Regulations require that the reports should be submitted using the attached form and no later than 30 April each year.

Receipt of Contribution Oil:

Based on Article 10, Contribution under International Convention on the Establishment of an International Fund or Compensation for Oil Pollution Damage, 1992 all contribution oil received during the relevant calendar year should be reported if it was:

- ❖ Received in the port or terminal installations in the Member State directly after carriage by sea.
- ❖ Having been imported from other States, or
- ❖ Following coastal movement within the same (e.g. from terminals at sea from floating storage tanks, from offshore oil fields by vessel or after cabotage).

Signatures:

First, **The Contributing Oil Report Form** should be signed by a competent officer of the entity receiving contributing oil as certification the figures are correct.

Second, the Port of Authority should rectify and approve on the Form that all figures and numbers are complete and authentic.

Third, the form will be signed by the Ministry of Energy after the Port of Authority's rectification.

The Important dates with IOPC Fund 1992:

- 1. January:** The Secretariat sends a request to all member States for the Submission of oil reports for the proceeding calendar year.
- 2. April:** Oil reports are received by 30 April and processed.
- 3. October:** The governing bodies decide whether and how much to levy to the General Funds and Major Claim Funds.
- 4. November:** Invoices are issued to companies/entities which received in calendar year more than 150,000 tonnes of crude oil or heavy fuel, requesting them to pay contribution in accordance with the decision of the governing bodies.
- 5. March:** Payment of contributions is due, except in the case of deferred levies.

All Companies or Entities matching the above requirements shall submit the Contributing Oil Report Form (Effective for the Year 2017) by Email to Ehs.Ports@trk.pfc.ae / Adham.Eldin@trk.pfc.ae not after 31st January of Every Calendar Year.

Any contravention of these above mentioned requirements may result in appropriate sanction which may also include imposition of fines against the violator.

Please send your queries to Ehs.Ports@trk.pfc.ae , if you require any further clarifications.

Attachments:

- ❖ Report on Receipts of Contributing Oil. Article 13.1 of the 2003 Protocol to the Fund Convention (Supplementary Fund Protocol).
- ❖ The Contributing Oil Report Form.

Sincerely,



Salem Abdul Rahman Abdulla

Director Inspection Department - Trakhees

Cc:

DP World Harbour Master Office.

DP World UAE Region Marketing & Commercial Department.



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

REPORT ON RECEIPTS OF CONTRIBUTING OIL
made under

**Article 15.1 of the 1992 International Convention on the Establishment of an
International Fund for Compensation for Oil Pollution Damage
(1992 Fund Convention)**

and/or

**Article 13.1 of the 2003 Protocol to the 1992 Fund Convention
(Supplementary Fund Protocol)**

The 1992 Fund Convention and the Supplementary Fund Protocol require that all Member States report to the Director of the International Oil Pollution Compensation Funds (IOPC Funds) each year the name and address of any company or entity in that State which is liable to pay contributions to the 1992 Fund and/or to the Supplementary Fund, as well as the quantity of contributing oil received by each of these companies and entities in the preceding year. The Funds' Internal Regulations require that the reports should be submitted using this form and no later than 30 April each year.

Member States in which no company or entity is liable to pay contributions to the 1992 Fund and/or the Supplementary Fund should notify the Director accordingly.

Please note that a company or entity which receives contributing oil in a State which is a Member of the Supplementary Fund may need to submit separate reports in respect of the 1992 Fund and the Supplementary Fund, if that company or entity receives any contributing oil by modes of transport other than directly by sea (e.g. by pipeline, non-sea going barge, road or rail) from a State which was a Member of the 1992 Fund but was not a Member of the Supplementary Fund for all or part of the relevant year.

Please ensure that the report has been signed correctly before submitting it to:

Director of the IOPC Funds
23rd Floor Portland House
Bressenden Place
London SW1E 5PN
United Kingdom
Tel: +44 (0)20 7592 7100
Fax: +44 (0)20 7592 7111
oilreport@iopcfund.org

The form for reporting receipts of contributing oil should not be circulated without the notes on pages 1 - 2 and the definition of oil on the last page.

(Revised October 2012)

NOTES

COMPANY OR ENTITY RECEIVING CONTRIBUTING OIL

A report should be submitted for each company or entity that received more than 150 000 metric tonnes of contributing oil (crude oil and heavy fuel oil as set out on page 4 of this form) in any calendar year. Company or entity includes any individual or partnership, any public or private body, whether corporate or not, and a State or any of its sub-divisions, such as provinces or agencies.

However, a report should also be submitted for any individual entity that received less than 150 000 tonnes of contributing oil in any calendar year if it forms part of a group of "associated" companies or other entities which together received more than 150 000 tonnes of contributing oil in the same State in that year. "Associated" means any subsidiary or commonly controlled entity. Whether or not an entity is associated shall be determined by the national law of the State concerned.

RECEIPTS OF CONTRIBUTING OIL

All contributing oil received during the relevant calendar year should be reported if it was:

- A. received in the ports or terminal installations in the Member State directly after carriage by sea
 - having been imported from other States, or
 - following coastal movement within the same State (e.g. from terminals at sea, from floating storage tanks, from offshore oil fields by vessel or after cabotage), or
- B. received by other modes of transport (e.g. by pipeline, non-sea going barge, road or rail transport) from a non-Member State, after having been received in a port or terminal installation in that State after carriage by sea. Such oil is only liable for contributions on first receipt in a Member State.

Discharge into a floating tank within the territorial waters of the Member State (including its ports) constitutes a receipt, irrespective of whether the tank is connected with onshore installations via pipeline or not. Ships are considered to be floating tanks in this connection if they are 'dead' ships, ie if they are not ready to sail, or if they are permanently or semi-permanently at anchor.

"Received" does not include ship-to-ship transfer, irrespective of whether such a transfer

- takes place within a port area or outside the port but within territorial waters, or
- is done solely by using the ships' equipment or by means of a pipeline passing over land, or
- is between two sea-going vessels or from a sea-going vessel to an internal waterway vessel.

When the oil, after having been transferred in this way from a sea-going vessel to another vessel, has been carried by the latter to an onshore installation situated in the same Member State or in another Member State, the receipt in that installation shall be considered as receipt of oil carried by sea. However, in the case where the oil passes through a storage tank before being loaded to the other ship, it has to be reported as oil received at that tank in that State.

"Carriage by sea" does not include movement within the same port area.

SIGNATURES

The form should be signed by a competent officer of the company or entity receiving contributing oil as certification that the figures are correct. Should a Member State have declared that it assumes itself the liability to pay contributions in respect of oil received in the territory of that State, such a signature is not obligatory.

The form should also be signed by a responsible official of the Government or competent Government authority to indicate that the Government or authority is satisfied that the information given is complete and that the figures are correct.

CONTRIBUTING OIL

"Contributing oil" means crude oil and fuel oil defined as below.

"Crude oil" means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation. It also includes crude oils from which certain distillate fractions have been removed (sometimes referred to as "topped crudes") or to which certain distillate fractions have been added (sometimes referred to as "spiked" or "reconstituted" crudes).

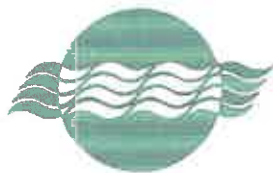
"Fuel oil" means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the "American Society for Testing and Materials' Specification for Number Four Fuel Oil (Designation D396-69)", or heavier.

The following list of contributing and non-contributing oil is intended as a guide for contributors.

Contributing Oil	Non-Contributing Oil
<p>Crude Oils</p> <ul style="list-style-type: none"> • All naturally occurring crude oils* • Condensate • Topped crudes • Spiked crudes • Reconstituted crudes <p>Finished Products</p> <ul style="list-style-type: none"> • No4 fuel (ASTM) • Navy special fuel • Light fuel oil • No 5 fuel (ASTM) – light • Medium fuel oil • No 5 fuel (ASTM) – heavy • Bunker C fuel oil • Heavy fuel oil • No 6 fuel oil (ASTM) • Blended fuel oils by viscosity or sulphur content • Bituminous emulsions and fuel oil emulsions** <p>Intermediate or Process Stocks</p> <ul style="list-style-type: none"> • Fuel oil blend stocks 	<p>Crude Oils</p> <ul style="list-style-type: none"> • Natural gas liquids • Condensate* • Casinghead naphtha • Natural gasoline • Cohasset-panuke <p>Finished Products</p> <ul style="list-style-type: none"> • LNG and LPG • Aviation gasolines - Motor gasoline (petrol, essence) • White spirit • Kerosene • Aviation kerosene - Jet 1 A and No 1 fuel (ASTM) • Gas oil • Heating oil • No 2 fuel (ASTM) - Lubricating oil • Marine diesel <p>Intermediate or Process Stocks</p> <ul style="list-style-type: none"> • Straight run naphtha • Light cracked naphtha • Heavy cracked naphtha • Platformate • Reformate • Steam-cracked naphtha • Polymers • Isomers • Alkylates • Catalytic cycle oil • Reformer feed • Steam cracker feed • Gas oil blend stocks • Catalytic cracker feedstock • Visbreaker feedstock • Aromatic tar

*To be considered as 'non-contributing oil' if more than 50% by volume distils at a temperature of 340°C and at least 95% by volume distils at a temperature of 370°C, when tested by the ASTM Method D 86/78 or any subsequent revision thereof.

**Quantity of emulsion received should be reported with no allowance for its water content.



International Oil Pollution Compensation Funds

23rd Floor Portland House | Bressenden Place | London SW1E 5PN UK
Tel +44(0)20 7592 7100 | Fax +44(0)20 7592 7111 | oilreport@iopcfund.org

CONTRIBUTING OIL REPORT FORM

Member State _____ 1992 Fund Supplementary Fund Oil Year _____

OIL RECEIVER

Company Name _____ No Association Association with _____

Invoice Contact Name _____ Title _____
Street _____ City _____ Postal Code _____
Phone _____ Fax _____ E-mail _____

Oil Report Contact Name (if different) _____ Title _____
Street _____ City _____ Postal Code _____
Phone _____ Fax _____ E-mail _____

OIL INFORMATION

Crude oil and heavy fuel oil. See back for more information.

Received directly after carriage by sea metric tonnes

Coastal movement within the same State metric tonnes

Received by other modes of transportation after carriage by sea from non-Member States

Name of non-Member State(s)

 Pipeline Ground Transportation Others metric tonnes

 Pipeline Ground Transportation Others metric tonnes

Total Contributing Oil metric tonnes

Company Official

SIGNATURE

Government Official

Signature _____ Date _____

Signature _____ Date _____

Name & Title _____

Name & Title _____

Phone _____ Fax _____

Phone _____ Fax _____

Email _____

Email _____

For IOPC Funds' Use only CTR/

Checked Date Approved Date