

International Maritime Organization

The IOPC Funds: Meeting of the Governing Bodies. (7-8 May 2026)

The meeting of the Governing Bodies of the 1992 Fund and of the Supplementary Fund took place at IMO Headquarters between 7 and 8 May 2026. The 1992 Fund Assembly Chair was Mr Francois Marier (Canada) and the Chair of the 1992 Fund Executive Committee was Ms Katarina McGhie Thompson (Antigua and Bermuda). The Chair of the Supplementary Fund Assembly was Mr Andrew Angel (United Kingdom of Great Britain and Northern Ireland). The quorum for the 1992 Fund was not achieved so the agenda was dealt with by the Administrative Council.

HNS Convention (IOPC/MAY26/8/1)

A significant event at the meetings was the report that following the ratification of the 2010 HNS Convention by Belgium, Germany, the Kingdom of the Netherlands and Sweden, the remaining obstacle to the entry into force of the Convention had been cleared. It has since been confirmed that the convention will enter into force on 29 November 2027. A number of other states, for example, Finland, Italy, and Antigua and Barbuda advised that they were intending to ratify the convention, although each was at a different stage of that process.

Preparing for the Entry and Force into the 2010 HNS Convention (IOPC/MAY26/8/2).

To a plan for the entry into force of the HNS Convention and to ensure that the HNS Fund can properly operate prior to its first Assembly, the State parties to the HNS Convention had indicated their preference for the HNS Fund to be co-located with the IOPC Funds in London and that the Director of the IOPC Funds should ex officio become the director of the HNS fund with secretarial services being provided by the secretariat of the IOPC Funds. There would be many benefits from such arrangements including cost savings, operational readiness, access to established claims-handling expertise, and the integration of financial and administrative systems.

In the debate States recognised the costs savings and other operational benefits and supported the proposals whilst emphasising there would need to be transparency as to a clear delineation between the assets of the 1992 and HNS Funds. It was also noted that the arrangements should not pre-empt the decision-making by the HNS Fund Assembly. Its autonomy should be preserved.

It was decided: (1) the HNS Fund headquarters should be co-located with the IOPC Funds Secretariat in London; and (2) the Director of the HNS Fund should be ex officio the person holding the post of Director of the 1992 Fund; (3) HNS Fund should on an interim basis, be operated by the 1992 Fund through an administrative service agreement; and (4) the Director of the 1992 Fund should take actions as appropriate to implement the above arrangements in time for the entry into force of the 2010 HNS Convention.

The potential impact of sanctions on the international liability and compensation regime (IOPC/MAY26/4/1)

The Director repeated his concern about the danger and potential impact upon the international liability and compensation regime arising from the so called “dark” or “shadow” fleet, a matter he has reported on since 2022. It is presently estimated there are in the region of 600-1,100 ships involved. IMO had adopted a resolution (Resolution A: (192(33)) which called upon the Flag States to take measures against dark fleet operations, in particular to ensure that ships on their registers adhered to measures which prohibit or regulate ship to ship transfers of oil and to consider requiring ships to register up to date STS plans, including notifying the Flag State when engaged in such operations. The same resolution called upon port states to enforce the safety and liability conventions, to notify Flag States of ships intentionally taking steps to avoid detection by turning off AIS and LRIT transmissions and to monitor STS operations within their territorial seas and EEZ. Notwithstanding, the dark fleet was able to evade safety compliance measures by turning off AIS transponders or “spoofing” false positions.

The principal concern identified were practical difficulties which might arise in dealing with an incident involving a vessel laded with Russian oil. In this regard there had cases in January 2026 of “dark” ships experiencing difficulties in the Mediterranean Sea. It was also evident that more tankers are being targeted outside typical war areas. Finally, there was an upward trend in tankers being abandoned.

In the case of tankers laden with Russian oil there was the possibility of the 1992 Fund having to pay additional compensation if a shipowner or insurer failed to establish a limitation fund or was unable to establish bank accounts from which the compensation could be paid.

Delegations expressed their deep concern at the risk posed by the dark fleet and its continuing expansion and noted in particular the financial risks posed to the IOPC Funds themselves. They stressed the need to be vigilant in ensuring that safety and environmental standards were complied with. The effectiveness and credibility of the international liability and compensation regime was at stake.

Finally, as at the meeting in November 2025, the Russian Federation reaffirmed its commitment to fulfil its international obligations related to merchant shipping and liability instruments. They again referred to the illegal and discriminatory nature of unilateral sanctions which, they said, were negatively affecting the functioning of the international liability and compensation regime.

The observer delegation from Ukraine also made a statement noting its own serious concerns and highlighted the case of the Volganefit tankers which illustrated the dangers associated with sub-standard tankers.

Incidents involving IOPC Funds

The secretariat reported only on seven incidents: Solar 1; Bow Jubail; Princess Empress; Gulfstream; Marine Honor; Terranova; and Agia Zoni II. There were no decisions to be taken. The full circumstances of each of these cases are set out in the report on the November 2025

meetings and do not need repeating save to the extent necessary to place the reports in their proper context.

SOLAR 1 (IOPC/MAY26/3/2)

The Philippines' registered tanker "SOLAR 1" (998GT) sank on 11 August 2006 when laden with a cargo of 2,081 tonnes of industrial fuel oil in the Guimaras Strait, 10 nautical miles of Guimaras Island in the Philippines.

There was nothing new to report on this case. The proceedings in respect of the claims by certain fishers and the municipal employees are continuing.

BOW JUBAIL (IOPC/MAY26/3/3 Rev.1)

On 23 June 2018, the oil and chemical tanker Bow Jubail (23 196 GT) collided with an LBC Tank Terminals jetty in Rotterdam, spilling fuel oil into the harbour. The resulting pollution affected nearby vessels, quays, property, and wildlife

Here it was reported that the process of assessing and paying claims was proceeding. As at 29 April 2026, 36 claims amounting to Euro 10.7 million have been paid, but 4 further offers of payment were awaiting acceptance. A further 44 claims totalling Euro 13.8 million, USD 1.92 million and NOK 152,070 were being assessed.

In the debate one delegation noted that the case remains instructive in highlighting the need for clarity in respect of the definition of "ship." It was important for there to be uniform application of admissibility criteria: one ensuring that compensation processes remained timely, transparent and financially sustainable. This was necessary because the increasing problems of business interruption and port related economic losses needed to be approached in a uniform and robust manner.

PRINCESS EMPRESS (IOPC/MAY26/3/4)

The Philippine flagged "PRINCESS EMPRESS" (508 GT) sank off the coast of Naujan, Oriental Mindoro in the Philippines on February 28th 2023. She was carrying 800,000 litres of fuel oil as cargo. An oil spill occurred causing widespread pollution damage. As oil continued to leak from the wreck it was decided to remove the remaining oil. This operation was completed in June 2023. Clean-up operations have been concluded.

It was reported that the claim submission office had received a total of 40,881 claims mainly in the fishery sector in an amount of PHP 5798.49 million. Some 37 054 claims had been paid at a total of PHP 2 792.82 million (including provisional payments), and the payment of claims was continuing. 3 829 claims had been rejected. There had been logged 37, 892 claims in the fisheries sector for a total claimed amount of PHP 1, 896.9 million.

It was further noted that 83 claims relating to clean-up and preventive measures totalling the equivalent of PHP 3 171.26 million had been received.

It was also noted that 2 014 claims from the tourism sector had been approved for a total of PHP 12.7 million, of which 1 902 claims had been paid, with amounts totalling PHP 9.4 million.

At the urging of the 1992 Fund, government agencies in Manila had commenced proceedings prior to the expiry of the 3 year time limit on 28 February 2026. It had been agreed that those actions would be stayed whilst the claims were assessed and out of court sentiment sorted if possible.

In the debate the delegation of the Philippines thanked the Director for the reminders they had been given to submit institutional claims before the time bar took effect. The Philippine Coast Guard, the Office of Civil Defence, Maritime Industry Authority, Department of Social Welfare and Development, Fisheries and Aquatic Resources, and the Department of Environmental and Natural Resources had filed relevant claims.

GULFSTREAM (IOPC/MAY26/3/5)

This case concerns an articulated barge “GULFSTREAM”, towed by the tug “SOLO CREED”, which capsized on 5/6 February 2024, spilling an unknown quantity of its 4,650mt cargo of persistent bunker fuel cargo and polluted some 15km of the coastline of Tobago. Traces of oil and tar balls were washed up on the coast of Bonaire (Kingdom of Netherlands). The barge was on a voyage from Pozuelo Bay, Bolivarian Republic of Venezuela, to Guyana

The 1992 Fund's focal point office in Trinidad had to date received 357 claims totalling USD 48.5 million. The claims relate to clean-up operations and fisheries. A significant number of the 177 fisheries claims submitted had been assessed.

The other development was that the 32,675 barrels of oil removed by the salvors had now been sold at the value of USD 986,000, which will be deducted from the claims submitted by the Trinidadian authorities.

In its intervention, the delegation from Trinidad and Tobago whilst thanking the IOPC funds for support in progressing the assessment and payment of claims, noted that challenges existed particularly for small States like theirs to be able to dedicate sufficient resources to manage the claims process and to continue with the investigation as to the whereabouts of the “SOLO CREED”.

MARINE HONOR (IOPC/MAY26/3/6)

The “MARINE HONOUR” while stationery at the Pasir Pangang Terminal, Singapore was struck by a hopper dredger “VOX MAXIMA”. This in turn caused the “MARINE HONOUR” to make contact with the “EVER BLINK”. As a consequence, the hull of “MARINE HONOUR” was breached resulting in a spill of fuel oil 380. The quantity is estimated at 817mt.

It was reported that by 16 March 2026 595 claims had been registered, amounting in total to SGD 75, 992, 588. The insurer QBE has submitted further claims, bringing its total claimed amounts to SGD 7, 725, 829 and USD 22,849, 478. A provisional payment of USD 11 million had been made to QBE in March 2025. The 1992 Fund has approved claims totalling SGD 4,689, 067 and USD 17, 858, 290 in relation to QBE’s claims for oil spill response and prevention, and expert fees. Approved amounts have exceeded the provisional payment and assessments of QBE’s remaining claims are ongoing.

Singapore government agencies have claimed a total of SGD 16, 762, 958 for response costs. The 1992 Fund has approved SGD 5,589, 102. The remaining amounts are subject to ongoing assessments and further claims are expected.

There are also claims from businesses in the tourism and hospitality sector. Private pleasure craft owners have claimed for oiled hulls and damaged equipment, while commercial vessel owners have claimed for hull cleaning costs and loss of hire.

A total of 139 fishers in Johor have also submitted claims for property damage and economic losses totalling MYR 622 562. The 1992 Fund has engaged fisheries experts from Universiti Malaysia Terengganu. In December 2025, the experts visited the affected communities to conduct surveys and interviews. Assessment of the claims is underway.

In summary, the 1992 Fund has approved 453 claims totalling SGD 40,197,415 and paid SGD 31,408,371 in compensation.

In an intervention, the delegation of Malaysia stated that it appreciated the appointment fisheries expert from Malaysia to undertake field assessments, surveys and community engagement activities. It is viewed as an important step, having a transparent, evidence-based and technically credible assessment process. The timely and fair compensation system remained essential in safeguarding the livelihoods of coastal communities and maintaining confidence in the compensation regime.

TERRANOVA (IOPC/MAY26/3/7)

The “TERRANOVA” capsized and sank in 3 metres on the east side of Manilla Bay, Philippines after encountering heavy weather during typhoon Gaemi. Sadly one crew member lost his life. The ship was carrying 1,468,896 litres of IFO 230. Luckily 97% of the cargo was recovered from the ship. A wreck removal order was made on 23 October 2024 by the Philippines Coastguard on the basis that the remaining 3% of cargo was a continuing hazard to the marine environment. The wreck was successfully removed and the contractors demobilised on 21 September 2025.

A claims office has been opened in the provinces of Bataan and Cavite, Philippines

As at 1 May 2026, the claims offices in Bataan and Cavite have collected 45,021 claims in the fisheries sector. All the fisheries claims collected and registered amount to PHP 1, 338, 041, 354. The first batch of claims, consisting of 1 965 fisheries claims in Bataan, were assessed and approved for PHP 28, 390, 364

It was also reported that the fisheries experts had delivered their final report and that assessment models were being developed for the remaining claims in Bataan, Cavite and Bulacan. It was further reported that the fisheries studies had demonstrated a sustained reduction in consumer confidence, which had resulted in ongoing economic loss to fisheries claimants to varying degrees from July until December 2024.

The Philippine Coast Guard had very recently submitted a claim for clean-up costs which was being registered and reviewed.

It was noted finally by the Director that claims were likely to exceed the STOPIA limit.

AGIA ZONI II (IOPC/MAY26/3/8)

This long-standing claim concerns a small and very old tanker which sank in mysterious circumstances in the northern part of Piraeus anchorage area. Serious pollution was caused by the 500 tonnes of oil which escaped from the wreck. Since then, the wreck has been raised and placed in drydock. Two local investigations have reached different conclusions as to the cause of the sinking. One concluded that there had been an explosion on board but the other found that water had been deliberately introduced by opening ballast tank valves. This “scuttling” was planned, it is suggested, by the shipowner working in conjunction with the salvors and/or one of the clean-up contracting companies.

The ASNA report concluded that the accident should be attributed to the deliberate and negligent actions of the shipowner, two crew members who were on board at the crucial time, the shipowner’s General Manager and representatives of the Salvage/clean-up companies.

An investigation was undertaken by the Piraeus Public Prosecutor into the causes of the sinking and in June 2021 the Fund’s lawyer and a number of other parties were called and questioned by the Prosecutor. The Fund’s lawyer was questioned about the procedure which had been adopted for the payment of claims including those of the clean-up contractors.

The criminal department of the Piraeus court concluded that of those potentially involved in the deliberate sinking there were clear indications of criminal conduct on the part of the engine room crew, the AB seaman, the Master, the shipowning company representative and the representative of the first clean-up company. The decision has been made to prosecute the two seaman who remained on board for intentionally causing pollution by unscrewing the cargo tank covers and deliberately flooding the vessel causing it to sink. The Master, the representative of the shipowner and the representative of the first clean-up company will be charged with instigating the criminal activities which took place.

In May 2025, the criminal court of Piraeus issued its judgement finding guilty the Master, the manager/legal representative of the owning company, and the Managing Director of one of the clean-up contractors, for the sinking of the ship and the ensuing pollution. The convictions are under appeal.

Matters , broadly speaking, remained on hold, pending outcome of the appeals. The principal development to be reported since November 2025 was the issue in late 2025 by the Piraeus Court of Appeal of its detailed judgment, running to 1074 pages, on, inter alia, the application of the CLC provisions, the right of the 1992 Fund to appeal against the decisions of the limitation fund administrator to reject subrogated claims filed after the deadline of 5 May 2018 and the amounts awarded to claimants.

The judgment was still under review, but had established a number of legal precedents including:

1. The effect of Article III(4) of the 1992 CLC is that the provisions of the 1992 CLC are the only legal ground for any pollution claimed subject to the 1992 CLC. Provisions of tort or other national legislation on pollution cannot be applicable to such cases.

- (a) Anti-pollution costs (cleaning actions and preventive measures) are compensated only if those actions and measures are considered reasonable which is considered on an ad hoc basis taking into consideration the geographical position of the incident, the time of year, weather conditions, type and quantity of oil spilled (or at risk of being spilled), the risk of pollution and the availability of anti-pollution services.
 - (b) In addition to the reasonableness of the cleaning of the preventive measures, the cost of such actions should also be reasonable. It requires an examination of the principle of proportionality between the actual cost and the result achieved, serves to keep a fair equilibrium between the interests of the party provided anti-pollution services and the party paying the cost. As a result, the reasonableness of such costs cannot be identical to the tariff rates used by the anti-pollution service provider.
2. On the submission of the 1992 funds appeal against the refusal of the limitation fund administrator to accept subrogated claims that had been settled after the provisional list of claims had been issued, the judgment held that the procedure of establishing and distributing limitation fund is not regulated by 1992 CLC but is left to national legislation. The time limit for submitting claims had expired before the 1992 Fund had become subrogated. The dismissal of those claims by the administrator was upheld

An appeal is possible from the Piraeus Appeal Court to the Supreme Court within two years of the judgment, until 31-10-27. The distribution of the limitation fund will commence upon the Supreme Court issuing its judgment or the time for appealing having expired. However, the 1922 fund will await the results of the criminal proceedings before paying any further sums in respect of the claims submitted by the clean-up contractors indicted for sinking the ship.

In the debate, one delegation noted that the judgment raised important issues relevant to both claims handling and financial management. It was important for the 1992 Fund to recover the amounts it had paid by exercising subrogated claims to the fullest extent and it was regrettable that Greek court did not accept the claims in this case. That said, it was also noted that national legislation sometimes provided a relatively short period for submitting claims against the limitation fund. The problem was that such legislation might not allow submission of estimated claims on a tentative basis. That could result, as in the present case, in the rights of subrogation not being possible to be effectively exploited.

Following the debate, the Director confirmed that it had been impossible for the 1992 Fund to submit a provisional claim because the Limitation Fund Administrator required precise details to be filed before the publication of the list of claims. The judgment would be further considered to identify any aspects which might be contrary to the 1992 Civil Liability or Fund conventions that there would be a report at next session of the Executive Committee.

Andrew Taylor