



Claims Manual Update

The 6th edition of the 1992 Fund Claims Manual was published in November 2016 and is available to download via the publications page of the IOPC Funds' website. This latest edition, which is available in English, French and Spanish, incorporates the text approved in April 2016 regarding compensation for claims for VAT by central governments (see below) and other minor editorial amendments. The IOPC Funds address has also been updated as the offices of the Secretariat relocated in July 2016.

In light of the ongoing development of the online claims submission system and the discussions within the IOPC Funds governing bodies in relation to the presentation of claims for environmental damage, there is a possibility that further amendments to the text of the Claims Manual may be required in 2017. For that reason, this 6th edition is not currently available in hard copy. In the meantime the 5th edition of the Claims Manual (October 2013) may continue to be issued in hard copy on request together with this explanatory note.

Claims Manual Update

New paragraphs from the 6th edition of the Claims Manual.

Claims for VAT by central governments

- 3.1.20** The central government of an affected State may incur significant costs following an oil spill, inter alia, by using its own resources to undertake the clean-up and counter-pollution operations, or by engaging private contractors specialising in the collection, transport and treatment of waste.
- 3.1.21** The central government of a Member State which incurs VAT in connection with the prevention of oil pollution operations may recover VAT, if its national law allows for its inclusion in the claim for compensation.
- 3.1.22** In cases where it is not clear whether national law allows for the inclusion of VAT in the claim for compensation, the claim will be assessed applying the rules of the law of damages, namely that:
- (1) a party may not recover damages where it has suffered no loss; and
 - (2) a party may not enjoy a double recovery of damages.

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