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LC-LP.1/Circ.33/Rev.2
15 February 2016

**CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING
OF WASTES AND OTHER MATTER, 1972 AND ITS 1996 PROTOCOL**

**UPDATED TEXT OF THE
"LONDON CONVENTION/PROTOCOL TC-TRUST FUND"**

1 Focal Points in the National Administration of Contracting Parties to the London Convention and Protocol were advised in circular LC-LP.1/Circ.33/Rev.1 (issued on 1 February 2011) that the Secretary-General of IMO had updated the terms of reference for the "*London Convention/Protocol TC Trust Fund*" which had been established on 1 December 2009 at the recommendation of the governing bodies in 2008 (LC 30/16, paragraph 13.11).

2 The updated terms of reference for the Trust Fund are set out in the annex hereto, together with some operational procedures in an appendix. The only new issue in this updated text concerns references: to the Office for the London Convention and Protocol; to bank account details for the Trust Fund; and reporting mechanisms. For convenience purposes the complete text is reproduced.

3 It should be recalled that contributions to the Trust Fund are *voluntary only* and will be used to collect and administer funds received as from 2010 for technical cooperation activities.

4 For further information about the Trust Fund or for making contributions to it, please contact:

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ANNEX

LONDON CONVENTION/PROTOCOL TC-TRUST FUND TERMS OF REFERENCE

Establishment and authority of the Trust Fund

1 The "*London Convention/Protocol TC-Trust Fund*", hereinafter called the "Trust Fund", is established by the Secretary-General under IMO's Financial Regulations on 1 December 2009. The Trust Fund shall be administered in conformity with the Organization's Financial Regulations and Financial Rules. Management of the Trust Fund also requires observance of the Organization's Staff Regulations and Staff Rules, and other policies or procedures promulgated by the Secretary-General. Exceptions to such regulations, rules, policies or procedures are not permissible, unless specifically authorized by the Secretary-General.

Purpose of the Trust Fund

2 The purpose of the Trust Fund is to provide a "dedicated source of financial support for technical cooperation and assistance activities, as approved by the LC/LP governing bodies, to promote membership of the London Protocol and strengthen national marine pollution prevention and management capacities to achieve compliance with the London Convention and Protocol". The Trust Fund also provides the financial mechanism to support the implementation of the Long-term Strategy for Technical Cooperation and Assistance under article IX of the London Convention and its equivalent article 13 of the London Protocol.

Contributions to the Trust Fund

3 The resources of the Trust Fund include:

- .1 voluntary contributions from Contracting Parties to the London Convention and Protocol, non-Contracting Parties, UN Agencies, international organizations, and other entities having expressed their support for the objectives and aims of the London Convention and Protocol; and
- .2 any income arising from investments/balances of the Trust Fund.

4 A pledge to the Trust Fund may only be accepted by the Director, Administrative Division (IMO).

5 Contributions for the Trust Fund may be accepted in United States dollars, Sterling pounds, Euros or other fully convertible currencies. Contributions in currencies which are not convertible may be accepted, but only if the Director, Administrative Division determines that the currency can be fully utilized in the implementation of the related activity. Contributions in kind are given an estimated monetary value by the Director, Administrative Division at the time the pledges are received.

6 The making of a pledge and its acceptance are to be recorded in an exchange of letters, or, if deemed appropriate, in a more formal agreement.

7 IMO will issue an invoice, with the relevant payment instruction, on acceptance of an agreement on the pledged amount.

8 Contributions will normally be received for the purpose as described in paragraph 2 above. However, individual donors may indicate for which of the approved technical cooperation and assistance activities their contributions are preferably used. If such contribution cannot be used as intended, the donor will be consulted on its appropriate use.

Administration of the Trust Fund and spending authority

9 The Secretary-General designates the Office for the London Convention/Protocol and Ocean Affairs as the principal implementing office of the Trust Fund, which will be responsible for coordinating all aspects of the work programme to be financed from the Trust Fund.

10 In accordance with IMO Financial Regulation 10.2, no obligations or disbursements against any funds may be incurred without the written authorization of the Secretary-General or on his behalf from the Director, Administrative Division. Such authorizations take the form of allotments which will be issued only after sufficient contributions have been received to meet the requirements for initial financial obligations and for any reserves which may be required.

Audit

11 The Trust Fund is subject to audit by the externally appointed auditors and the internal auditor of the Organization, under article XII of the IMO Financial Regulations. No other additional or special audit arrangement shall be made with donors.

Reporting

12 An overall annual financial report on the Trust Fund, expressed in United States dollars in the IMO's standard format will be prepared within 60 calendar days after issue of the External Auditor's final audit report. For the purpose of recording receipts and/or payments, all transactions will be converted into United States dollars at the prevailing United Nations Operational Rates of Exchange (UNORE) at the time of the transaction. Any exchange difference arising from such transactions and any bank charges incurred will be charged to the project.

13 The Office for the London Convention/Protocol and Ocean Affairs will regularly report to the LC/LP governing bodies on the outcome of specific activities and projects funded through the Trust Fund.

Closure of the Trust Fund

14 The Trust Fund may be terminated when all of the programmes have been satisfactorily completed and agreed upon by all parties concerned.

15 Any other balances remaining at the time the Trust Fund is closed will be disposed of in a manner consistent with the purposes of the Trust Fund and with the Financial Regulations and Financial Rules of the Organization.

APPENDIX

OPERATIONAL PROCEDURES

Preparation of a programme implementation plan

1 A programme implementation document (PID) together with a corresponding cost plan is a prerequisite for the commencement of operations. The identified programme implementing officer will submit to the IMO Contract Manager, for approval, the PID including costing, which represents a detailed budget and a plan of activities, clearly outlining the expected accomplishments and allocation of funds.

2 All cost plans for the Trust Fund, including those for operational activities, must include a provision for support costs¹ at a rate approved by the Director, Administrative Division.

Administration of the Trust Fund

3 For the purpose of ensuring proper financial controls, the Head of the Office for the London Convention/Protocol and Ocean Affairs shall be the implementing officer of the Trust Fund.

4 The Contract Manager shall be responsible for ensuring that the Trust Fund is utilized for the purpose as described in these terms of reference and the implementation of programme activities under the Trust Fund.

¹ These costs are used for procedures to select consultants and for contract and project management by the Secretariat and administration support services.