

9. For the purposes of ascertaining the date of an incident where that incident consists of a series of occurrences, the incident shall be treated as having occurred on the date of the first such occurrence.

#### ARTICLE 2

1. An International Fund for compensation for pollution damage, to be named "The International Oil Pollution Compensation Fund" and hereinafter referred to as "The Fund," is hereby established with the following aims:

- (a) to provide compensation for pollution damage to the extent that the protection afforded by the Liability Convention is inadequate;
- (b) to give relief to shipowners in respect of the additional financial burden imposed on them by the Liability Convention, such relief being subject to conditions designed to insure compliance with safety at sea and other conventions;
- (c) to give effect to the related purposes set out in this Convention.

2. The Fund shall in each Contracting State be recognized as a legal person capable under the laws of that state of assuming rights and obligations and of being a party in legal proceedings before the courts of that state. Each Contracting State shall recognize the Director of the Fund (hereinafter referred to as "The Director") as the legal representative of the Fund.

#### ARTICLE 3

This Convention shall apply:

1. with regard to compensation according to Article 4, exclusively to pollution damage caused on the territory including the territorial sea of a Contracting State, and so preventive measures taken to prevent or minimize such damage.

2. with regard to indemnification of shipowners and their guarantors according to Article 5, exclusively in respect of pollution damage caused on the territory including the territorial sea of a state party to the Liability Convention, by a ship registered in or flying the flag of a Contracting State and in respect of preventive measures taken to prevent or minimize such damage.

#### *Compensation and Indemnification*

#### ARTICLE 4

1. For the purpose of fulfilling its function under Article 2, paragraph 1(a), the Fund shall pay compensation to any person suffering pollution damage if such person has been unable to obtain full and adequate compensation for the damage under the terms of the Liability Convention,

- (a) because no liability for the damage arises under the Liability Convention;