

International Oil Pollution  
Compensation Funds

Agenda item 3	IOPC/NOV25/3/9	
Date	27 August 2025	
Original	English	
1992 Fund Assembly	92A30	
1992 Fund Executive Committee	92EC85	●
Supplementary Fund Assembly	SA22	

## INCIDENTS INVOLVING THE IOPC FUNDS — 1992 FUND

### BOW JUBAIL

#### Note by the Secretariat

**Objective of document:** To inform the 1992 Fund Executive Committee of the latest developments regarding this incident.

**Summary:**

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.

In March 2023, the Supreme Court of the Netherlands confirmed that *Bow Jubail* qualified as a ‘ship’ under the 1992 Civil Liability Convention (1992 CLC), making the 1992 Civil Liability and Fund Conventions applicable. The 1992 CLC limits liability to SDR 15.99 million, but the shipowner is a party to STOPIA 2006 (as amended 2017)<sup><1></sup>, voluntarily raising the limit to SDR 20 million.

Legal actions were filed against the shipowner, its insurer (Gard P&I Bermuda), and others. The 1992 Fund was included in some cases. In June 2023, the insurer applied to the Limitation Court to limit its liability to SDR 15.99 million via a Letter of Undertaking (LoU), but in October 2023, the Court rejected the application for excluding accrued interest. The insurer made a revised application in December 2023 including interest.

In May 2024, the Court approved a limitation fund of SDR 18.9 million (EUR 23.03 million)<sup><2></sup>, including interest and costs. This sum was deposited by the insurer.

Ahead of the six-year time bar on 23 June 2024, the 1992 Fund notified claimants to protect their rights. By August 2024, 44 claims had been filed, totalling EUR 30.8 million, USD 1.92 million and NOK 152 070. Most claimants reserved the right to amend the claimed amounts, so as at 13 August 2025, the total amount claimed remains unknown.

**Recent developments:** Experts appointed by the 1992 Fund and the insurer are assessing claims. As at 13 August 2025, 19 claims have been paid and four further offers of payment have been made.

<1> From this point forward, references to ‘STOPIA 2006’ should be taken to read ‘STOPIA 2006 (as amended 2017)’.

<2> At the rate of SDR 1 = EUR 1.218930, based on the date of establishing the limitation fund.

	A court hearing initially scheduled for September 2024 was adjourned to January 2025 and later to February 2026, to allow more time for assessments to be completed and for claims to be paid.
<b>Action to be taken:</b>	<u>1992 Fund Executive Committee</u>
	Information to be noted.

## 1 Summary of incident

Ship	<i>Bow Jubail</i>
Date of incident	23.06.2018
Place of incident	Rotterdam, the Netherlands
Cause of incident	Collision with a jetty
Quantity of oil spilled	Approximately 217 tonnes of heavy fuel oil
Area affected	Rotterdam Port, the Netherlands
Flag State of ship	Norway
Gross tonnage	23 196 GT
P&I insurer	Gard P&I (Bermuda) Ltd
1992 CLC limit	SDR 15 991 676
STOPIA/TOPIA applicable	Yes – SDR 20 million
1992 CLC + 1992 Fund + Supplementary Fund limit	The total compensation available would be SDR 750 million.
Legal proceedings	<p>Legal actions have been brought by several claimants before the District Court in Rotterdam against the shipowner, its insurer and other parties. The 1992 Fund has been notified or included as a defendant in some of the actions.</p> <p>In May 2024, the shipowner established the limitation fund, including interest and costs, for this incident under the 1992 CLC before the Rotterdam District Court.</p> <p>In August 2024, the limitation fund assessor received claims from 44 claimants. The 1992 Fund's experts commenced assessment of those claims.</p>

## 2 Background information

- 2.1 On 23 June 2018, the oil and chemical tanker *Bow Jubail* (23 196 GT) collided with a jetty owned by LBC Tank Terminals in Rotterdam, the Netherlands. As a consequence of the collision, a leak occurred in the area of the starboard bunker tank, resulting in a spill of fuel oil into the harbour. The ensuing pollution affected vessels in the vicinity, quays and other property, and wildlife.
- 2.2 Full details of the incident can be found in the [Bow Jubail incident report](#) on the IOPC Funds' website.

### **3 Applicability of the Conventions**

- 3.1 The Netherlands is Party to the 1992 Civil Liability and Fund Conventions and the Supplementary Fund Protocol.
- 3.2 The 1992 Civil Liability Convention (1992 CLC) applies to this case, thus the 1992 Fund Convention will also apply to this case. However, it is unlikely that the Supplementary Fund Protocol would apply as the losses are unlikely to exceed the limit of liability under the 1992 Fund Convention.
- 3.3 The ship is insured with Gard P&I (Bermuda) Ltd, which is a member of the International Group of P&I Associations. The limitation amount applicable to the *Bow Jubail* is SDR 15 991 676, but the owner of the *Bow Jubail* is a party to STOPIA 2006, whereby the shipowner would indemnify, on a voluntary basis, the 1992 Fund up to SDR 20 million.

### **4 Limitation proceedings**

- 4.1 Limitation proceedings under the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (2001 Bunkers Convention)

Details of the limitation proceedings initially commenced under the 2001 Bunkers Convention can be found in documents [IOPC/MAY23/3/6](#) and [IOPC/MAY23/3/6/1](#).

- 4.2 Limitation proceedings under the 1992 CLC

- 4.2.1 In June 2023, the shipowner applied before the Rotterdam District Court for leave to limit its liability in accordance with the 1992 CLC, requesting to establish a limitation fund in the form of an LoU issued by the shipowner's insurer, Gard P&I (Bermuda) Ltd for the 1992 CLC amount.
- 4.2.2 The first hearing of the Rotterdam District Court was held in September 2023. The 1992 Fund attended the hearing with the Fund's lawyers, since it was expected that the liability arising out of this incident would exceed the 1992 CLC limit.
- 4.2.3 In October 2023, the Rotterdam District Court rejected the application, indicating that the application to limit liability under the 1992 CLC should include the interest accrued over the period between the date of the incident and the date the limitation fund was set up. It then informed the shipowner that it could either amend its application to increase the amount of the limitation to include interest, or submit another application which included the interest.
- 4.2.4 In December 2023, the shipowner submitted a new application to limit its liability under the 1992 CLC, for an amount which included interest commencing from the start of the day after the incident up to the start of the day following which the fund would be constituted.
- 4.2.5 In May 2024, the Rotterdam District Court accepted the shipowner's amended application to increase the amount of the limitation to include interest, and the sum of EUR 23.03 million (including interest and costs) was paid into Court.

### **5 Civil proceedings**

- 5.1 A total of 29 legal actions were brought by 57 claimants before the Rotterdam District Court against the shipowner, its insurer and other parties, in order to protect their right to receive compensation in case the Supreme Court decided the *Bow Jubail* qualified as a 'ship' under the 1992 CLC. The 1992 Fund has been notified of all the actions and has been included as a defendant in most of them. Given the decision of the Supreme Court in March 2023, these claims have now been filed in the limitation proceedings.

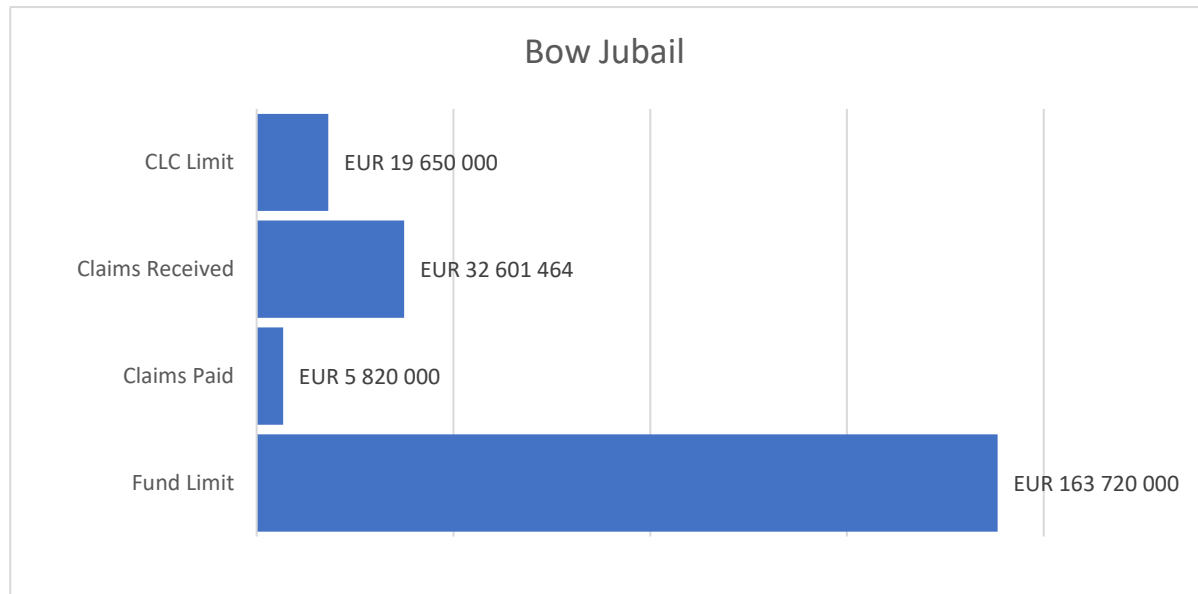
- 5.2 In August 2024, the time limit for claimants to file claims before the limitation fund assessor expired. A total of 44 claims were filed for EUR 30.8 million, USD 1.92 million and NOK 152 070. All but one of the claims reserved the right to amend their claims by the addition of further sums, so at present the total sum claimed is still unknown.
- 5.3 The 1992 Fund's lawyers checked to ascertain whether all claims were filed against the 1992 Fund within the relevant time bar period, and whether there was any difference between claims filed against the 1992 Fund and those filed with the limitation fund assessor.
- 5.3 The majority of the claims submitted consist of property damage, and demurrage (delay) and detention costs due to the temporary closure of port areas, which stopped cargo ships entering or leaving the port. Other examples of damages which have been claimed include the costs of cleaning ships, and loss of profit and turnover of claimants' shipping activities due to the temporary closure of the contaminated port. The 1992 Fund has employed additional business interruption experts in order to fairly assess such claims.
- 5.4 A court hearing was set for September 2024 for the limitation fund assessor to report to the Rotterdam District Court on the progress of assessing claims, but given the short time period between the claims and supporting documents being provided to the limitation fund assessor, and the proposed court hearing date, an application was made to adjourn the hearing date until January 2025; that date was subsequently agreed to be adjourned until February 2026, to enable substantial progress to be made in assessing the claims.
- 5.5 The 1992 Fund Secretariat has met regularly online with the P&I Club and the lawyers and surveyors to discuss the progress and assessments of the claims submitted.

## **6 Claims for compensation**

- 6.1 The 1992 Fund was notified of the limitation proceedings brought against the shipowner within three years from the date when the damage occurred. Consequently, the IOPC Funds informed those claimants who only notified the 1992 Fund of their claims, that they should have commenced a lawsuit by 23 June 2024, to protect their rights.
- 6.2 The 1992 Fund's experts have commenced assessing the 44 claims totalling EUR 30.8 million, USD 1.92 million and NOK 152 070 that were filed with the limitation fund assessor in August 2024. As at 13 August 2025, twenty claims totalling EUR 9.3 million have been assessed, with nineteen claims amounting to EUR 5.82 million paid. Four further offers of payment have been made and await acceptance. Work will soon commence on the assessment of some of the largest claims submitted by the Dutch State and the Port Authority.

6.3 Summary of compensation<sup><3></sup>

	Incident currency	GBP
<b>1992 CLC/STOPIA 2006 limit</b>	EUR 19.65 million	GBP 18.22 million
<b>1992 Fund Convention limit (SDR 203 million)</b>	EUR 251.58 million	GBP 218.52 million
<b>Claims received</b>	EUR 30.8 million USD 1.92 million NOK 152 070	GBP 28.32 million
<b>Claims approved</b>	EUR 5.84 million	GBP 5.07 million
<b>Claims paid</b>	EUR 5.82 million	GBP 5.05 million

**7 Director's considerations**

- 7.1 The *Bow Jubail* incident occurred on 23 June 2018.
- 7.2 Due to the legal proceedings under the 2001 Bunkers Convention and the late involvement of the 1992 Fund in the case, the filing of claims with the limitation fund assessor only concluded in August 2024. The Director is pleased to note the progress of the claims assessment since August 2024 and the good co-operation enjoyed with the P&I Club.
- 7.3 The Director notes that substantial progress has been made with the assessment of the claims which were filed with the limitation fund assessor. The Director also notes that due to the progress made, further compensation will shortly be paid as the claims assessment process continues, with the 1992 Fund hoping to complete all claims assessments and payments in 2026.
- 7.4 The Director will report on further developments at the next session of the 1992 Fund Executive Committee.

<sup><3></sup> With the exception of claims paid, currency conversions are indicative only and intended to assist the reader. Currency conversions are calculated using the FX rates applicable as at 25 May 2023 when the Director was authorised to pay claims. SDR 1 = EUR 0.8065 = GBP 0.9273. Figures are subject to change due to fluctuations in the exchange rates and intervening events.

**8      Action to be taken**

1992 Fund Executive Committee

The 1992 Fund Executive Committee is invited to take note of the information contained in this document.

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