



INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUND 1992

EXECUTIVE COMMITTEE  
24th session  
Agenda item 3

92FUND/EXC.24/5/Add.1  
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## INCIDENTS INVOLVING THE 1992 FUND

### PRESTIGE

#### ESTIMATE OF THE COST OF THE INCIDENT AND LEVEL OF PAYMENTS

#### Note by the Director

**Summary:**

At a meeting held on 9 February 2004 in the 1992 Fund's office representatives of the Spanish, French and Portuguese Governments provided additional information on the extent of the damage resulting from the *Prestige* incident. They gave estimates of €334.8 million (£588 million) in respect of Spain, €176.2–179.3 million (£124–126 million) in respect of France and €3.25 million (£2.3 million) in respect of Portugal. These figures give a total of some €1 020 million (£718 million).

In the light of this information, the Director proposes that the level of the 1992 Fund's payments should be maintained at 15% of the loss or damage suffered by the respective claimants as assessed by the 1992 Fund's experts.

**Action to be taken:** To review the level of the 1992 Fund's payments

- 1 **Information provided by the Spanish, French and Portuguese Governments on the damage caused by the incident**
  - 1.1 A meeting was held at the offices of the 1992 Fund on 9 February 2004 with representatives of the Spanish, French and Portuguese Governments.

*Damage in Spain*

- 1.2 The representatives of the Spanish Government informed the Director that the Government had estimated the total damage in Spain to be €34.8 million (£588 million) set out in the table below:

Clean-up offshore	€83.6 million
Clean-up onshore	€14.7 million
Payments of aid to fisheries sector	€28.8 million
Other private businesses	€100 million
Removal of oil from the wreck	€99.3 million
Other losses	€8.4 million
<b>Total</b>	<b>€334.8 million</b>

- 1.3 The Spanish Government's representatives gave the following additional information:

- Approximately 24 000 persons in the fisheries sector had been affected by the pollution from the *Prestige*. Of these, some 23 000 had submitted claims to the Spanish Government under the Royal Decree (document 92FUND/EXC.24/5, paragraph 7.5). In addition, some 5 000 claims had been received under the Royal Decree from individuals and businesses in the mariculture, tourism and other sectors.
- Some €75 million was presently available for payment of compensation in accordance with the Royal Decree, €7.5 million of which had been received from the 1992 Fund and €7.5 million from other sources.

*Damage in France*

- 1.4 The representatives of the French Government informed the Director that the damage suffered in France as a result of the *Prestige* incident had been estimated at €176.2 – 179.3 million (£124 – 126 million) as shown in the following table.

Clean-up (Central Government)	€7 million
Clean-up (others)	€2.5 – 15.0 million
Tourism (Aquitaine)	€1.6 million
Fisheries and mariculture (Aquitaine)	€6.1 – 6.7 million
Environmental damage	€9 million
<b>Total</b>	<b>€176.2 – 179.3 million</b>

- 1.5 The representatives of the French Government also stated that it was the intention of the Government to pay to individual claimants the difference between the amount paid by the 1992 Fund (currently 15% of the assessed amount) and the amount of the losses as assessed by the Fund.

*Damage in Portugal*

- 1.6 The representatives of the Portuguese Government informed the Director that the total amount of the damage in Portugal was some €3.25 million (£2.3 million). The breakdown of this amount is set out in the table below.

Clean-up	€3.0 million
Fisheries	€250 000
<b>Total</b>	<b>€3.25 million</b>

**2 Level of payments**

- 2.1 Based on the figures given by the Spanish, French and Portuguese Governments on 9 February 2004, the total costs of the incident can be estimated at some €1 020 million (£718 million).
- 2.2 In his assessment of the total of the admissible damage suffered in Spain as a result of the *Prestige* incident (document 92FUND/EXC.24/5, paragraph 13.7), the Director estimated the total amount of the losses in Spain at €303 million (£213 million). As explained in paragraph 13.9 of that document however, the Director considered that his provisional estimate was very conservative and that the evaluated amount of the admissible losses would rise substantially as more information and documentation became available.
- 2.3 In view of the figures provided by the Governments of the three States concerned and the remaining uncertainties as to the level of admissible claims, the Director feels unable to propose an increase in the level of payments beyond 15% of the loss or damage suffered by the respective claimants.

**3 Action to be taken by the Executive Committee**

The Executive Committee is invited:

- (a) to take note of the information contained in this document; and
  - (b) to decide on the level of the 1992 Fund's payments
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