INTERNATIONAL OIL POLLUTION COMPENSATION FUNDS

Agenda item: 4	IOPC/MAY14/**4/1**	
Original: ENGLISH	4 April 2014	
1992 Fund Assembly	**92AES18**	●
1992 Fund Executive Committee	**92EC61**	
1971 Fund Administrative Council	**71AC32**	
1992 Fund Working Group 7	**92WG7/3**	

INFORMATION FOR CLAIMANTS

GUIDELINES FOR PRESENTING CLAIMS FOR CLEAN UP AND PREVENTIVE MEASURES

Note by the Secretariat

Summary:	At the October 2013 session of the 1992 Fund Administrative Council, the Director confirmed that following a request by one Member State at a previous session, a set of guidelines to assist States with the submission of claims for clean up and preventive measures, was being developed. The aim of the Secretariat was to ensure that these guidelines were compatible with the general Claims Manual and specifically aimed at governments as well as clean-up operators. The draft Guidelines are contained in the Annex to this document for consideration by the 1992 Fund Assembly.
Action to be taken:	1992 Fund Assembly Decide whether to publish the Guidelines for presenting claims for clean up and preventive measures.

1 Background

1.1 The new Claims Information Pack was made available in March 2014. This pack, which the Secretariat developed with the intention of providing the most helpful and comprehensive information to claimants in the event of a spill, currently includes the Claims Manual, Guidelines for presenting claims in the fisheries, mariculture and fish processing sector, Guidelines for presenting claims in the tourism sector and an example Claim Form. It was noted at the October 2013 sessions that any future guidelines adopted by the 1992 Fund Assembly for the submission of claims in specific sectors would then be added to this package as they become available (see document IOPC/OCT13/4/5, paragraph 1.3).

1.2 At the October 2013 session of the 1992 Fund Administrative Council, the Director confirmed that following a request by one Member State at a previous session (see document IOPC/OCT12/11/1, paragraph 4.5.7), a set of guidelines to assist States with the submission of claims for clean up and preventive measures, was being developed. These guidelines are specifically aimed at governments as well as private operators and provide a description of admissibility criteria for claims related to clean up and preventive measures as well as a detailed listing with the type of information and the level of detail required that must be provided when a government or a private operator prepares a claim. An example showing how a claim should be presented also forms part of the guidelines.

1.3 The draft Guidelines for presenting claims for clean up and preventive measures are contained in the Annex to this document for consideration by the 1992 Fund Assembly. Should the Assembly approve the draft text, the Secretariat will publish the document as part of the Claims Information Pack.

2 Action to be taken

1992 Fund Assembly

The 1992 Fund Assembly is invited to:

(a) take note of the information contained in this document; and

(b) decide whether to publish the Guidelines for presenting claims for clean up and preventive measures.

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ANNEX

[Draft]

Guidelines for presenting claims for clean up and preventive measures

Preface

A general practical guide to presenting claims for losses due to oil pollution caused by an oil tanker can be found in the Claims Manual published by the International Oil Pollution Compensation Fund 1992 (1992 Fund). This booklet is written specifically to assist claimants who have incurred costs for clean up or preventive measures to better understand if, when, and how they can make claims for compensation. Claimants from other sectors should consult the Claims Manual or check the publications section of the IOPC Funds' website for other sector-specific guidelines.

These Guidelines set out what should be done following an oil spill to formulate claims for the reimbursement of clean-up costs and what sort of information is needed to make a claim for compensation.

Please note that following these Guidelines does not guarantee that all claims will be successful or imply that all businesses in the area of the spill will be affected. This booklet does not address legal issues in detail and should not be seen as an authoritative interpretation of the relevant international Conventions.

1 INTRODUCTION TO THE INTERNATIONAL OIL POLLUTION COMPENSATION FUNDS

What are the IOPC Funds?

1.1 The International Oil Pollution Compensation Funds (IOPC Funds) are two intergovernmental organisations (the 1992 Fund and the Supplementary Fund) which provide compensation for oil pollution damage resulting from spills of persistent oil from tankers. The 1971 Fund was the original Fund but does not provide compensation for incidents occurring after May 2002.

1.2 The International Oil Pollution Compensation Fund 1992 (which, in this booklet, is called 'the 1992 Fund') is the newer Fund and is composed of States which have agreed to two Conventions (the 1992 Civil Liability Convention (1992 CLC) and the 1992 Fund Convention) which cover the payment of compensation to people, businesses or organisations that suffer losses due to pollution caused by persistent oil (not gasoline or other light oils) from tankers. The Supplementary Fund provides an additional tier of compensation to victims in States which are Party to the Supplementary Fund Protocol. More information on the Conventions can be found in the 1992 Fund Claims Manual and on the IOPC Funds' website.

What does the 1992 Fund do?

1.3 The aim of the 1992 Fund is to provide compensation for losses resulting from a pollution incident involving a tanker, so that the claimant is returned to the same economic position in which he/she would have been if the oil spill had not happened. Ideally, the compensation should exactly balance the loss.

How is money raised to pay compensation?

1.4 The owner of a tanker is usually insured with what is known as a Protection and Indemnity Association, or P&I Club. The P&I Clubs insure the majority of tankers operating in international trade. A smaller number of tankers, often operating solely in domestic markets, are insured by commercial insurers. The tanker owner is generally covered against damages caused by oil pollution through this insurance up to a certain amount of money. It is this money that is used initially to pay compensation after an oil spill.

1.5 When the amount available from the tanker owner's insurance is not enough to cover the total cost of the pollution incident, compensation is paid by the 1992 Fund. The 1992 Fund is financed mainly by oil companies in Member States, according to the quantity of oil transported by sea that they receive. All companies which receive more than 150 000 tonnes of oil by sea in any year must contribute to the 1992 Fund.

When does the 1992 Fund come into play?

1.6 Whether or not the tanker was the cause of the incident, under the 'no fault' provisions of the 1992 CLC the owner of the tanker from which the oil was spilled is responsible for paying compensation for the damage caused, usually through his insurer or P&I Club. However, the 1992 CLC also allows the tanker owner to limit the maximum amount that has to be paid (according to the size of the tanker). Once this amount has been paid, the 1992 Fund is responsible for any extra payments. Often the owner's insurance is enough to cover all the costs and the money from the 1992 Fund is not needed. However, in a very large spill, it is possible that not even the money available from the 1992 Fund to pay compensation for that particular spill will be enough to cover all valid compensation claims. Although this happens only rarely, in such cases each successful claimant will be paid a proportion of his/her assessed claim until all the money available from the 1992 Fund is allocated. However, if the damage occurs in a State which is a Member of the Supplementary Fund additional monies will be available from the Supplementary Fund.

1.7 If the incident which caused the pollution was a natural disaster, or if it was entirely caused intentionally by somebody (not the tanker owner) or by faulty lights or navigation aids which should have been maintained by the authorities, then the tanker owner is not responsible and the 1992 Fund will come into play immediately. Also, if the tanker owner is not known or cannot meet his liability, the 1992 Fund will step in and pay compensation.

1.8 The 1992 Fund will not pay compensation if the pollution was caused by an act of war or hostilities or if the spill was from a warship. Nor will the Fund pay if it cannot be proved that the damage was caused by a spill of persistent oil from a tanker. The 1992 Fund cannot pay compensation for damage that occurred on the high seas, or outside of the territorial waters or exclusive economic zone of its Member States.

1.9 Whether the compensation comes from the shipowner's insurer or the 1992 Fund, the process of making the claim and the criteria applied when assessing the claim are the same. The 1992 Fund and insurer usually work closely together, particularly on large oil spills. The Fund, in cooperation with the insurer, usually appoints experts to observe, monitor and record the impact and progress of the clean-up operations. Experts will also be used to review and investigate the technical merits of claims and to assist with determining independent assessments of the losses. Although the 1992 Fund and the insurer rely on experts to assist in the assessment of claims, the decision as to whether to approve a particular claim and the compensation amount assessed rests with the insurer concerned and the 1992 Fund.

Why are the costs of preventive measures compensated?

1.10 The two Conventions which govern the payment of compensation for pollution damage rely on a common definition of preventive measures, namely:

> '"Preventive measures" means any reasonable measures taken by any person after an incident has occurred to prevent or minimize pollution damage.'

The interpretation of this definition agreed by the 1992 Fund Assembly is set out in the Claims Manual in which it is clear that the use of the word 'reasonable' applies both to the measures themselves and the costs of those measures. In addition to providing guidance on the formulation of claims for preventive measures, these Guidelines are intended to demonstrate through illustrative examples and explanations how the 1992 Fund has implemented this interpretation and, in particular, how the test of reasonableness is applied in the assessment of claims.

1.11 In practice, the term 'preventive measures' means any reasonable actions taken with the aim of preventing or minimising pollution damage in a Member State. The term usually applies to measures taken in responding to a spill and clean-up operations but may include salvage operations undertaken with the specific purpose of preventing or minimising the loss of oil from a damaged tanker. The costs of repairing damage caused by clean-up operations may also be eligible for compensation, for example, roads or other access points damaged by traffic engaged in clean-up operations. Expenses for preventive measures may be recoverable even if no spill occurs provided that there was a grave and imminent threat of pollution damage.

1.12 The 1992 Fund recognises the importance of effective salvage and clean-up operations in reducing the impact of a spill and consequently the number and value of losses suffered by victims of oil pollution. In many countries and especially those party to the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC), contingency plans are in place to respond to spills in a range of circumstances; from small spills contained within a port to a major incident affecting an entire region. A major spill would usually call for the implementation of the national oil spill contingency plan involving national authorities so that one of the main claimants seeking recovery of costs for preventive measures is likely to be the Member State itself.

2 WHO CAN CLAIM?

2.1 Anybody who has incurred costs in taking reasonable measures to minimise or prevent pollution damage in a Member State can make a claim to recover those costs, wherever those measures are taken. For example, if a State that is not Party to the Conventions responded to a spill on the high seas or within its own territorial waters in order to prevent or reduce pollution damage within a Member State, the cost of the response would in principle be admissible for compensation.

2.2 Claimants can be private individuals, partnerships, companies, private organisations, non-governmental organisations (NGOs) or public bodies, including States and local authorities. Although clean-up operations are often carried out by local or national authorities, examples of other types of claimant making claims for clean-up costs might include a private individual cleaning oil from a beach front property, a hotel chain employing contractors to clean a beach, a conservation group cleaning oiled wildlife or a sailing club removing oil from slipways.

2.3 Different Member States have different arrangements in place to respond to oil spills from tankers. Some may utilise their own and/or contracted resources while others rely on the tanker owner to hire specialist contractors. Still others may call upon State enterprises to clean up the spill but in almost every case involving the 1992 Fund, authorities within the Member State will be involved at some level whether national or local, responding to the spill themselves, directing operations or monitoring the activities of others.

2.4 A contractor instructed to respond to a spill for example, by a port, local or national authority, ideally should have a contract with that authority. The authority would then make a claim for reimbursement of the costs incurred in settling the contractor's invoice. However, sometimes no contract exists between the specialist oil spill response contractor and the authority ordering the deployment of equipment, personnel and materials and there is the expectation that the shipowner and his insurer and if necessary, the 1992 Fund will pay the bill. In such circumstances when no contract exists, it may be possible for a contractor to make a claim directly against the shipowner's insurer and the 1992 Fund. However, the 1992 Fund is only able to meet reasonable expenses. Contractors responding outside an agreed contract should be aware that it is possible that invoiced costs may therefore not be fully reimbursed (see example in section 4).

2.5 As noted above some administrations expect the tanker owner to provide the resources to clean up the spill and even those that do not may welcome the involvement of the owner. For example, some shipowners belong to industry cooperatives giving them access to oil spill response equipment on a preferential basis. However, only costs for measures considered reasonable can be successfully reclaimed and in particular, measures with no material benefit to the response and undertaken purely for public relations purposes would not be eligible for compensation.

2.6 Likewise the cargo owner may have access to oil spill response equipment which it would like to make available to the response effort. These costs can be claimed from the shipowner's insurer and the 1992 Fund but again, compensation would not be available for expenditure incurred purely for public relations purposes.

2.7 In cases where independent organisations or companies offer assistance to the response effort it is essential that these operations are conducted in collaboration with the authorities in charge. It is most important that operations are coordinated as compensation may not be available for operations that are duplicated.

2.8 For a claim to be admissible, the person who is making the claim (the claimant) must be able to show that he or she, or the organisation they represent, has suffered a financial loss. In the case of preventive measures this means having incurred costs directly linked to the prevention or removal of contamination caused by the spill.

2.9 While losses suffered by claimants working in a range of sectors including fisheries, mariculture, tourism and other coastal industries are also eligible for compensation, this booklet is only concerned with claims for compensation related to the reimbursement of costs for clean-up operations and other preventive measures.

3 WHAT SHOULD YOU DO IF THERE IS OIL POLLUTION?

3.1 In 1980, shortly after the 1971 Fund was established, Fund staff and their experts were conducting aerial surveillance following the *Tanio* incident in which 19 000 tonnes of heavy fuel oil were spilled. Flying along the northwest coast of France all that could be seen was kilometre after kilometre of oiled shorelines and bays, two to three kilometres wide, full of oil. The question in the front of their minds was: "How could anyone deal with that?"

3.2 The answer, then and now, is that, although oil pollution does look very bad, shorelines can be cleaned. The IOPC Funds' experience of major spills over its 35 year existence has certainly demonstrated that this is the case. Indeed in the particular case of the *Tanio* incident, most of the oil was removed by the summer of that year.

3.3 The 1992 Fund has a well-tested means of compensating for losses, although since all claims will need to be thoroughly assessed, it can take time for money to get through to the claimant. However, claims for reimbursement of clean-up costs are settled amicably in the majority of cases, without the need to initiate legal proceedings.

3.4 As soon as an incident occurs it is advisable to contact the 1992 Fund with the outline of the situation so that the 1992 Fund can decide whether it should send its experts to attend on site to offer their assistance. The 1992 Fund and its experts can offer advice not only on appropriate clean-up techniques but also on how best to minimise losses resulting from the spill and how claims should be presented.

3.5 If the 1992 Fund is not informed until sometime after the incident, it will be more difficult to fully appreciate the circumstances which had to be faced and in which the claimed costs were incurred. Details of how to contact the 1992 Fund are set out at the end of this booklet.

3.6 An essential element of a successful claim is the quality of the information submitted in support of the claim. This should include accurate and comprehensive records maintained from the start of the incident, through every step of the response, from notification and mobilisation through to the close of operations. A narrative explaining the actions taken, supported by photographs, video clips and illustrative maps will help the 1992 Fund and its experts understand the circumstances in which preventive measures were taken and the reasons why decisions were made to follow a particular course of action. Although in most incidents in which the 1992 Fund is involved, the shipowner's insurer and the 1992 Fund would engage experts to monitor and advise on clean-up activities, it may not be possible for these experts to follow every operation, especially if the pollution is widespread. Further guidance on the documentation necessary to support a claim for clean-up costs is provided in section 7 of this document.

3.7 It is recommended that minutes are taken of meetings when decisions on response operations are reached and a log of events is maintained. Often a position is created within the response organisation specifically to ensure that such records are kept and the reasonable costs of personnel to fill this position would usually qualify for compensation.

3.8 It is also valuable to track expenditure as it is incurred, in as close to real time as possible. This allows areas of high expenditure to be identified and evaluated quickly and decisions to be made on whether the level of expense continues to be justified. One advantage of such an approach is to highlight the ongoing costs of equipment which is no longer needed and which should be cleaned and taken off hire as the response operations progress.

4 WHAT CLAIMS ARE ADMISSIBLE?

4.1 Claims for the costs of measures to prevent or minimise pollution damage must meet the test of reasonableness. Were the actions taken proportionate? Were the costs of those measures justifiable? Whether measures are considered reasonable is judged against a technical appraisal of the prevailing circumstances and the facts available at the time the decision was made to take the measures. In most cases the test is applied to some physical action which is intended to materially reduce the risk of pollution damage.

4.2 Decisions in respect of response operations, particularly at sea, often have to be taken urgently to deal with the unforeseen situation of an oil spill. The 1992 Fund/shipowner's insurer will take this into account when considering decisions taken by the authorities in such circumstances together with the information that was available to them at the time these decisions were taken. However, as the incident proceeds and the situation becomes better controlled, there is an expectation that measures and their corresponding costs would be reviewed as soon as possible to ensure that they met the test of reasonableness, for example, the opportunity might be taken to renegotiate rates accepted in the heat of the moment.

4.3 Claims for costs of response measures are not accepted when it could have been foreseen that the measures taken would be ineffective, for example if dispersants were used on solid or semi-solid oils or if booms were deployed with no regard to their ineffectiveness in fast flowing waters. On the other hand, the fact that the measures proved to be ineffective is not in itself a reason for rejection of a claim, provided that, at the time when the decision was taken to adopt that particular measure, it could have been considered technically reasonable.

> Example
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> A port authority instructs a spill response contractor, resident in the port with whom it has good working relations but no contract, to respond to a spill from a tanker a few miles off the coast where the tanker has gone aground. It is winter with low water temperatures and a substantial amount of heavy fuel oil has been spilled which threatens the port and surrounding coastline. The contractor is ordered to apply dispersant onto the oil in an effort to prevent it reaching the coast but as a result of onshore winds, the oil soon comes ashore and has to be cleaned up there.
>
> On the advice of their experts, the insurer and the 1992 Fund conclude that this element of the response was unreasonable. This is because it should have been foreseen that under those particular conditions, dispersants could not have been effective. As he has no contract with the port authority, the contractor presents a claim to the shipowner's insurer and the 1992 Fund but faces the possibility of having compensation denied even though he was following instructions. Had a contract been in place, the contractor would have been paid by the port authority. However, it is unlikely that a claim submitted by the port authority for reimbursement of the cost of the contractor would be successful since the measures were judged to have been unreasonable.

4.4 The costs incurred and the relationship between those costs and the benefits derived or expected, should be proportionate. For example, a high degree of cleaning, beyond removal of bulk oil, of exposed rocky shores inaccessible to the public is rarely justified, since natural cleaning by wave action is likely to be more effective. On the other hand, thorough cleaning may be necessary in the case of a public amenity beach, particularly immediately prior to or during the holiday season.

4.5 While it is understood that response organisations often find themselves compelled by political pressure and concerns expressed by the public and the media to adopt measures which are not technically reasonable, such actions are unlikely to qualify for compensation. For example, increasing the size of the workforce involved in shoreline clean up beyond the numbers that can be effectively managed or continuing operations long after they can be justified on technical grounds are unlikely to be considered reasonable.

Example

Specialised oil spill recovery vessels from several countries worked together to collect oil at sea following a serious incident. Operations continued over several weeks but after some time the nature of the oil changed and became widely fragmented so that the use of these specialised vessels was no longer effective in recovering any significant quantities of oil. Experts engaged by the 1992 Fund/shipowner's insurer passed this opinion to both the 1992 Fund/shipowner's insurer and to the authorities within whose waters the vessels were working. Operations at sea nevertheless continued but in assessing the subsequent claim to recover the costs of these operations, the 1992 Fund set a series of cut off dates to reflect the limit of the period for which the activities of each vessel were deemed to be reasonably effective, beyond which costs were not accepted.

4.6 The example above is intended to help illustrate the interpretation given to 'reasonable' measures by the 1992 Fund. The authorities of a Member State are, of course, entitled to conduct whatever measures they deem appropriate and to bring those operations to a close whenever they see fit, however, it is always advisable to regularly review whether such actions remain reasonable and consequently whether future claims for the reimbursement of the associated costs are likely to be considered admissible.

4.7 'Bad press' can adversely influence the confidence, motivation and cohesion of the response organisation at a critical time when they are under most stress. Although the importance of good media relations is recognised, the costs of arrangements to deal with the media are not considered preventive measures and the costs of media coverage of clean-up operations will not be compensated.

Additional & fixed costs

4.8 Clean-up operations are often carried out by public authorities or quasi-public bodies using permanently employed personnel or vessels and vehicles owned by such authorities or bodies. Compensation is paid for reasonable additional costs incurred by such organisations, ie expenses that arise solely as a result of the incident and which would not have been incurred had the incident and related operations not taken place.

4.9 Compensation is also paid for a reasonable proportion of so-called fixed costs incurred by public authorities and quasi-public bodies, ie costs which would have been incurred by the authorities or bodies even if the incident had not occurred, such as normal salaries for permanently employed personnel. However, in order to qualify for compensation, such costs must correspond closely to the clean-up period in question and should not include remote overhead charges.

Summary of requirements of claim

4.10 In all cases claims must satisfy the following admissibility criteria which are set out in full in section 1.5 of the Claims Manual:

- Claims will be paid only for costs resulting from contamination by persistent oil from a tanker.
- There must be a close link between the contamination and the costs claimed.
- All claims should relate to measures that are reasonable and justified.
- Claimants must prove how much they have spent and must provide information to support this.
- The expense must have already actually been incurred. Claims for future anticipated costs will not be considered.

5 WHAT COSTS ARE COVERED?

5.1 Clean-up operations at sea and on shore are in most cases considered as preventive measures since such measures are usually intended to prevent or minimise pollution damage.

5.2 The clean-up costs covered include reasonable measures taken to combat oil at sea, to protect resources vulnerable to oil (such as sensitive coastal habitats, seawater intakes of industrial plants, mariculture facilities and yacht marinas), to clean shorelines and coastal installations and to dispose of collected oil and oily wastes. Reasonable costs of cleaning and rehabilitation of oiled wildlife, particularly birds, mammals and reptiles are also met.

5.3 Claims for clean-up operations may include the cost of aircraft, vessels and vehicles, the hire or purchase of equipment and materials and personnel. Claims for the costs of equipment placed on standby, but not actually deployed, are assessed at a lower rate to reflect the reduced wear on the equipment. Reasonable costs of cleaning and repairing clean-up equipment and of replacing materials consumed during clean-up operations are accepted. Equipment, vessels, aircraft and vehicles as well as manpower are assessed in the context of the Member State/s where the incident occurs on the basis of a reasonable daily rate.

Surveys by air, by boat and on foot

5.4 Costs of reasonable aerial surveillance operations to establish the extent of pollution at sea and on shorelines and to identify resources vulnerable to oil are accepted. One of the factors to be considered is whether the type of aircraft is appropriate for the role. For example, maritime surveillance fixed-wing aircraft are not well suited to shoreline surveillance where the manoeuvrability of helicopters is more appropriate. Although generally less effective than aerial surveillance, surveys by boat may be more appropriate for some situations and compensation is also available for such costs. However, with exception of aircraft equipped to detect oil at night, surveys by boat or aircraft during the hours of darkness would not normally be considered reasonable. If oil reaches the shoreline a more detailed shoreline survey is necessary to find out how much oil has come ashore in each of the areas affected and to decide on the best clean-up methods. Once clean-up operations are underway, regular surveys are required to monitor progress and follow the movement of the oil and changes in its behaviour so that methods can be adapted or operations closed down in response to changing conditions.

5.5 Whether surveys are carried out by aircraft, boat or on foot, they should serve a clearly defined purpose in terms of the preventive measures they are intended to support. The reasonableness of a particular survey is likely to be judged on whether the information provided could be adequately integrated into the response operation. Where several organisations are involved in the response to an incident, surveys should be properly coordinated to avoid duplication of effort.

Aircraft

5.6 Two approaches can be followed to derive the reasonable costs for aircraft (i) deriving the hire rate from the actual costs of operating the aircraft or (ii) by comparison with rates for commercially available aircraft suitable for the same role. Providing the necessary information can be made available, the methodology for calculating the actual costs of operating the aircraft involves using the purchase cost amortised over the aircraft's expected lifetime and adds in annual costs such as, mortgage, insurance, surveys, maintenance and crewing costs then divides these by the number of days the aircraft is available in a year. This methodology is sometimes referred to as 'first principles'. Sometimes aircraft that have a primary maritime defence role are used because these aircraft are equipped for long-range, aerial surveillance over the sea and they are available to and controlled by the Government. However, in comparison with commercial aircraft the costs of operating such aircraft are likely to include significant fixed costs due to the more sophisticated equipment and larger crews associated with routine maritime surveillance and defence operations and these would need to be taken into account when deriving a reasonable rate.

5.7 Commercial aircraft are usually charged by hours in flight and sometimes attract a minimum number of flight hours each day. A positioning fee may also be charged for flying the aircraft from its normal operating base to the area of the spill. These fees, as well as landing fees and crew expenses are normally admissible. In large spills where several aircraft are operating it is accepted that it may also be necessary to set up protocols and personnel to control aircraft traffic.

Vessels

5.8 As described in paragraph 5.6 in relation to aircraft, reasonable costs for vessels can be derived from either (i) the actual costs of operating the vessel (see example below) or (ii) by comparison with rates for commercially available vessels suitable for the same role. If data is available consideration is also given to the elements of fixed costs which make up the calculated daily rate. In the case of vessels which have a primary role substantially different to oil spill response, such as a defence role, there are clearly fixed costs which cannot be included in a rate derived for spill response.

5.9 A standby rate calculated as a proportion of the operational rate is accepted to reflect on the one hand, saved fuel, where the daily rate includes fuel and lubricating oils, and reduced wear and tear while on the other, keeping the vessel in a state of readiness. Vessels are considered to be 'on standby' when in a state of readiness but not involved in operations for example, alongside in port during bad weather or while being cleaned at the end of an operation. When assessing vessel costs, consideration is also given to the suitability of the vessel to the particular role in the response to the spill it was required to fulfil.

5.10 If, when assessing the use of vessels, the rates claimed appear particularly high, a comparison is sometimes made between the rates claimed and the rates derived from the formula developed for vessels engaged in salvage operations under SCOPIC[<1>]. The vessel rates obtained from this formula are set high to encourage salvors to respond, particularly in situations where the casualty represents a threat to the environment but the probability of successful salvage is uncertain. Furthermore, vessels engaged in salvage operations are generally exposed to higher risks than those in pollution response and consequently a comparison with SCOPIC rates provides the uppermost limit for acceptable rates.

5.11 In the example shown below, the figures used are illustrative only and should not be construed as representing reasonable values.

[<1>] Special Compensation P&I Club Clause (see http://www.lloyds.com/)

Example

Methodology for deriving the hire rate of an oil spill response vessel

Name	**RESPONSE II**
GT	650
DWT	1 500
Engine Horsepower	2 500
Year Built	1998

Manning Costs (GBP)	
Master (1 500/month)	18 000
Chief Officer (1 000/month)	12 000
Chief Engineer (1 250/month)	15 000
Seaman (800/month)	9 600
Oiler (800/month)	9 600
Deck hand (600/month)	7 200
Subtotal	**71 400**

Equipment (GBP)	
500m boom on reel	1 600
Skimmer	250
Power Packs	380
Total equipment daily rate	2 230

Annual Costs (GBP)	
Cost of vessel 4 500 000	
Amortised over 15-year lifespan	300 000
Insurance	60 000
Classification Surveys	5 000
Repairs & Dockings	200 000
Superintendency	7 600
Fuel Cost (at average of 5 000 litres/month at 0.30 per litre)	18 000
Victualling and consumables (at 2 700/month)	32 400
Subtotal	***623 000***
Manning subtotal	**71 400**
TOTAL Annual Cost	**694 400**

Daily Rate = total annual cost/available working days	
Number of days in a year	365 days
Less Holidays	13 days
Less Weekends	110 days
Less Surveys & Repairs	20 days
Total available working days	**222 days**
Daily Rate (694 400/222) =	**3 128**
Plus equipment	**2 230**
TOTAL Daily Rate	**5 358**

Example

A Member State deployed a naval vessel in a command and control role to coordinate the fleet of vessels responding to the incident. The vessel was claimed at a daily rate calculated by the administration to cover the full economic cost of deployment. In assessing the claim the 1992 Fund determined that the daily rate included substantial fixed costs some of which related to the defence role of the vessel. Consequently, although the vessel was able to offer communications equipment suitable for coordinating operations over a wide sea area, the daily rate charged was considered unreasonably high.

A reasonable daily rate was derived by identifying additional costs, relating solely to the vessel's deployment in the incident, and the reasonable proportion of fixed costs judged to relate to the efficient running of the vessel necessary for it to fulfil its coordination role in the spill. The proportion of the fixed costs relating solely to the vessel's defence role was considered to be inadmissible. The proportion of the admissible and inadmissible elements of fixed costs will vary according to individual circumstances but in this particular case, were taken as 50% based on expert judgement.

The accepted daily rate was derived as follows:-		
Daily Fixed costs	=	Annual Fixed costs / Available operational days
Claimed daily rate	=	Daily Additional costs + Daily Fixed costs
Accepted daily rate	=	Daily Additional costs + Daily Fixed costs x 50%

Specialised equipment

5.12 A daily rate is calculated so that the purchase cost of the item is recovered over its expected useful working life, plus a proportion of the costs of storing, insuring and maintaining the equipment. If the equipment is owned by a private contractor a reasonable element of profit would also be accepted in the assessment in order to provide a return on investment. The expected life of a piece of equipment varies considerably depending on its construction and the conditions it is designed to withstand. More robust items such as skimmers and power packs for use at sea are expected to last typically 180 days 'in use' while offshore booms about half that and less sturdy inshore equipment has an even shorter life expectancy.

5.13 In incidents that last for several weeks and where it becomes clear that clean-up operations are set to continue for some considerable time, well beyond the expected lifetime of an item of equipment, outright purchase of the equipment may be a viable option. However, it is recognised that without some financial incentive there would be no benefit to maintaining the equipment in readiness and two alternative approaches to applying reasonable rates are used. The first is to apply a rate that gradually reduces with time while the other is for daily rates to be capped once the cumulative daily rate has exceeded the purchase cost of the equipment by a factor of about two. However, after that point the only costs to be accepted as reasonable would be for operating and maintaining the equipment, together with an element of profit in the case of commercial companies.

5.14 Claims for use of specialised equipment should be supported by a clear description of the equipment, including photographs and information to explain their use in the response.

Example

A clean-up contractor supplies a skimmer for a period of 20 days. For five days the equipment is held on standby. The purchase cost of the skimmer including taxes is £36 000 including a power pack, pump and ancillaries.

Assuming a life 'in use' of 180 days, the base rate for the skimmer would be:

Purchase cost/Expected life in use = Daily base rate
£36 000/180 = £200 per day

To this has to be added maintenance and storage costs and for a contractor, costs of finance and a profit element. Such costs are not often declared and so for a contractor an allowance up to a factor of two is usually accepted, ie in this case £400 per day in use and £200 per day on standby.

The amount claimed would then be: 15 x 400 + 5 x 200 = £7 000

The figures used in the example above are for illustrative purposes only

Shoreline clean up

5.15 Most aspects of shoreline clean up do not demand specialised equipment but usually involve manpower supported by excavators, front-end loaders, lorries and other vehicles. Claims should closely follow local market rates for both manpower and non–specialised equipment. In assessing such claims, comparisons are made with commercial rates charged by vehicle and plant hire companies located in the region of the spill.

How clean is clean?

5.16 One of the most difficult issues to resolve is when clean-up operations should be brought to a close. While this is true for all aspects of the response, it is particularly pertinent to shoreline clean up and is encapsulated in the question "how clean is clean?" The difficulty is compounded by the fact that as the amount of oil remaining diminishes the effort required to remove this residue becomes ever greater. At some point the effort required outweighs the benefit of any further work. The point at which this happens is different for different shoreline types, for example, in general it is easier to bring sand beaches to a higher degree of cleanliness than shingle or cobble shores. A further consideration in closing operations on shorelines is the selection of reasonable end points which are heavily dependent on the 'use' or 'service' that a section of the shoreline provides. For example, the end points for an amenity beach and a remote rocky cove would be quite different. Experts engaged by the 1992 Fund are a good source of advice on the end points that can be reasonably achieved.

5.17 The end points described in the table below are typical examples of those which might be set as the goal of clean-up operations. However, in some circumstances it may not be possible to achieve the desired end points, for example, due to safety concerns and risks to the work force.

When to bring operations to a close – how clean is clean?

Operation/Shoreline type		**Examples of typical closure criteria**
■ **At sea**	• General	Oil has spread over very wide area and is fragmented, reduced to thin film or has dissipated naturally
	• Mechanical recovery	Oil weathered such that significant quantities of oil are no longer recoverable
	• Dispersant application	Due to weathering and emulsification of oil – dispersants no longer effective
■ **Ashore**	• General	Return of 'use' of shoreline or 'service'
	• High amenity areas – easy public access	End point: No smell – no visible oil or sheen on surface and no evidence of buried/trapped oil – no greasy texture
	• Industrial port	Endpoint: Light staining – no sheen on surface and no evidence of trapped oil
	• Remote rocky cove	End point: Bulk oil removal - reliance on natural cleaning
	• Ecologically sensitive	End point: dependent on nature of sensitivity/seasonality – careful removal of bulk oil – specialist advice required

Disposal

5.18 Clean-up operations frequently result in considerable quantities of oil and oily debris being collected. Reasonable costs for transport, storage and disposal of the collected material are accepted. If it has been possible to sell any of the recovered oil, the proceeds of the sale would normally be deducted from any compensation paid.

5.19 Disposal of oily waste materials is usually controlled by national or regional regulations. In addition, in a major incident the quantities of material for disposal can exceed the capacity of some potential disposal methods, calling for waste to be held at temporary storage sites. However, if a range of options are available within the applicable regulations then, for disposal costs to be reimbursed, the most cost effective option should be selected.

5.20 Efforts should be made to keep the amount of waste collected to a minimum. Experience has shown that typically the amount of waste generated can be as much as ten times the quantity of oil spilled. If the ratio of the amount of waste collected to the amount of oil spilled far exceeds this factor of ten then a portion of the costs of clean-up and disposal are more likely to be found unreasonable.

> Example
>
> Clean-up operations following a spill of some 2 000 tonnes of heavy fuel oil generated almost 80 000 tonnes of oily waste. Whereas it might have been anticipated that the spill would generate approximately 20 000 tonnes of waste, in fact, the quantity of waste collected was some 40 times the amount of oil spilled. There was little doubt that this amount of waste had been collected since the quantity was verified against weigh bridge tickets and from estimates of volumes piled up at storage sites. In assessing the claim for disposal and associated transport and storage costs the 1992 Fund took the view that in some places the inappropriate use of heavy machinery to remove oil from shorelines had resulted in excessive quantities of oily waste being collected. After detailed investigations it was concluded that adverse weather conditions and the types of shoreline to be cleaned had led to exceptional circumstances and the costs of dealing with some 40 000 tonnes of waste were accepted as reasonable.

Salvage operations

5.21 Salvage operations may in some cases include an element of preventive measures. If the primary purpose of such operations is to prevent pollution damage, the costs incurred would, in principle, qualify for compensation under the 1992 Conventions. However, if salvage operations have another purpose, such as saving the ship and/or the cargo, the costs incurred are not accepted under the Conventions. If the operations are undertaken for the purpose of both preventing pollution and saving the ship and/or the cargo, but it is not possible to establish with any certainty the primary purpose, the costs are apportioned between pollution prevention and salvage. The assessment of claims for the costs of preventive measures associated with salvage is not made on the basis of the criteria applied for determining salvage awards, but is instead limited to the cost of the work, including a reasonable element of profit.

Removal of oil from sunken tankers

5.22 Whether the costs of removing any remaining oil from a sunken tanker would be accepted as reasonable is determined on a case-by-case basis, taking into account a number of factors which are set out in detail in the Claims Manual. The first step is normally to measure the quantity of oil remaining on board a sunken ship, providing this can be done with minimal risk of causing further pollution. Other factors which would be considered include the situation and condition of the sunken tanker; the risk of oil being lost during the removal operation; the feasibility of successful removal and the cost, especially compared to the likely pollution damage which would result if the oil was left in place in the sunken ship.

Cleaning and rehabilitation of oiled wildlife

5.23 The capture, cleaning and rehabilitation of oiled wildlife requires trained personnel and the work is normally carried out by special interest groups, usually with the assistance of volunteers who establish cleaning stations close to the spill location. Cleaning is often difficult and slow and can cause the animals further distress, and should only be undertaken if there is a reasonable chance of the animals surviving the process. Claims for reasonable costs associated with the provision of local reception facilities appropriate to the scale of the problem, materials, medication and food are normally compensable, as are reasonable food and accommodation costs of volunteers. If several special interest groups undertake cleaning and rehabilitation activities these should be properly coordinated to avoid duplication of effort. Deductions will be made for funds raised from the public for the specific purpose of maintaining the field operations for a particular incident.

Administrative costs

5.24 Reasonable administrative costs are accepted to cover areas of work, which cannot easily be identified individually but are closely related to clean-up operations, ie not remote costs. Different names are sometimes used for claims covering this type of cost, such as management fee, general expenses or general overheads. Examples of the types of costs covered under this heading might include a bookkeeper, stationary, copying, computing costs, communication charges and office service fees, that is, the general costs of running a business or organisation for the period of the operation.

5.25 Administrative costs are usually expressed as a percentage of the claim. However, levels much in excess of 5% would not be accepted as a percentage and the 1992 Fund may ask for detailed information for the individual costs. Correspondingly, if individual administrative costs such as those given as examples above were to be included as individual items within the claim, it would be anticipated that administrative costs would be reduced proportionately or not appear at all. In very big claims, administrative costs expressed as a percentage can represent exceptionally large sums of money which, in terms of the absolute amount of money the percentage represents, far exceed the actual cost of meeting these types of expense. In such cases general practice has been to apply reducing percentages if assessed costs exceed a series of defined thresholds.

Use of advisers

5.26 There may be a need for some professional assistance in making a claim for compensation. In some cases compensation can be claimed for reasonable costs of work done by an adviser. As part of its assessment of a claim, the 1992 Fund will look at the need for such advice or help, how well it was carried out, how long it took, how much it cost and its value to the claim review process. In a major incident with the involvement of several authorities, agencies and contractors working at numerous clean-up sites, compiling a claim can be complex and bringing together all the required supporting documentation can be very time consuming. In such circumstances the reasonable costs of formulating the claim may also be included in the claim. For less complex claims it would be expected that such costs would be included within administrative costs.

6 WHEN SHOULD YOU MAKE A CLAIM?

6.1 You should try to submit your claim as soon as possible. If you are considering making a claim at a later stage you should inform the 1992 Fund of your intention to do so.

6.2 Compensation is normally only paid for expenses that have already been incurred. While it is important to inform the 1992 Fund at the earliest opportunity that an incident has occurred and that a clean-up operation is underway, costs can only be reimbursed some time later. However, the 1992 Fund understands that cash flow problems can arise if clean up continues over several weeks or months. Workers' wages are usually paid on a weekly basis and can put a severe strain on finances especially in a large, complex spill where the wage bill can represent a substantial sum of money. In such cases, multiple claims can be submitted as the work progresses enabling these claims to be assessed and interim payments to be made. It is likely that such interim payments will only meet a

proportion of the costs claimed, pending a final assessment, but they are intended to alleviate the immediate cash flow difficulties.

6.3 Government claimants may choose to stand last in the queue (SLQ) if the value of established claims is likely to exceed the money available under the Conventions and there is a risk that claims will need to be pro-rated. The purpose of SLQ is to increase the level of payments to non-governmental claimants or to avoid pro-rating altogether. Once all non-government claims have been settled there is sometimes sufficient money remaining to settle government claims, at least in part. However, it can take several years to settle all the non-government claims and so it is most important that even SLQ claims are examined as soon as possible after the incident rather than waiting to see if there is sufficient money remaining. With the passage of time, governments may find it more and more difficult to provide the necessary information to satisfy queries raised by the 1992 Fund. The individuals who were involved at the time of the incident, and who might have been able to assist in answering the 1992 Fund's queries, may no longer be available.

6.4 Whenever your claim is presented to the 1992 Fund, it must in any case be submitted within three years of the damage taking place. If you have made a claim, but have not come to an agreement with the 1992 Fund/shipowner's insurer within three years of the damage occurring, you must protect your rights in court. Failure to do this will result in you losing your right to compensation (see section 2.5 of the Claims Manual for further information).

7 HOW CAN YOU MAKE A CLAIM?

7.1 Where can you get a claim form and how should you submit it?

7.1.1 The 1992 Fund normally prepares claim forms for each incident. The form will be available to download from www.iopcfunds.org or can be requested from the 1992 Fund/shipowner's insurer. We advise claimants to use the claim form and submit it together with all the documentation necessary to support their claim. The claim form is designed to help you identify and provide the information required to assess your claim and as a result will speed up the assessment process. Original documents or certified copies of documents such as logbooks, meeting minutes, purchase orders, invoices, receipts and any other records must be submitted with your claim. You MUST keep a copy of all of the information submitted for your own future use. Please note these documents will only be returned upon request and normally only on settlement of the claim.

7.1.2 In general, claims should be submitted through the office of the local correspondent or representative of the insurer. If there are a large number of claims, the 1992 Fund/shipowner's insurer may decide to set up a dedicated claims handling office for receiving claims in a location near to where the claimants are based. The claims handling office is there to help you to make a claim, to advise on how the claim form should be completed, to forward your claim to the 1992 Fund/shipowner's insurer and to assist in paying the claim once it has been reviewed and a compensation amount has been approved by the 1992 Fund/shipowner's insurer. Claimants should note that the insurer's correspondent/representative, claims handling office staff and experts do not make any decisions as to whether a claim will be paid or how much compensation will be paid – that is for the 1992 Fund/shipowner's insurer to decide.

7.1.3 Claims should be submitted by post or e-mail and should include as much supporting information as possible. The IOPC Funds' website will state clearly where the claim form should be sent, providing the postal and email address of either the insurer's correspondent/representative or claims handling office as appropriate. Details are also usually given in the local press. Contact details for the 1992 Fund are provided at the end of this booklet.

7.2 What information should you provide?

General

7.2.1 In the first instance, you should download the claim form relating to the incident from the website (www.iopcfunds.org) and complete the appropriate section, depending on the type of loss you have

suffered (eg costs of clean up and preventive measures). Alternatively, you should contact the 1992 Fund/shipowner's insurer's office as specified above to request a hard copy of the form.

7.2.2 The more details and evidence you can provide to the 1992 Fund/shipowner's insurer about the clean-up operations and preventive measures you undertook and the costs you incurred, the quicker your compensation claim can be assessed. In particular you should provide:

- The name and address of the person making the claim and the name of any representative or adviser or conversely the name and address of the organisation you represent.
- The name of the tanker involved in the incident.
- The date, place and details of the incident (unless the information is already known to the 1992 Fund).
- Confirmation that the claim is made for the recovery of clean-up costs (preventive measures).
- The amount of compensation you are claiming and how you arrived at this figure.

7.2.3 It is essential that claims for the costs of clean up are submitted with supporting documentation showing how the expenses are linked with the actions taken. Experts and surveyors engaged by the 1992 Fund and the shipowner's insurer to monitor clean-up operations review the claimed costs against those operations when making their assessment. A claim should therefore clearly set out what was done and why, where and when it was done, by whom, with what resources and for how much. Invoices, receipts, worksheets and wage records, whilst providing useful confirmation of expenditure, are insufficient by themselves but the addition of a brief report describing how the claimed expenses are linked to clean-up operations will greatly facilitate the assessment of claims.

Claims submission in electronic format – Spreadsheets

7.2.4 Although some supporting documentation can only be submitted as either original documents or certified copies, information transmitted electronically can also greatly facilitate the assessment of claims. Spreadsheets offer a particularly useful way of summarising some of the key information required in support of a claim. Ideally the spreadsheet would have a summary page, followed by the detailed entries for each contractor, organisation or worksite with references to supporting materials. Each response organisation or contractor should maintain a daily log of activities, including details of the number of personnel involved, the type and quantity of equipment and materials used, the type and length of shoreline cleaned and the amount of waste materials collected. If response vessels are used to combat oil at sea, extracts from their deck logs covering their period of deployment provide an essential source of information to explain the measures taken.

7.2.5 Very often contractors submit just a single spreadsheet in support of their claim showing their overall costs, but this doesn't provide any information about how these costs are distributed between worksites. The experts and surveyors who are usually engaged by the 1992 Fund to monitor clean-up operations, need to be able to link their observations with subsequent claims for cost recovery. Therefore information relating to each worksite should be provided. The Attachment contains a theoretical claim for clean-up operations and includes simplified examples of typical spreadsheets. The purpose of the example is to demonstrate one way in which a claim for clean-up costs might be structured (Figure 1) and the types of documentation you should submit in support of such a claim for clean-up operations (Table 2). The spreadsheets are intended as illustrations only and the rates used should not be taken as representative of reasonable rates.

7.3 Supporting information and documentation

7.3.1 The following lists provide examples of the types of supporting information and documentation which should be presented with claims for the costs of particular resources used and other general costs incurred during clean-up operations. Such information would assist the 1992 Fund/shipowner's insurer in the assessment of your claim. These lists are not exhaustive.

Aircraft

7.3.2 Examples of supporting documentation include:

- Aircraft supplier/operator
- Aircraft type and call sign
- Hourly rate (showing components included in the rate for government aircraft)
- Logs showing flying hours and number of crew
- Receipts for landing fees and crew expenses
- Passenger names and affiliations
- Area surveyed, flight path followed, weather and visibility
- Aerial survey reports, charts, photographs and video clips

Vessels & spill response equipment

7.3.3 Examples of supporting documentation include:

- Vessel supplier/operator
- Craft characteristics: name; length overall; horsepower (kW)
- Daily rate (showing components included in the rate for government vessels)
- Normal crew complement
- Fuel and lubricant consumption & receipts (if not included in daily rate)
- Port dues and receipts
- Passenger names and affiliations
- Deck log including record of operational area, activities, working hours
- Inventory of spill response equipment on board each vessel, daily rate for each type of equipment (if not included in vessel rate), deployment log recording period 'in use' for each equipment type, photos and video clips
- A daily estimate of the quantity of oil recovered
- Record of volume of oil discharged (to mother ship or ashore) for each discharge
- Records of any equipment damage including circumstances in which damage occurred and photographs
- Materials consumed by each vessel eg dispersant

Response Organisation

7.3.4 Examples of supporting documentation include:

- Organisational structure, roles and responsibilities
- Personnel rates related to roles and responsibilities (showing components included in calculation for government employees) time sheets, pay advice and justification of expenses incurred for travel, accommodation & food
- Photographs, video clips, and charts identifying the area affected by the spill and chronicling progress of clean-up operations
- Records of weather conditions and predictions of oil movement
- Communication logs with each sector of the response operation
- Log of events
- Minutes of strategic meetings, noting amongst other things, how priorities were set and the rationale for response decisions including decisions to bring operations to a close
- Minutes of daily progress review meetings.

Protection of sensitive resources

7.3.5 Examples of supporting documentation include:

- Maps of location of sensitive resources and associated protective measures
- Description of sensitive resources

- Description protective measures; lengths involved, tidal currents, materials used, unit costs
- Booms; make, model, length deployed, daily rates, period of deployment and supplier
- Anchoring arrangements
- Photographs

Shoreline clean up

7.3.6 Examples of supporting documentation include:

- Maps or charts of the extent of shoreline pollution
- SCAT team (Shoreline Clean-up Assessment Technique) reports or equivalent detailing levels of pollution and recommended clean-up techniques & endpoints for each worksite or section of shoreline, photographs and video clips
- Daily worksite (Beach-master) reports recording work done, for example, hours worked, area cleaned and amount of oily waste collected
- For each worksite, daily lists of equipment used, rates and supplier
- Incident or damage reports
- For each worksite daily lists of materials consumed, noting supplier
- Contractor rate sheets
- Rates and time sheets for personnel by worksite (showing components included in the calculation of the rate for government employees)
- Payslips

Disposal

7.3.7 Examples of supporting documentation include:

- Source of waste (vessel names or beach name for shoreline point of origin)
- Cost of temporary storage, location of sites used and records of movement of waste; material coming in and going out, photographs
- Disposal methods and quantity of waste by each method
- Name of disposal contractors and location of facilities
- Unit rate for each disposal method showing how costs were derived
- Weigh bridge tickets
- Waste authority consignment notes or equivalent
- Transport costs: vehicles used, distance travelled, rate/km
- Invoices and receipts

Wildlife cleaning & rehabilitation

7.3.8 Examples of supporting documentation include:

- Name of organisations involved
- Names of personnel; roles, responsibilities and qualifications, hours worked and amounts paid as for other spill response personnel
- Number of each species undergoing treatment
- Photographs and video clips
- Period required for cleaning and rehabilitation
- Numbers of animals successfully released back into the wild
- Cost breakdown as for other spill response costs eg personnel, equipment, materials, transport and disposal
- Value of any donations or aid received

Extra payments

7.3.9 You must declare any payments, aid or compensation you have received from other parties or paid under an insurance policy to assist with the costs of clean-up operations. Such payments may be taken into account when working out the amount of compensation due from the 1992 Fund.

7.3.10 Please note that any inaccuracy in the documents or statements submitted may lead to delays in handling the claim and/or in its rejection. You are therefore advised to ensure that the claim is a true and accurate reflection of your actual costs and that it includes information on any financial assistance you may have received.

Fraud

7.3.11 The 1992 Fund takes the presentation of fraudulent documentation seriously and if it becomes aware that such documentation has been submitted in support of any claim, the 1992 Fund reserves the right to inform the appropriate national authority.

7.4 What if you have poor records or no evidence?

7.4.1 In most Member States accountability for public expenditure is rigorously observed and records are routinely maintained to justify expenditure. Claims against the 1992 Fund are no different. However, it is possible that circumstances could arise so that no records exist, for all or part of the response, or only limited information is available to support the claim. This might be because in the Member State concerned, detailed record keeping is not the norm or because in the emergency situation of the initial response there was no realisation that claims would later need to be made. Another possibility is that a very long time has elapsed between the incident occurring and the claim being submitted, during which records have been lost and the individuals concerned at the time are no longer available to provide the necessary explanations to support the amount claimed.

7.4.2 If you are lacking information or documentation you may still be able to make a claim by providing as much information as you can. Independent anecdotal and circumstantial evidence, such as media reports, indicating the extent of pollution and response efforts, photographs of the clean-up operations and the application of reasonable rates could provide you with sufficient information to calculate your approximate costs. Nevertheless, the underlying requirements as set out in paragraph 4.10 above still have to be met for compensation to be paid.

7.4.3 Any difficulties in compiling supporting information should be discussed with a representative of the 1992 Fund/shipowner's insurer who may be able to offer further advice and assistance. Assemble whatever limited evidence you have to support your claim. Do not provide falsified records as these will be detected and your claim may be rejected as a consequence. Providing fake documents in support of a compensation claim is fraudulent and you may be prosecuted under your domestic legislation.

8 HOW ARE CLAIMS ASSESSED AND PAID?

8.1 Claims are assessed against three broad questions:

(i) Were the actions taken reasonable?
(ii) Were the costs of those measures reasonable? and
(iii) Is the calculation of the claimed expenses correct?

The approaches used by the 1992 Fund to judge whether claims and costs are reasonable have been discussed earlier in sections 4 and 5.

8.2 Member States, response organisations and specialist clean-up companies are encouraged to consider 'pre-agreeing' rates with the 1992 Fund in anticipation of a possible spill. Although such agreements

cannot guarantee that all costs incurred in responding to a spill would be accepted as reasonable, they do avoid the need for a detailed discussion of rates when a claim is being assessed.

8.3 The way claims are presented is often unique to the particular circumstances of the incident and the measures taken to meet the situation that it presents. In addition, administrations have different ways of deriving and recording costs leading to differing approaches to claims' formulation. As a consequence, after an initial review of the claim documents, it is normal for further queries to arise and further explanations to be required in order to allow the 1992 Fund and its experts to complete a detailed assessment. The process is usually one of iteration with a series of exchanges between the 1992 Fund/shipowner's insurer and claimants, until it becomes clear how the claimed costs were derived and what these expenses represent. In most cases, on the basis of such a dialogue, an amicable agreement can be reached on the amount of compensation to be paid.

8.4 In cases where further information is requested but the 1992 Fund/shipowner's insurer consider that in the meantime you are at risk of suffering financial hardship, a provisional assessment may be made on the basis of the information that is available. You would be advised that the assessment can be revisited if further information to support your claim can be provided. Any payment made on a provisional basis would be less than that paid following a full assessment to ensure there was no overpayment. The amount of any provisional payments would be deducted from the final payment once the claim has been fully assessed.

8.5 If you are a contractor involved in a large ongoing incident resulting in cash flow difficulties, you can submit an interim claim or a series of interim claims. Any interim payments made would be taken into account in the final settlement of your claim once operations have come to a close.

8.6 Once your claim has been assessed by the 1992 Fund/shipowner's insurer, you will be told how much compensation they think is fair, based on the evidence available from all relevant sources. This assessment will be in writing and it will be given to you, as the claimant, or your representative if you have nominated someone to act on your behalf.

8.7 Usually an offer is made as a 'full and final' settlement. This means that no further claims for losses suffered during the period of the current claim will be considered, and you will be asked to sign an agreement to this effect. You can make further claims if you feel that you have suffered losses after the period to which your first claim relates, and these would be treated as separate claims.

8.8 Please be aware that the 1992 Fund/shipowner's insurer may have to deal with hundreds or perhaps thousands of compensation claims. Your claim will be assessed as quickly as possible but it may take some time for the Fund to gather and cross-check relevant information necessary to assess the claim, particularly if little information has been submitted in support of your claim.

8.9 If you do not agree with the amount of money that you have been offered then you should contact the 1992 Fund/shipowner's insurer (directly or through the local claims handling office, if there is one) and explain why you think that the offer is not sufficient. If you have new evidence to support your claim, you should submit that as well. The 1992 Fund/shipowner's insurer may decide to review your claim and make a second offer in the light of new information, or it may decide that the original offer was fair. The 1992 Fund may contact you and arrange to discuss the matter in more detail. Whatever the outcome the reasons for the decision will be disclosed in writing.

8.10 If you still do not agree with the amount offered, then you have the right to take legal action through the courts in your country. It could be an action against the shipowner, the insurer and the 1992 Fund, disputing the assessment of the amount of your losses. If you have not reached a settlement with the 1992 Fund before three years from the date of the damage have elapsed, the Fund strongly recommends you file an action in court against it. At this stage you would probably need to take legal advice. If you take no action within three years you run the risk of your claim becoming time-barred and you would lose your right to receive compensation.

9 CONTACTING THE IOPC FUNDS

9.1 If a local claims handling office is established following a large spill, the contact details for that office will be published through the local media and at www.iopcfunds.org.

9.2 The contact details of the Secretariat of the 1992 Fund are as follows:

International Oil Pollution Compensation Fund 1992
23rd Floor
Portland House
Bressenden Place
London
SW1E 5PN
United Kingdom

Telephone: +44 (0)20 7592 7100
Fax: +44 (0)20 7592 7111
E-mail: info@iopcfunds.org

9.3 When you submit your claim you will be issued a claim number. This is a unique reference that links you with that specific claim and should be quoted in all subsequent correspondence. Should you need to contact the local claims handling office or the 1992 Fund Secretariat regarding your claim, you will be asked to quote the claim number or provide additional information to confirm your identity.

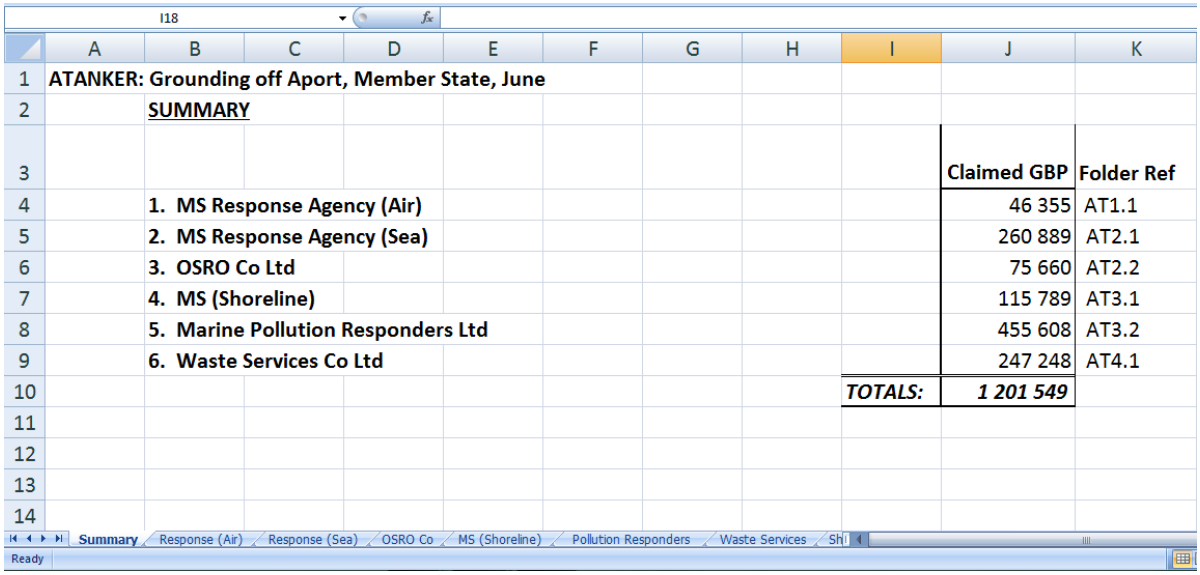
9.4 Copies of the 1992 Fund Claims Manual and other useful documents can be found at the IOPC Funds' website at www.iopcfunds.org.

ATTACHMENT

The example below (Figure 1) shows the summary page of an illustrative spreadsheet for a small incident involving the response agencies of a Member State and three contractors. The folder references might refer to different aspects of the response, for example, AT1 might refer to aerial surveillance; AT2 to response at sea; AT3 to shoreline clean-up and AT4 to transport and disposal of oily waste. A simplified detailed breakdown for the contractor, OSRO Co Ltd engaged in recovery of oil at sea is shown on the following pages as Table 1 and examples of supporting information in Table 2.

The example is continued over the pages which follow showing simplified and illustrative spreadsheets for clean-up costs at three different worksites along the affected shoreline, The Beach, Rocky Cove and Cobble Bank, each calling for different clean-up techniques. The data from each worksite is fed into the overall costs for the contractor and this is then itself linked into the summary page below.

Figure 1: Example summary sheet



	A	B	C	D	E	F	G	H	I	J	K
1	**ATANKER: Grounding off Aport, Member State, June**										
2		**SUMMARY**									
3										**Claimed GBP**	**Folder Ref**
4		**1. MS Response Agency (Air)**								46 355	AT1.1
5		**2. MS Response Agency (Sea)**								260 889	AT2.1
6		**3. OSRO Co Ltd**								75 660	AT2.2
7		**4. MS (Shoreline)**								115 789	AT3.1
8		**5. Marine Pollution Responders Ltd**								455 608	AT3.2
9		**6. Waste Services Co Ltd**								247 248	AT4.1
10									***TOTALS:***	***1 201 549***	
11											
12											
13											
14											

TABLE 1: Example spreadsheet

3 OSRO Co Ltd

I Personnel	**Unit cost**	**12 June**	**13 June**	**14 June**	**Sat 15 June**	**Sun 16 June**	**Number**	**Unit**	**Rate**	**Claim**	**Reference**
Command	850	1	1	1	1	1	5	Man days	100%	4 250	AT2.21
Supervisors	350	3	3	3			9	Man days	100%	3 150	AT2.22
	350				3	2	5	Man days	150%	2 625	
Technicians	200	5	5	5			15	Man days	100%	3 000	AT2.23
	200				5	3	8	Man days	150%	2 400	
Labourers	150	15	15	15			45	Man days	100%	6 750	AT2 24
	150				12	9	21	Man days	150%	4 725	
Meals	12						108	Man days	100%	1 296	AT2.25
II Equipment								*Personnel subtotal*		*28 196*	
Boat 1	1 500	1	1	1	1	1	5	Days	100%	7 500	AT2.26
Boat 2	1 200	1	1	1	1		4	Days	100%	4 800	AT2.27
Boat 3	1 200	1	1	1			3	Days	100%	3 600	AT2.28
5-ton truck	250	1	1	1	1	1	5	Days	100%	1 250	AT2.29
Cars	55	3	3	3	3	2	14	Days	100%	770	AT2.210
Sorbent booms	25	12		12			24	m	100%	600	AT2.211
Booms	8.5	250	250	250	250		1 000	M days	100%	8 500	AT2.212
Sorbent mats	7.5	10		10		10	30	kg	100%	225	AT2.213
Disc skimmer	120						0	Days in use	100%	-	AT2.214
	120	1	1	1	1	1	5	Days standby	50%	300	
Drum skimmer	150	1	1	1	1		4	Days in use	100%	600	AT2.215
	150					1	1	Days standby	50%	75	
Power pack	160	1	1	1	1		4	Days in use	100%	640	AT2.216
	160	1	1	1	1	2	6	Days standby	50%	480	
Pump	50						0	Days in use	100%	-	
	50	1	1	1	1	1	5	Days standby	50%	125	AT2.217
Cotton gloves	0.5	24	24	24	9	6	87	Pr days	100%	44	AT2.218
Life vests	24	24					24	Lvest days	100%	576	AT2.219
Tivek suits	4.5	24	24	24	9	6	87	Suit days	100%	392	AT2.220
Safety boots	15	24					24	Boot days	100%	360	AT2.221
								Equipment subtotal		*30 836*	
III Miscellaneous											
Waste disposal	150						65	Tonne	100%	9 750	AT2.222
								Misc subtotal		*9 750*	
								SUBTOTAL:		***68 782***	
IV Management Fee									10%	6 878	
								CLAIM TOTAL:		**75 660**	

TABLE 2: Examples of supporting documentation

AT2.21	Name; function in response to the spill; job sheet; daily reports; pay advice
AT2.22	Names; functions in response to spill; assigned to Boat 1, 2 or 3; work sheets; daily reports; payslips
AT2.23	Names; functions in response to spill; assigned to Boat 1, 2 or 3; time sheets; payslips
AT2.24	Names; functions in response to spill; assigned to Boat 1, 2 or 3; time sheets; payslips
AT2.25	Supplier; invoices & receipts
AT2.26	Craft specification: Name; type; length overall; Horsepower (kW); Normal crew complement; fuel & lubricants consumption; daily fuel tank dips. Deck log including notes on operational area, activities, working hours, quantities of oil & water recovered, daily recovered oil storage tank dips
AT2.27	Craft specification & Deck log as above
AT2.28	Craft specification & Deck log as above
AT2.29	Vehicle make and model; registration number; driver's name
AT2.210	Vehicle make & models; registration numbers; drivers' names
AT2.211	Manufacturer and specification – size; section length & depth; material; invoices & receipts
AT2.212	Manufacturer and specification – size; section length & depth; material; invoices & receipts
AT2.213	Manufacturer and specification – size; weight no. mats/kg; material; invoices & receipts
AT2.214	Manufacturer and model – rated capacity
AT2.215	Manufacturer and model – rated capacity
AT2.216	Manufacturer and model – rated capacity
AT2.217	Manufacturer and model – rated capacity
AT2.218	Supplier; invoices & receipts
AT2.219	Supplier; invoices & receipts
AT2.220	Supplier; invoices & receipts
AT2.221	Supplier; invoices & receipts
AT2.222	Disposal method; disposal contractor; weigh bridge tickets; invoices & receipts

The following spreadsheets expand the entry of the summary sheet for item 5 for the fictitious company, Marine Pollution Responders (MPR) Ltd., engaged in shoreline clean up. The spreadsheets are a simplified illustration of how a claim might be formatted but should be accompanied by a short narrative such as that shown below and supporting documentation identified in paragraph 7.36. The first spreadsheet shown represents the overall costs for the contractor which are made up of the costs for each of the three worksites, ie The Beach, Rocky Cove and Cobble Bank shown in spreadsheets 5.1, 5.2 and 5.3 respectively.

As noted previously, the rates shown are for illustrative purposes only and should not be taken as representative of reasonable costs nor would the methods described in the narrative necessarily be accepted as reasonable measures, depending on the circumstances of the incident.

Example Narrative

Marine Pollution Responders (MPR) Ltd

In the early hours of 12 June the tanker *ATANKER* went aground in bad weather some 3 miles northwest of Aport. The vessel was carrying a cargo of medium fuel oil (IFO 180) and reportedly lost some 500 tonnes from one of the cargo tanks. Oil quickly moved towards the coast and by the same evening had come ashore along some three kilometres of a sandy shoreline known locally as The Beach. Overnight on 12/13 June some of this oil floated off and moved along the coast to the adjacent Rocky Cove and Cobble Bank.

MPR were alerted at midday on 12 June once it had become clear that oil would come ashore and were contracted by the MS Response Agency to provide resources for shoreline cleaning. The initial focus was on The Beach but over the weekend MPR was additionally tasked to work on Rocky Cove and Cobble Bank.

The Beach

MPR initially deployed 45 men increasing to 60 on the following day and up to 100 over the weekend. Manpower was used to collect stranded oil into plastic bags, consolidated into jumbo bags for transport off the beach. Oil floating at the water's edge was pumped into portable tanks. Bulk oil was flushed to collection points with water pumps for the diaphragm pumps to transfer into portable tanks. Oil separating out in the portable tanks was loaded into 10-ton tank trucks for transport to disposal.

Numbers were ramped up during the following week and reached daily totals of 120 labourers on Thursday and Friday, 20 and 21 June but were run down over the second weekend. Following an inspection with the MS Response Agency on 24 June, a final tidy up and demobilisation was completed over the next two days.

Rocky Cove

MPR mobilised to Rocky Cove on the morning of Saturday 15 June using HP washing to remove oil from rocks. Labour was used to collect oil released with sorbents mats.

Cobble Bank

An excavator was used to move cobble to the water's edge to allow 'surf washing' to take place. Sorbent booms were set at the end of the bank to corral floating oil moving along the bank and a small work force was used to collect it with sorbent mats.

Enclosures:

MPR Ltd invoice to MS Response Agency (Shore)	Daily time sheets The Beach; Rocky Cove; Cobble Bank
MPR Manager's daily summary report	5t Truck logs
Beach-masters daily reports	10t Tank truck logs
Company rate sheet	Invoices for 3rd party supplies

5 Marine Pollution Responders Ltd (Example spreadsheet showing overall costs for this contractor)

	Unit cost	12 June	13 June	14 June	15 June	16 June	17 June	18 June	19 June	20 June	21 June	22 June	23 June	24 June	25 June	26 June	Number	Unit	Rate	Claim
I Personnel																				
Manager	750	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	15	Man days	100%	11 250
Beach-masters	350		1	1			3	3	3	3	3			3	2	2	24	Man days	100%	8 400
	350				3	3						3	3				12	Man days	150%	6 300
Supervisors	200		3	5			10	10	12	15	15			6	5	3	84	Man days	100%	16 800
	200				9	10						10	5				34	Man days	150%	10 200
Labourers	120		45	60			150	160	160	200	200			105	60	40	1 180	Man days	100%	141 600
	120				100	150						140	60				450	Man days	150%	81 000
Meals	8.5																1 799	Man days	100%	15 292
II Equipment																		*Personnel subtotal*		*290 842*
Front-end loaders	200				3	3	6	6	6	6	6	6	3	3	2		50	Days	100%	10 000
Excavator	300				1	1	1	1	1	1	1	1	1	1			10	Days	100%	3 000
Tractor trailers	175						3	6	6	6	6	6	3	4	2	2	44	Days	100%	7 700
5-ton trucks	250		1	1	1	1	4	4	4	4	4	4	2	3	2	1	36	Days	100%	9 000
10-ton trucks	400						2	2	2	2	2	2		1			13	Days	100%	5 200
Cars	55	1	2	2	5	5	5	5	5	5	5	5	5	4	4	3	61	Days	100%	3 355
Vans	95		3	4	7	10	10	11	11	13	13	9	5	7	5	3	111	Days	100%	10 545
HP washers	50				5	6	8	8	8	9	9	8	4	8	4		77	In use	100%	3 850
	50					2						1	5	1	5		14	Standby	50%	350
Water pumps	35				3	3	3	3	3	3	3	3	3	3			30	Days	100%	1 050
Diaphragm pumps	50		1	3	3	3	3	3	3								19	In use	100%	950
Pumps	50									3	3	3	3	3			15	Standby	50%	375
Portable tanks	75		1	3	3	3	3	3	3	3	3	3	3	3	3	3	40	Days	100%	3 000
III Materials																		*Equipment subtotal*		*58 375*
Sorbent booms	25					108					56			12			176	m	100%	4 400
Sorbent mats	7.5		50		100	100	250	200	200	550	500	300	200	100	10		2 560	kg	100%	19 200
Jumbo bags	15					50	60	60	60	50	50	50					380	J-Bags	100%	5 700
Plastic bags	4			100	105	105	205	205	205	215	223	313	313	158			2 145	Bags x 10	100%	8 580
Gloves	2		49	66	112	163	163	173	175	218	218	153	68	114	67		1 739	Prs	100%	3 478
Cotton gloves	0.5		49	66	112	163	163	173	175	218	218	153	68	114	67		1 739	Prs	100%	870
Tivek suit	4.5		49	66	112	163	163	173	175	218	218	153	68	114	67		1 739	Suits	100%	7 826
Waterproofs	12							173	175	218	218	153	68				1 005	Waterproof	100%	12 060
Boots	6.5		49	17	46	51		35	36	206							440	Boot prs	100%	2 860
																		Materials subtotal		*77 873*
																		SUBTOTAL:		***414 190***
IV General expenses																		10%		41 419
																		CLAIM TOTAL:		**455 608**

5.1 Marine Pollution Responders Ltd (Example 1 of 3 worksite spreadsheets linked to contractor's overall costs)

WS1 The Beach

	Unit cost	12 June	13 June	14 June	15 June	16 June	17 June	18 June	19 June	20 June	21 June	22 June	23 June	24 June	25 June	26 June	Number	Unit	Rate	Claim
I Personnel																				
Beach master	350		1	1			1	1	1	1	1			1	1	1	10	Man days	100%	3 500
	350				1	1						1	1				4	Man days	150%	2 100
Supervisors	200		3	5			7	7	9	10	10			3	3	3	60	Man days	100%	12 000
	200				7	7						7	3				24	Man days	150%	7 200
Labourers	120		45	60			100	100	110	120	120			60	40	40	795	Man days	100%	95 400
	120				75	100						90	40				305	Man days	150%	54 900
Meals	8.5																1 198	Man days	100%	10 183
II Equipment																		*Personnel subtotal*		*185 283*
Front-end loaders	200				3	3	6	6	6	6	6	6	3	3	2		50	Days	100%	10 000
Tractor trailers	175						3	6	6	6	6	6	3	4	2	2	44	Days	100%	7 700
5 ton trucks	250		1	1	1	1	4	4	4	4	4	4	2	3	2	1	36	Days	100%	9 000
10 ton trucks	400						2	2	2	2	2	2		1			13	Days	100%	5 200
Cars	55		2	2	2	2	2	2	2	2	2	2	2	2	2	2	28	Days	100%	1 540
Vans	95		3	4	5	6	6	6	7	7	7	5	3	4	3	3	69	Days	100%	6 555
Water pumps	35				3	3	3	3	3	3	3	3	3	3			30	Days	100%	1 050
Diaphragm	50		1	3	3	3	3	3	3								19	In use	100%	950
Pumps	50									3	3	3	3	3			15	Standby	50%	375
Portable tanks	75		1	3	3	3	3	3	3	3	3	3	3	3	3	3	40	Days	100%	3 000
III Materials																		*Equipment subtotal*		*45 370*
Sorbent mats	7.5		50				50			50					10		160	kg	100%	1 200
Jumbo bags	15					50	60	60	60	50	50	50					380	J-Bags	100%	5 700
Plastic bags	4			100	100	100	200	200	200	200	200	300	300	150			2 050	Bags x 10	100%	8 200
Gloves	2		49	66	83	108	108	108	120	131	131	98	44	64	44		1 154	Prs	100%	2 308
Cotton gloves	0.5		49	66	83	108	108	108	120	131	131	98	44	64	44		1 154	Prs	100%	577
Tivek suit	4.5		49	66	83	108	108	108	120	131	131	98	44	64	44		1 154	Tivek suits	100%	5 193
Waterproofs	12							108	120	131	131	98	44				632	Waterproofs	100%	7 584
Boots	6.5		49	17	17	25		25	12	131							276	Boot prs	100%	1 794
																		Materials subtotal		*32 556*
																		WS1 SUBTOTAL:		***263 209***

5.2 Marine Pollution Responders Ltd (Example 2 of 3 worksite spreadsheets linked to contractor's overall costs)
WS2 Rocky Cove

I Personnel	**Unit cost**	**12 June**	**13 June**	**14 June**	**15 June**	**16 June**	**17 June**	**18 June**	**19 June**	**20 June**	**21 June**	**22 June**	**23 June**	**24 June**	**25 June**	**26 June**	**Number**	**Unit**	**Rate**	**Claim**
Beach-master	350						1	1	1	1	1			1	1	1	8	Man days	100%	2 800
	350				1	1						1	1				4	Man days	150%	2 100
Supervisors	200						2	2	2	3	3			2	2		16	Man days	100%	3 200
	200				2	2						2	2				8	Man days	150%	2 400
Labourers	120						40	40	40	60	60			40	20		300	Man days	100%	36 000
	120				25	40						40	20				125	Man days	150%	22 500
Meals	8.5																461	Man days	100%	3 919
II Equipment																		*Personnel subtotal*		*72 919*
Cars	55				2	2	2	2	2	2	2	2	2	2	2	1	23	Days	100%	1 265
Vans	95				2	3	3	3	3	4	4	3	2	3	2		32	Days	100%	3 040
HP washers	50				5	6	8	8	8	9	9	8	4	8	4		77	In use	100%	3 850
	50					2						1	5	1	5		14	Standby	50%	350
III Materials																		*Equipment subtotal*		*8 505*
Sorbent mats	7.5				50	50	50	50	50	250	400	250	200	95			1 445	kg	100%	10 838
Plastic bags	4				2.5	2.5	2.5	2.5	2.5	12.5	20	10	10	5			70	Bags x 10	100%	280
Gloves	2				28	43	43	43	43	64	64	43	23	43	23		460	Prs	100%	920
Cotton gloves	0.5				28	43	43	43	43	64	64	43	23	43	23		460	Prs	100%	230
Tivek suit	4.5				28	43	43	43	43	64	64	43	23	43	23		460	Tivek suits	100%	2 070
Waterproofs	12							43	43	64	64	43	23				280	Waterproofs	100%	3 360
Boots	6.5				28	15			12	64							119	Boot prs	100%	774
																		Materials subtotal		*18 471*
																		WS2 SUBTOTAL:		***99 895***

5.3 Marine Pollution Responders Ltd (Example 3 of 3 worksite spreadsheets linked to contractor's overall costs)
WS3 Cobble Bank

I Personnel	**Unit cost**	**12 June**	**13 June**	**14 June**	**15 June**	**16 June**	**17 June**	**18 June**	**19 June**	**20 June**	**21 June**	**22 June**	**23 June**	**24 June**	**25 June**	**26 June**	**Number**	**Unit**	**Rate**	**Claim**
Beach-master	350						1	1	1	1	1			1			6	Man days	100%	2 100
	350				1	1						1	1				4	Man days	150%	2 100
Supervisors	200						1	1	1	2	2			1			8	Man days	100%	1 600
	200					1						1					2	Man days	150%	600
Labourers	120						10	20	10	20	20			5			85	Man days	100%	10 200
	120					10						10					20	Man days	150%	3 600
Meals	8.5																125	Man days	100%	1 063
II Equipment																		*Personnel subtotal*		*21 263*
Excavator	300				1	1	1	1	1	1	1	1	1	1			10	Days	100%	3 000
Cars	55				1	1	1	1	1	1	1	1	1				9	Days	100%	495
Vans	95					1	1	2	1	2	2	1					10	Days	100%	950
III Materials																		*Equipment subtotal*		*4 445*
Sorbent booms	25					108					56			12			176	m	100%	4 400
Sorbent mats	7.5				50	50	150	150	150	250	100	50		5			955	kg	100%	7 163
Plastic bags	4				2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5			25	Bags x 10	100%	100
Gloves	2				1	12	12	22	12	23	23	12	1	7			125	Prs	100%	250
Cotton gloves	0.5				1	12	12	22	12	23	23	12	1	7			125	Prs	100%	63
Tivek suit	4.5				1	12	12	22	12	23	23	12	1	7			125	Tivek suits	100%	563
Waterproofs	12							22	12	23	23	12	1				93	Waterproofs	100%	1 116
Boots	6.5				1	11		10	12	11							45	Boot prs	100%	293
																		Materials subtotal		*13 946*
																		WS3 SUBTOTAL:		***39 654***