



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND 1971

ASSEMBLY
4th extraordinary session
Agenda item 8

71FUND/A/ES.4/7
14 April 1998

Original: ENGLISH

HAVEN INCIDENT

SEARCH FOR A GLOBAL SETTLEMENT

Note by the Director

Summary:	Information is given on the developments in respect of the search for a global settlement of all outstanding issues.
Action to be taken:	Give the Director instructions in respect of a global settlement and the indemnification of the shipowner.

1 Consideration of this issue prior to the Assembly's 20th session

1.1 In 1995 an offer of a global settlement of all issues arising out of the *Haven* incident was made by the shipowner, the United Kingdom Mutual Steamship Assurance Association (Bermuda) Ltd (UK Club) and the 1971 Fund. The Italian Government was not able to accept that offer. At the Assembly's 18th session held in October 1995, Professor H Tanikawa of the Japanese delegation stated that any future initiative towards a global settlement must be taken by the claimants, including the Italian Government, and that the terms and conditions of the previous offer of a global settlement were well known. The Assembly endorsed that statement (document 71FUND/A.18/26, paragraphs 11.8 and 11.9).

1.2 At its 19th session in October 1996, the Assembly instructed the Director to explore, with the Italian Government and the UK Club, the possibility of arriving at a global settlement in the *Haven* case which, as regards the 1971 Fund, fell within the maximum amount of compensation that would be available under the 1971 Fund Convention, ie the difference between 60 million SDR and 14 million SDR, minus the amounts which the 1971 Fund had paid or might have to pay to other claimants. The Assembly emphasised that such discussions were without prejudice to the 1971 Fund's

position in respect of the time bar issue. The Assembly authorised the Executive Committee to approve any global settlement within certain parameters (documents 71FUND/A.19/30, paragraph 17.11 and 71FUND/EXC.52/2, paragraph 2.3).

1.3 At its 3rd extraordinary session, held in April 1997, the Assembly noted that the Italian Government had not given a reply to the offer for a global settlement made by the shipowner, the UK Club and the 1971 Fund. In view of this situation, it was decided that it was for the Assembly to take the decision as to whether to agree to a global settlement. The Assembly instructed the Director to continue the discussions with the Italian Government and the shipowner/UK Club concerning the possibility of arriving at a global settlement in the *Haven* case within the parameters laid down by the Assembly and the Executive Committee (document 71FUND/A/ES.3/7, paragraphs 3.1.10 and 3.1.11).

2 Consideration by the Assembly at its 20th session

2.1 At its 20th session, held in October 1997, the Assembly noted the developments in respect of the *Haven* incident as contained in document 71FUND/A.20/28.

2.2 The representative of the UK Club made the following statement:

We are able to advise the Assembly that the shipowner and the UK Club have proposed to the Italian Government an offer to contribute to a global settlement on a basis which would enable the Italian Government to consider positively a global solution within the terms that the 1971 Fund has previously laid down as conditions for a global settlement. We understand that the terms of this offer, if accompanied by a contribution from the 1971 Fund within the terms of the 1971 Fund's previous offer, can form the basis of a global settlement acceptable to the Italian Government subject to ratification by the Italian Parliament.

The offer, which has been made by the shipowner and the UK Club, is made without any admission as to liability in excess of the shipowner's limitation amount under the 1969 Civil Liability Convention and consists of the offer of an *ex gratia* amount in consideration of the termination of all outstanding litigation between the parties to a global settlement in connection with the *Haven* incident. The offer which has been made is entirely consistent with the position of the 1971 Fund in respect of its prior conditions for a global settlement.

There remains one claim which was admitted to the "stato passivo", submitted by the clean-up contractor Oromare, which has not been agreed for settlement and in respect of which no amount has been paid. In order to conclude all litigation between the Italian State, the shipowner/Club and the 1971 Fund, the UK Club, as part of its contribution to a global settlement, will undertake to resolve the claim of Oromare without recourse to the 1971 Fund and to indemnify the 1971 Fund in the event of any judgement of the Court against the 1971 Fund in connection with this claim.

Further claims have recently been submitted in the "stato passivo" from fishing interests in the Province of Imperia, which claims will be vigorously resisted. The UK Club will undertake to continue to defend these claims and to resolve them at its own expense with the appropriate indemnity to the 1971 Fund.

We understand that a global settlement on this basis, and within the conditions previously set down by the 1971 Fund, can now be positively considered by the Italian State, thus bringing an end to all litigation in connection with the *Haven*.

The Assembly will recall that, as part of the previous consideration of a global settlement, the Club had volunteered to waive its claim for indemnification from the 1971 Fund under Article 5.1 of the Convention. Since the original terms of the proposal for

a global settlement have not been met, the Club is no longer prepared to waive its claim in this respect and will continue to maintain its claim for indemnification under Article 5.1.

We would therefore seek an early opportunity of presenting to the Director the legal and factual basis on which the claim for indemnification is made.

2.3 The Italian delegation made the following statement:

The Italian delegation wishes to state that the proposal presented by the P & I Club satisfies, in conjunction with the offer made by the Fund, the minimum requisites requested by the Italian Government in order to examine the possibility of accepting a global settlement for the Haven incident. The Italian Government will therefore be now in the position to evaluate positively the matter.

For this purpose the Fund should possibly reconfirm its offer, clearly indicating the financial details on the basis of the amounts it has already disbursed.

The decision of the Government will then have to be submitted to the Italian Parliament.

2.4 The Assembly authorised the Executive Committee to determine, at its 57th session, whether the conditions for a global settlement laid down by the Assembly had been fulfilled, and if so, to approve it. It was agreed that if this issue could not be decided at that session, the matter would be referred to the Assembly at its 4th extraordinary session, to be held in April 1998 (document 71FUND/A.20/30, paragraph 17.13).

2.5 The Assembly decided to extend the mandate of the Consultation Group established by the Executive Committee at its 42nd session to the next session of the Assembly.

2.6 Professor H Tanikawa of the Japanese delegation stated that, in his view, the 1971 Fund's proposal of a global settlement was still available. The Chairman confirmed, on behalf of the Assembly, that the 1971 Fund's offer was still available.

2.7 The Assembly emphasised that the offer was subject to certain conditions as laid down in paragraphs 3.20 and 3.24 of document FUND/EXC.43/7, in particular that the offer was without prejudice to the 1971 Fund's position in respect of the issue of time bar.

2.8 It was noted that, under the proposed global settlement, all legal actions in the Italian Courts would be withdrawn.

3 Consideration at the Executive Committee's 57th session

At its 57th session, the Executive Committee noted a statement by the Italian delegation that the Italian Cabinet had approved a Bill for submission to Parliament authorising the Prime Minister to sign a transaction with the UK Club and the 1971 Fund. The Committee noted with satisfaction the considerable progress towards a global settlement that the Italian Government's decision represented.

4 Developments since the Executive Committee's 57th session

4.1 In February 1998, the Italian Government submitted a Bill to the Italian Parliament requesting authorisation to settle out of court the disputes relating to the *Haven* incident. The Bill (in English translation) is attached.

4.2 The Bill is being examined by a Commission of the Senate, which is empowered to take a decision on the Bill on behalf of the Senate itself.

4.3 If approved by the Commission on behalf of the Senate, the Bill (with any amendments which the Senate might adopt), will be submitted to the Chamber of Deputies, which has to consider the Bill in plenary.

4.4 There have been no developments in respect of the claims recently submitted from fishing interests in the Province of Imperia. As mentioned above (paragraph 2.2), the UK Club has undertaken to resolve these claims at its own expense with the appropriate indemnity to the 1971 Fund, if the conditions for a global settlement are satisfied.

4.5 The parties concerned are considering what documentation will be required to finalise a global settlement, if approved by the Italian Parliament.

5 The 1971 Fund's involvement in a global settlement with the Italian Government

If a global settlement of all outstanding issues were to be reached along the lines set out by the Assembly and the Executive Committee (cf document FUND/EXC.43/7, paragraph 3.14), the 1971 Fund's involvement would be as follows:

	Lit
Total available under 1969/1971 Conventions (60 million SDR), converted using rate applicable on date shipowner's limitation fund established	102 643 800 000
Less Shipowner's limitation fund (14 million SDR)	<u>- 23 950 220 000</u>
	78 693 580 000
Less Payments by 1971 Fund to two Italian contractors	<u>- 1 582 341 690</u>
	77 111 238 310
Less Payments by 1971 Fund to French public bodies other than the French State (FFr10 659 469), converted using rate applicable on date of purchase of French Francs (28.3.96): FFr1 = Lit 311.60	<u>- 3 321 490 540</u>
	73 789 747 770
Less Payments by 1971 Fund	
- To French State	FFr12 580 724
- To Principality of Monaco	<u>270 035</u>
	^{<1>} FFr12 850 759
	<u>- 4 356 407 301</u>
Balance to be paid by 1971 Fund to Italian State in the context of a possible global settlement	69 433 340 469

6 Indemnification of the shipowner

6.1 A remaining issue is that relating to the shipowner's right to indemnification under Article 5.1 of the 1971 Fund Convention. As mentioned in paragraph 2.2 above, the UK Club had, in connection with a previous offer for a global settlement, volunteered to waive its claim for indemnification. Since the original terms of the proposal for a global settlement were not met, the Club has stated that it is no longer prepared to waive its claim in this respect and will continue to request indemnification under Article 5.1.

6.2 The UK Club has made a presentation to the 1971 Fund in respect of the legal and factual basis on which its claim for indemnification under Article 5.1 of the 1971 Fund Convention is based. This issue is at present being discussed between the Director and the UK Club (cf document 71FUND/EXC.57/6, paragraph 3.1.5).

<1> Estimate of the cost in Italian Lire of purchasing FFr12 850 759, based on cross rate of 14 April 1998, ie 339 Lire = FFr1. Consequently, the final figure may differ from the estimated figure.

6.3 The amount of the indemnification of the shipowner is 5 666 667 SDR which corresponds to Lit 9 694 137 236 which, converted at the rate applicable on 14 April 1998 (£1=Lit 3 004), is equivalent to £3 227 076.

7 Action to be taken by the Assembly

The Assembly is invited:

- (a) to take note of the information contained in this document; and
- (b) to give the Director such instructions as it may deem appropriate in respect of the *Haven* incident, in particular in respect of:
 - (i) a global settlement, if concluded; and
 - (ii) the indemnification of the shipowner.

* * *

SENATE OF THE REPUBLIC
LEGISLATURE XIII

N. 3048

BILL

Presented by the President of the Council of Ministers

(PRODI)

jointly with the Minister of the Environment

(RONCHI)

with the Minister of the Treasury, Budget and Economic Planning

(CIAMPI)

and with the Minister of Transport and Navigation

(BURLANDO)

COMMUNICATED TO THE PRESIDENCY ON THE 5TH FEBRUARY 1998

Authorisation to settle out of court, by one or more settlement deeds, the disputes relating to compensation for damages suffered by the Italian State following the explosion and sinking of the motor tanker *Haven*

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Honourable Senators. On the 11th April 1991, a few miles off Arenzano (Western Riviera of Liguria), the *M/T HAVEN* of Cypriot flag and owned by *Venha Maritime Ltd* of Monrovia (Liberia) exploded, setting itself on fire and sinking in three separate sections. The vessel was carrying a cargo of crude oil estimated as being in excess of 140,000 tonnes. Part of the cargo was destroyed by the flames, while the remaining part spilled into the sea. In consideration of the gravity of the disaster, a national emergency was declared in accordance with Article 11 of Law no. 979 of the 31st December 1982, so that the operations to contain and to clean up the pollution were co-ordinated and directed by the Department of Civil Protection, through the Ministry of the Environment's central inspectorate for the protection of the sea. In spite of the abundance of men and equipment, it was not possible to prevent the black tide from causing serious damage, fouling the seashore between Genoa and Savona and to some extent all the western Ligurian coasts and even those of France and Monaco.

Compensation for damages arising out of the spillage of oil in the sea is governed by two international conventions: the *International Convention on Civil Liability for Oil Pollution Damage* (known as the *Civil Liability Convention* or *CLC - Brussels 1969*) and by the *International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage* (known as the *Fund Convention* or *FC - Brussels 1971*). In Italy the two Conventions were ratified and made enforceable under Law no. 185 of the 6th April 1977 and came into effect in 1978.

The compensation system set out therein provides for the limitation of liability of the owner of the vessel to a given sum above which the *International Oil Pollution Compensation Fund (IOPC Fund)* accepts liability up to a certain maximum, above which there is no compensation for damages.

The victims of the *Haven* incident (some 1,350 including private individuals, public bodies of the territory and the State - for costs incurred to contain and clean up the pollution) applied for compensation to *Venha Maritime Limited* - owner of the motor tanker - and to the *IOPC Fund*.

There followed a particularly weighty and complex dispute. Very briefly the questions arising may be summarised as follows:

The victims claimed compensation amounting to several hundred milliards; the Italian Government asked for reimbursement of around 145 milliards of Lire for costs incurred, plus compensation for damage to the environment (impossible to quantify, but which by way of guideline was indicated at around 900/1,000 milliards of Lire);

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The *IOPC Fund, Venha Maritime Limited* and its insurer (*United Kingdom P & I Club*), on the one hand disputed radically the quantification of the damages suffered by private individuals, and on the other hand maintained that the costs to be reimbursed to the Italian Government could not exceed 15 milliards of Lire; they also disputed whether damage to the environment was recoverable under the terms of the *CLC* and *FC*;

The Italian victims maintained that the maximum exposure of the Fund was more than 750 milliards of Lire; the Fund, on the other hand, maintained that it should be calculated at 102.6 milliards of Lire;

The Italian victims maintained that interest accrued and to accrue on the amounts deposited in favour of the victims by the shipowner under the terms of the *CLC* should go to increase such deposit; the Fund and *Venha Maritime Limited* (and the *United Kingdom P & I Club*) maintained that it should, on the contrary, be accounted for by way of partial reduction of the maximum amounts owed by them (subject to it being ascertained whether it was the Fund or the shipowner which could avail itself of the said interest);

The Italian Government and the Fund (the latter with the intention of exempting itself from any obligation for compensation) maintained that the shipowner should be liable without limit for the damage because it had forfeited its right to the limitation of liability contemplated in the *CLC*, having caused the disaster through gross negligence.

In addition, in the course of the various interlinked actions, various objections of a procedural and substantial nature were raised reciprocally, aimed either at excluding any compensation whatsoever or at extending without limit the obligation to compensate, as for example the time bar on the claims put forward by almost all the victims (including the Italian Government) and the forfeiture by *Venha Maritime Limited* of the right to limit its liability, because it had not integrated the deposit of the sum corresponding to its limit of liability in accordance with the final judgment of the Genoa Court of Appeal.

In the judgments handed down so far by the competent courts it has been decided (although not finally) that:

the time bar objection is unfounded; there is an appeal before the Supreme Court pending on this;

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the assets of the *Haven* fund ("stato attivo") are about 750 milliards of Lire; there is an appeal before the Supreme Court pending on the matter; a panel of experts, appointed for the purpose by the Ministry of Foreign Affairs, has expressed an opinion according to which it may be calculated at between 200 and 300 milliards of Lire;

the liabilities of the *Haven* fund ("stato passivo") amount to little more than 184 milliards of Lire, including the environmental damage estimated at 40 milliards of Lire (interim decision); first instance proceedings are pending to ascertain and quantify the damage (after almost seven years the proceedings - which are extremely complex and long drawn out - are at an early stage).

During the intervals of the various actions the insurers (*United Kingdom P & I Club*), acting also in the interests of *Venha Maritime Limited*, with the intention of facilitating a settlement of the pending disputes, contacted all the victims of the incident, including the territorial bodies involved, and, having reached an agreement on the amount of compensation, proceeded to payment of the sums agreed (in 1996 and the first months of 1997). The IOPC Fund, on its part, proceeded to payment of the French and Monegasque victims and two Italian companies.

To date, consequently, of the compensation claims connected with the *Haven* incident only the position of the Italian Government remains unresolved (although it is said that others have applied or have in mind to apply for various compensation payments). Given the extreme complexity of the pending actions, on the one hand because of the delicate and intricate questions of law involved, on the other because of the particular difficulty - from the judicial investigation point of view - of ascertaining the damage, it may reasonably be foreseen that the proceedings will not be judicially resolved for at least another ten years.

In consideration of this, and of the debatability of the defence arguments put forward *hinc et inde* in the proceedings, the Government, on the advice of its Law Officers, some time ago started negotiations to seek an amicable settlement of the position of the Italian State, the last to remain undecided.

Recently an outline agreement was reached which seems to be particularly expedient, on the following terms:

The *IOPC Fund* will pay to the State an amount corresponding to the maximum of 102.6 milliards of Lire, after deduction of the payments already made, and therefore equivalent to about 70.6 milliards of Lire.

Insurers will make this amount up to the global sum of 117.6 milliards of Lire.

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Insurers also undertake to pay the cost of the official survey carried out in the criminal proceedings pending before the Tribunal of Genoa (which is in the region of 2.5 milliards of Lire);

Insurers, finally, will take over the risk of remaining claims for compensation pending or to be put forward by third parties in connection with the *Haven* incident.

To evaluate the expediency of the offer, it should be noted that, as already said, the Tribunal of Genoa has made an interim estimate of 184 milliards of Lire (not including monetary revaluation and interest) for the total damage caused by the *Haven* incident; the damage suffered by the State has been quantified approximately at 145 milliards of Lire (including 40 milliards for environmental damage).

As against this decision (which it must be emphasised is entirely provisional in that, as a result of the pending proceedings, the quantification of the State's damages may increase, but may also be drastically reduced), it is highly significant that the settlement offer referred to above places at the disposal of all the victims (private individuals, public bodies and Italian State) an amount approximately equivalent to the quantification of the damages made by the Tribunal of Genoa (only interest and monetary devaluation remain unsatisfied). To the 117.6 milliards of Lire offered to the Italian State there must be added the sums already paid to the other victims, i.e. 55 milliards of Lire by the *United Kingdom P & I Club* and around 9 milliards of Lire by the IOPC Fund, making a total therefore of around 182 milliards of Lire (plus, lastly, the amount paid by the insurers to Oromare).

As regards the specific position of the Italian State, the Tribunal had awarded 105 milliards of Lire for expenses and 40 milliards of Lire for environmental damage. Deducting from the 117.6 milliards of Lire - aggregate compensation which will be received - the 105 milliards of Lire for expenses, 12.6 milliards of Lire remain for environmental damage. The fact that the Italian State will also receive reimbursement in any event for the enormous cost of the official survey carried out in the criminal proceedings should not be under-estimated. Furthermore, for a fuller evaluation of the matter, it should be noted that the insurers have paid *ex gratia* directly to the local territorial bodies the sum of 25 milliards of Lire for indirect economic damage connected with the degradation of the environmental image suffered at the time. In strict terms, therefore, the compensation for environmental damage to be accepted will (if the original claim put forward by the Italian Government under this head is borne in mind) be nominal or at least very reduced, given that the relevant amount would be less than one third of the amount awarded by the Tribunal of Genoa.

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This outcome, however, appears to be the best available given the special rules which regulate compensation in this matter, rules which make the hope of obtaining a higher level of compensation practically non-existent and given the requirements of international policy, which prompt a settlement of the complex *Haven* matter before or concurrently with the ratification, which cannot be longer delayed, of the 1992 London Protocols and therefore, finally, of adherence to the new Fund.

* * *

In consideration of the great political importance, both foreign and domestic, of the matter, of the difficulty in agreeing, drawing up and concluding a global settlement agreement because of the numerous State administrations involved, of the problems of an accounting and tax nature to be resolved, in allocating the funds recovered, as has been established in the course of repeated ministerial meetings, it is thought advisable to authorise and govern the desired settlement by means of legislation.

This will among other things allow Parliament to take cognizance of the matter in its extreme complexity and to make up its mind on the finalisation of it as proposed.

* * *

In paragraph 1 of Article 1 the drawing up of the settlement is authorised; in paragraph 2, notwithstanding the rules in force relating to state accounting, the Presidency of the Council is appointed as the administration charged with the drawing up of the same, in lieu of the various State administrations involved.

In Article 2, paragraphs 1 and 2, the sums which the State is to receive under the settlement and the relevant heads are indicated; in paragraph 3 the possibility is considered of fixing a time for the payments, taking into account the actual time needed by the Fund and the *United Kingdom P & I Club* to muster the enormous sums required; paragraph 4 provides that the shipowner and insurer shall take on the risk of the outcome of pending actions for compensation and of those which may be commenced in future, guaranteeing the Italian State against any loss which might derive therefrom. Article 3, paragraph 1, in accordance with the logic and nature of the settlement, provides for the parties' reciprocal renunciation of pending and future actions and proceedings; paragraph 2 provides that the parties bear their own costs. Article 4 provides that the settlement will be subject to a fixed lump sum registration fee. Article 5 governs the allocation of the funds which will be paid to the State, in accordance with agreements reached at meetings between the Ministries involved and taking into account the issue by the Ministry of the Treasury, in accordance with Article 14 of decree law no. 669 of the 31st December 1996, converted, with amendments, by law no. 30 of 28th February 1997, of a suspense account payment

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order in the amount of Lire 22,579,029,020 relating to the settlement of the dispute between the Ministry of the Environment and *Associazione temporanea dell'impresa (ATI) Consorzio IRI-ENI*, regarding the assistance rendered by the Consorzio following the *M/T Haven* incident. Articles 6 and 7 provide for the use by the Ministry of the Environment of the resources allocated by financial law (as determined annually paragraph 2 of Article 7 of law no. 979 of 1982) to carry out anti-pollution measures and the use on the basis of specific agreements, of Harbour Offices for the supervision of protected marine areas.

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BILL

Art. 1

1. The President of the Council of Ministers or one of his deputies is authorised to settle out of court, by one or more settlement deeds, the disputes relating to compensation for damages suffered by the Italian State following the explosion and sinking of the motor tanker *Haven*, which occurred in the waters of the Western Ligurian Riviera on the 11th April 1991. The out of court settlement authorised relates to pending disputes and any future disputes with the *International Oil Pollution Compensation Fund*, the headquarters of which are in London and which was set up by the Brussels Convention of 18th December 1971, ratified and made enforceable in Italy in accordance with law no. 185 of 6th April 1977, and with the owner and insurer of the vessel.

2. Notwithstanding the provisions in force relating to State accounting, the settlement will be drawn up and signed by the President of the Council of Ministers or by one of his deputies.

Art. 2

1. The settlement shall ensure that the State receives aggregate compensation for all damages suffered of not less than 117.6 milliards of Lire, and shall waive any further claim.

2. The settlement must also provide that there shall be paid to the State by the shipowner and its insurer a sum equivalent to the amount of the total cost of the official surveys carried out in the criminal proceedings relating to the *Haven* incident. The provision shall take effect in the event of acquittal of the accused.

3. The settlement may provide for a time for payment of the agreed sums not later than sixty days from the date on which the coming into effect of the settlement is communicated to the *International Oil Pollution Compensation Fund* and to the shipowner and its insurer.

4. The settlement shall provide that the shipowner and its insurer take over the risk of actions for compensation which are pending, even if put forward by way of substitution under article 511 of the Code of Civil Procedure, and of those which may be instituted by third parties in connection with the *Haven* incident, guaranteeing the Italian State against any loss which might arise therefrom.

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Art. 3

1. The settlement shall provide that the parties to the civil proceedings pending between the State and, severally or otherwise, the *International Oil Pollution Compensation Fund* and the shipowner and its insurer, having as their object compensation for damages suffered by the State because of the *Haven* incident, including the limitation of liability proceedings insofar as they relate to the finalisation of the assets and liabilities of the Haven fund ["stato attivo" and "stato passivo"], shall abandon these actions and any claim put forward in them.

2. The parties shall bear their own legal costs and Article 68 of law no. 1578 of 27th November 1933 shall not apply.

Art. 4

1. The settlement deed or deeds provided for in Article 1 shall be subject to a fixed lump sum registration fee.

Art. 5

1. The fund derived from the out of court settlement of the disputes referred to in Articles 1, 2, 3 and 4 shall be paid as revenue to the State and shall be reassigned, net of the amount of Lire 22,579 million, by decree of the Minister of the Treasury, Budget and Economic Planning, to the special base units of the budget of the Ministry of the Environment to meet, as a priority, the remaining expenses relating to the operations carried out on the occasion of the sinking of the *M/T Haven*, which occurred on the 11th April 1991, as well as associated costs in respect of interest and monetary revaluation, and operations to clean up the sea, and to the base units of the budgets of the Presidency of the Council of Ministers and of the Ministry of the Interior, on the basis of the shares determined in the decree issued by the Minister of the Environment.

Art. 6

1. For the performance of anti-pollution services, established by letter a) of paragraph 1 of Article 2 of law no. 979 of 31st December 1982, the Ministry of the Environment shall use the resources allocated for this purposes in table C of the financial law, as decided annually in accordance with Article 7 of law no. 979 of 31st December 1982.

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Art. 7

1. For the supervision of protected marine areas referred to in paragraph 7 of Article 19 of law no. 394 of the 6th December 1991, and for the activities referred to in Articles 11 and 12 of law no. 979 of 31st December 1982, the local harbour offices operate on the basis of binding general and specific directives of the Ministry of the Environment. For other intervention and activities relating to the protection and defence of the sea the Ministry of the Environment may also make use of harbour offices on the basis of specific agreements.

Art. 8

1. This law shall come into force on the day following the date of its publication in the *Official Gazette* of the Italian Republic.