

INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUND

EXECUTIVE COMMITTEE  
27th session  
Agenda item 3

FUND/EXC.27/2/Add.1  
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## INCIDENTS IN ITALY

### HAVEN INCIDENT

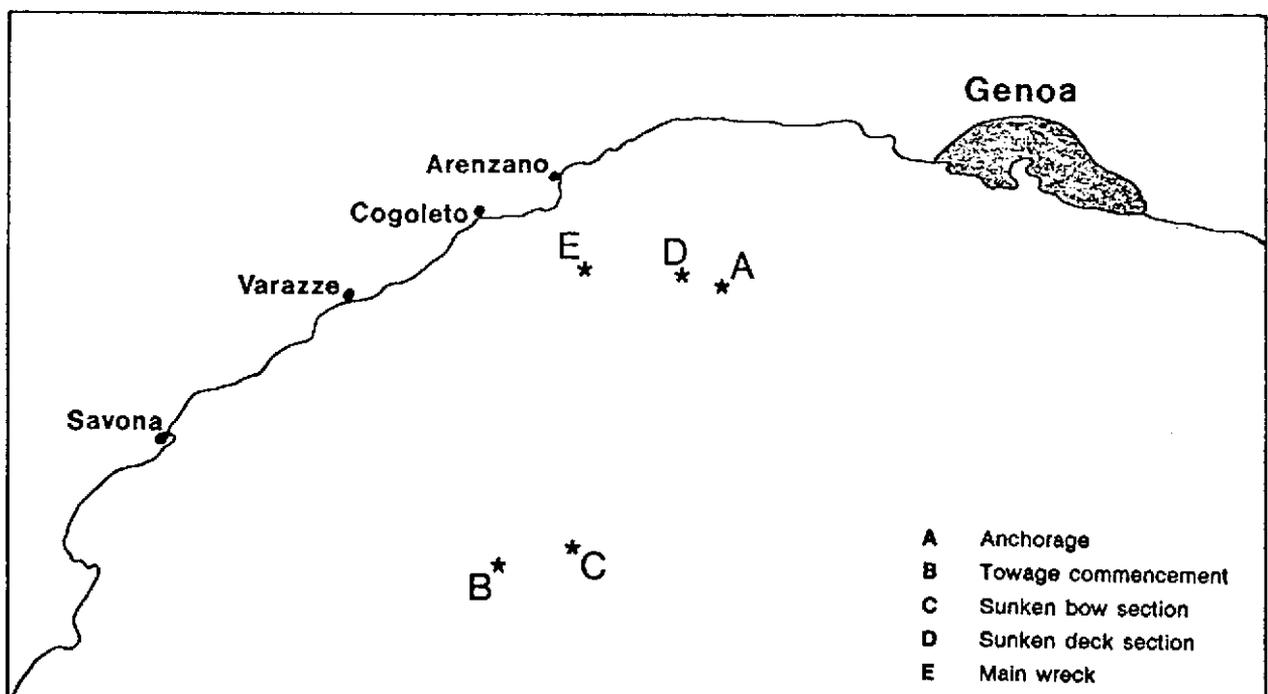
Note by the Director

#### Introduction

1 Since the issuance of document FUND/EXC.27/2, certain developments have taken place in connection with the HAVEN incident.

#### Clean-up Operations

2 On 22 May 1991, a contract on pollution monitoring and clean-up was signed between the Italian Government and a consortium of contractors known as ATI. Increased activity is now in progress to complete shoreline clean-up between Savona and Genoa and to clean oiled boats, mainly in the marinas at Arenzano and Varazze. Attempts are being made to recover patches of sunken oil inside the marinas.



3 Shoreline clean-up in France has been completed at most of the affected locations, but some work remains with rock cleaning and disposal of collected oily waste. Recent reports of light impact at a few distant sites are being investigated in order to verify the likely source of pollution.

4 The operations carried out in order to remove burned oil residue from the deck of the sunken main section of the ship are now nearly completed. A survey of the engine room will be undertaken to ascertain the status of those tanks in the engine room known to have contained oil prior to the incident but which have not yet been inspected. A further underwater survey of the bow section may also take place.

#### Notification by the Spanish Government

5 The Spanish Government has informed the IOPC Fund that small quantities of tar balls and oil patches have recently been discovered on the coasts of the Balearic Islands and Catalonia in Spain. The Government has stated that these substances may originate from the HAVEN or AGIP ABRUZZO incidents and that it cannot be ruled out that considerable quantities may reach the Spanish coasts. The Spanish authorities have taken samples of the tar balls which are being analysed.

#### Legal Proceedings

6 As reported in paragraph 19 of document FUND/EXC.27/2, the limitation fund was established by the shipowner's insurer, the UK Club, on 29 May 1991. The fund, amounting to Lit23 950 220 000, was constituted by means of a letter of guarantee.

7 The IOPC Fund has lodged an opposition against the Court's decision to open the limitation proceedings, reserving its right to challenge the shipowner's right of limitation. As mentioned in document FUND/EXC.27/2 (paragraph 20), the Director is following the investigation being carried out by the Italian authorities into the cause of the incident.

8 In addition, the IOPC Fund has lodged an opposition against the Court of Genoa's acceptance of a bank guarantee to constitute the limitation fund. The reason for the opposition is that no interest accrues on a bank guarantee, whereas if the limitation amount had been paid in cash, it would have been invested by the Court and would have earned interest to the benefit of third parties and the IOPC Fund. The IOPC Fund has maintained that the bank guarantee should also cover interest for a period of at least five years, before the end of which no final judgement could be expected; thus the guarantee should be increased so as to cover interest at a rate of 15% pa over that period. For this reason, the IOPC Fund has asked the Court either to declare that the guarantee was insufficient and that no limitation fund had been validly established, or to order that the guarantee should be increased to cover Lit42 003 500 000.

9 The IOPC Fund has intervened in the limitation proceedings, pursuant to Article 7.4 of the Fund Convention.

10 At the request of the IOPC Fund, the shipowner and the UK Club, the President of the Court of Genoa appointed a court surveyor with the task of establishing the extent of the damage to the coast between Genoa and Savona.

#### Action to be Taken by the Executive Committee

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

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