



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND

EXECUTIVE COMMITTEE
28th session
Agenda item 3

FUND/EXC.28/5
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INCIDENTS INVOLVING THE IOPC FUND

AGIP ABRUZZO

Note by the Director

1 The Incident

1.1 Whilst lying at anchor two miles off the port of Livorno on 10 April 1991, the Italian tanker AGIP ABRUZZO (98 544 GRT) was struck at night by the Italian ro-ro ferry MOBY PRINCE. Both vessels caught fire. All passengers and all crew members but one on board the ferry (143 persons in all) died, and the ferry was totally destroyed. Nobody on board the tanker died, although some crew members were injured. As a result of the incident, a state of local emergency was declared on 10 April, and it was lifted on 18 May 1991.

1.2 The AGIP ABRUZZO was carrying about 80 000 tonnes of Iranian light crude oil. The fire on board the tanker lasted for seven days during which time about 2 000 tonnes of cargo oil and an unknown quantity of bunker fuel oil was spilled.

1.3 As a result of the collision, the AGIP ABRUZZO was damaged in the aft end cargo tank on the starboard side, resulting in an initial escape of oil. The accommodation area and the engine room were destroyed by the fire, which probably also consumed some of the cargo oil. Explosions in the starboard bunker tank three days after the incident caused extensive structural damage to the ship and a subsequent loss of fuel oil.

2 Clean-up Operations and Salvage

2.1 Originally it was envisaged that the water from the flooded engine room and other spaces would be pumped so as to reduce the AGIP ABRUZZO's draught, thereby enabling her to be brought into the port of Livorno to discharge her cargo there. However, due to the difficulties that arose, it was decided to conduct a lightening operation at the anchorage. The transfer of the cargo to another vessel was completed on 17 May, after having been interrupted several times due to bad weather and operating difficulties. The AGIP ABRUZZO was sold to a non-Italian company and it is expected that she will be towed away from Livorno shortly.

2.2 During the operations, and as a result of bad weather some two weeks after the initial incident, further small releases of oil occurred from the starboard bunker tank through a damaged cargo tank. As a direct consequence, the Italian Government insisted that the number of vessels available for



containment of oil at sea and recovery of floating oil be increased, and that these vessels should remain in place while the transfer of the cargo was being carried out.

2.3 Attempts to recover the oil at sea were partially successful, but difficulties were experienced due to the high viscosity of the burnt oil residue and because the spilt fuel oil was distributed over a wide area. The spilt oil eventually stranded over some 130 kilometres of shoreline, mostly north of Livorno, although the pollution was intermittent and for the most part consisted of light scattering of tar balls.

2.4 Shoreline cleaning in the Livorno area was undertaken by local contractors using vacuum trucks to recover bulk oil, followed by manual removal of oiled debris, sand and pebbles. Hot water and dispersants were used for final cleaning of amenity areas. While most of these operations were completed by early June, before the beginning of the main tourist season, two areas in Livorno and Marina di Pisa required cleaning operations to be continued through the summer. In addition, some localised re-oiling occurred, apparently as a result of heavy weather in June and again in August.

2.5 The local authorities were concerned that the re-oiling in June and August may have come from oil lying on the seabed. Although in the opinion of the experts engaged by the P & I insurer (the Skuld Club) and the IOPC Fund this is unlikely, the Director agreed that a limited underwater survey should be conducted to allay such fears. At the time of drafting this document, this survey has not yet been undertaken.

2.6 The clean-up operations on shore and at sea were monitored on behalf of the IOPC Fund, the owners of the AGIP ABRUZZO and the Skuld Club by experts from the International Tanker Owners Pollution Federation Limited (ITOPF), assisted by local surveyors. The IOPC Fund gave Murray Fenton & Associates the task of monitoring the salvage operations on the Fund's behalf. These experts held numerous discussions with representatives of the Italian authorities and representatives of the shipowner.

2.7 The Director followed the operations in Livorno on 17 April and the Legal Officer visited the site of the incident on 23 April.

3 Limitation Proceedings

The owner of the AGIP ABRUZZO (SNAM, a company belonging to the state owned ENI group) has not yet initiated limitation proceedings. It is estimated that the limitation amount applicable to the AGIP ABRUZZO under the Civil Liability Convention is approximately Lit16 600 million (£7.6 million).

4 Claims for Compensation

4.1 Claims have been submitted by two contractors, Castalia and Labromare, for Lit10 013 575 038 (£4.6 million) and Lit5 570 056 282 (£2.5 million), respectively, covering both operations at sea and shoreline clean-up. Additional claims are anticipated from one or both of these contractors. A claim has also been presented by the owner of tugs used during the operations for an amount of Lit4 138 171 500 (£1.9 million), allegedly relating to anti-pollution measures. The municipality of Livorno is understood to have submitted a claim to the shipowner for beach clean-up in the amount of Lit223 135 620 (£102 000). The total amount of the claims submitted so far is thus approximately Lit20 000 million (£9.1 million). Further claims by the Italian authorities may be presented.

4.2 The IOPC Fund has been notified of two claims by owners of small boats for costs incurred for cleaning their boats. While at this stage further claims from private individuals and small businesses along the shoreline cannot be ruled out, the IOPC Fund has received no notification of any such claims.

4.3 The claims are being examined by the IOPC Fund, the owner of the AGIP ABRUZZO and the Skuld Club, with the assistance of experts.

5 Notification by the Spanish Government

In June 1991, the Spanish Government informed the IOPC Fund that small quantities of tar balls and oil patches had been discovered on the coasts of the Balearic Islands and Catalonia in Spain. The Government stated that these substances might originate from the HAVEN or AGIP ABRUZZO incidents and that it could not be ruled out that considerable quantities would reach the Spanish coasts. The Spanish authorities took samples of the tar balls for analysis, but the result of the analysis is not yet known. So far no claims have been presented in respect of pollution damage in Spain.

6 Investigations Into the Cause of the Incident

The Italian authorities are carrying out investigations into the cause of the incident. As instructed by the Executive Committee at its 27th session, held in June 1991, the Director is following these investigations so as to enable him to submit to the Executive Committee at a later session a proposal as to whether or not the IOPC Fund should bring recourse action against the owner of the MOBY PRINCE or take any other legal action (document FUND/EXC.27/6, paragraph 3.14).

7 Recourse Action and Related Issues

7.1 In June 1991, some parties involved in the collision approached the Director concerning the possibility of concluding an agreement under which the parties involved would undertake to refrain from taking certain actions relating to recourse proceedings. Under the proposed agreement, the IOPC Fund would undertake not to take legal action for the purpose of depriving the owner of the MOBY PRINCE of his right to limit his liability.

7.2 At its 27th session, the Executive Committee met in private, pursuant to Rule 12 of the Rules of Procedure, to discuss the proposed agreement. In view of the lack of information available

concerning the cause of the incident, the Executive Committee decided that the IOPC Fund should not become a party to an agreement of the kind proposed (document FUND/EXC.27/6 paragraph 3.17).

7.3 The parties concerned were informed of the Executive Committee's decision. The Director has understood that the proposed agreement was concluded without the IOPC Fund's participation.

7.4 The Executive Committee instructed the Director to follow the developments in respect of compensation to the victims of the ferry disaster and to report to the Committee at its 28th session (document FUND/EXC.27/6, paragraph 3.18).

8 Action to be Taken by the Executive Committee

The Executive Committee is invited to:

- (a) consider the information contained in this document; and
 - (b) give the Director such instructions concerning his handling of this incident as it may deem appropriate.
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