



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND

EXECUTIVE COMMITTEE
42nd session
Agenda item 3

FUND/EXC.42/7
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INCIDENTS INVOLVING THE IOPC FUND

TOYOTAKA MARU

Note by the Director

1 The incident

1.1 The Japanese tanker *Teruho Maru N°5* (496 GRT) collided with the Japanese tanker *Toyotaka Maru* (2 960 GRT) on 17 October 1994, while the latter ship was at anchorage off the port of Kainan, Wakayama prefecture, on the south-west coast of Honshu (Japan). The *Toyotaka Maru* was laden with 5 000 tonnes of crude oil, of which some 560 tonnes escaped as a result of the collision.

1.2 The *Toyotaka Maru* was entered in the Japan Ship Owners' Mutual Protection & Indemnity Association (JPIA).

1.3 The clean-up operations at sea were carried out by the Japan Maritime Safety Agency (JMSA), the Japan Maritime Disaster Prevention Center (JMDPC) under contract with the shipowner, and various contractors. JMSA and JMDPC deployed a number of patrol vessels, work boats of various sizes and two oil-retrieval vessels. Fishery co-operative associations provided a large number of boats.

1.4 Most of the spilt oil was contained in Wakaura Bay, and the majority of this oil was collected at sea in the initial stages of the clean-up operation. A sheen of oil spread along the coast southwards out of the bay, although beaches and rocky promontories on the southern coast of the bay became polluted. Fishermen, fire brigades and contractors were engaged in beach clean-up, collecting the oily waste for subsequent incineration or burial. Some 100 members of the Self Defence Force cleaned the beaches to which it was difficult to gain access. The clean-up operations onshore lasted until 28 November 1994.

2 Claims for compensation

2.1 Various entities involved in the clean-up operations presented claims for compensation. Ten entities have so far submitted claims for clean-up operations, totalling ¥769 458 471 (£5 million). These claims are being examined by the IOPC Fund's surveyors. Further claims are expected in this category.

2.2 In December 1994, the Director approved provisional payments, totalling ¥50 million (£327 000), to eight small businesses which had taken part in the clean-up operations as sub-contractors of JMDPC. These payments were effected by JPIA.

2.3 In March 1995, the Director approved further provisional payments to two contractors, totalling ¥150 million (£981 000), and these payments will be effected shortly.

2.4 JMSA submitted, in March 1995, a claim for the deployment of vessels for clean-up operations in the amount of ¥438 949 (£2 870). This claim is being examined by the IOPC Fund.

2.5 Extensive fishing and aquaculture are carried out in the area affected by the spill, and the members of some 21 fishery co-operative associations were affected. In February 1995, these associations presented claims for compensation, totalling ¥75 256 535 (£492 200). These claims are being examined by the IOPC Fund's surveyors.

2.6 To enable the IOPC Fund to pay claimants promptly, the Executive Committee, at its 41st session, authorised the Director to make final settlement of all claims arising out of this incident, except to the extent that questions of principle arose in respect of which the Committee had not previously made a decision (document FUND/EXC.41/2, paragraph 4.3.2). It should be noted that the Assembly decided, at its 17th session, to levy 1994 contributions to the *Toyotaka Maru* Major Claims Fund in the amount of £9 million, payable by 1 February 1995 (document FUND/A.17/35, paragraph 21.3).

2.7 The limitation amount applicable to the *Toyotaka Maru* is estimated at ¥81 823 680 (£535 100).

3 Action to be taken by the Executive Committee

The Executive Committee is invited to:

- (a) take note of the information contained in this document; and
 - (b) give the Director such instructions concerning the handling of claims arising out of this incident as it may deem appropriate.
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