



INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUND

EXECUTIVE COMMITTEE  
47th session  
Agenda item 3

FUND/EXC.47/2/Add.1  
22 February 1996

Original: ENGLISH

## INCIDENTS INVOLVING THE IOPC FUND

### HAVEN

Note by the Director

#### **1 Payments to Italian claimants**

1.1 Since document FUND/EXC.47/2 was issued, two Italian claimants whose claims are not time-barred against the IOPC Fund, namely the contractors Ecolfriuli and Ecolmare, have contacted the IOPC Fund's Italian lawyer to discuss the possibility of being paid. They have stated that, if the IOPC Fund were to pay these claims, they would be prepared to submit to the IOPC Fund a bank guarantee ensuring repayment of any amounts paid by the Fund which resulted in these claimants receiving more than their share, should the claims later be reduced pro rata.

1.2 The claims presented by Ecolfriuli and Ecolmare have been agreed between the claimants and the shipowner, the UK Club and the IOPC Fund, for Lit 1 738 million (£727 500) and Lit 262 million (£109 700), respectively. The claims will be entered in the list of the established claims "stato passivo" for these amounts.

1.3 In the view of the Director, a bank guarantee of the type proposed would protect the IOPC Fund against overpayment, provided that the wording of the guarantee is acceptable to the IOPC Fund's Italian lawyer.

#### **2 Action to be taken by the Executive Committee**

The Executive Committee is invited to consider whether the IOPC Fund should pay the claims presented by Ecolfriuli and Ecolmare for the amounts agreed against a bank guarantee as described in paragraph 1.1 above.

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