



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND 1992

EXECUTIVE COMMITTEE
17th session
Agenda item 3

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INCIDENTS INVOLVING THE 1992 FUND

INCIDENT IN SWEDEN

Note by the Director

Summary: Several Swedish islands in the Baltic Sea were polluted in September 2000. Subsequent investigations by the Swedish authorities indicated that the oil could have been discharged from the tanker *Alambra* during a ballast voyage to Tallinn, Estonia.

The Swedish authorities have indicated that they intend to try and recover their clean-up costs from the owner of the *Alambra*, but if they were to be unsuccessful in this regard, they may claim against the 1992 Fund.

Action to be taken: Information to be noted.

1 The incident

- 1.1 Between 23 September and 9 October 2000 persistent oil landed on the shores of Fårö and Gotska sandön, two islands to the north of Gotland in the Baltic Sea, and on several islands in the Stockholm archipelago.
- 1.2 The Swedish Coastguard, the Swedish Rescue Service Agency and local authorities undertook clean-up operations, which resulted in the collection of some 20 m³ of oil from the sea and from shore.
- 1.3 Investigations by the Swedish authorities indicated that the oil could have been discharged on 3 September 2000 within the Swedish Exclusive Economic Zone to the east of Gotland, possibly from the Maltese tanker *Alambra*, which had passed the area at the assumed time of the oil spill on a ballast voyage to Tallinn (Estonia).
- 1.4 According to the Coastguard, analyses of oil samples from the polluted islands match those of samples taken from the *Alambra*.

1.5 The *Alambra* is registered in Malta and was entered in the London Steam-Ship Owners' Mutual Insurance Association Ltd (London Club).

1.6 The shipowner and the insurer maintain that the oil did not originate from the *Alambra*.

2 Limitation of liability

2.1 Sweden is Party to the 1992 Civil Liability Convention and the 1992 Fund Convention.

2.2 The limitation amount applicable to the *Alambra* under the 1992 Civil Liability Convention is 32 684 760 SDR (£28 million).

3 Claims for compensation

3.1 The Coastguard incurred costs in respect of clean-up operations totalling SEK 1.1 million (£72 000). The Rescue Service Agency, together with local authorities, incurred clean-up costs totalling SEK 4.1 million (£270 000). The aggregate amount of the claims would therefore fall well below the limitation amount applicable to the *Alambra*.

3.2 The Swedish authorities have informed the Director that they intend to submit their claims for compensation to the owner. The authorities have further indicated that in the event that they were to be unsuccessful in receiving compensation from the shipowner, they will consider claiming against the 1992 Fund. However, in order to be able to obtain compensation from the 1992 Fund, the authorities would have to prove that the damage resulted from an incident involving a ship as defined in the 1992 Civil Liability Convention.

4 Legal proceedings

The Swedish Coastguard imposed a water pollution fine of SEK 439 000 (£29 000) on the owner of the *Alambra* under the 1980 Act on Measures Against Pollution from Ships. The shipowner has appealed against this decision to the Stockholm City Court.

5 Action to be taken by the Executive Committee

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