



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND 1992

EXECUTIVE COMMITTEE
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Agenda item 3

92FUND/EXC.20/5/1
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INCIDENTS INVOLVING THE 1992 FUND

PRESTIGE

Submitted by Spain

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| Summary: | This document contains information on the consequences of the pollution caused by the <i>Prestige</i> on the Spanish coast, and the measures taken by Spain. |
| Action to be taken: | The Executive Committee is invited to take note of the information submitted with a view to adopting the necessary measures for the earliest possible payment of compensation to the victims of the incident. |
| Related document: | 92FUND/EXC.20/5 |

1. The incident

- 1.1 On 19 November 2002, the Bahamas-registered tanker *Prestige* (42 820 GT) broke in two and sank some 170 nautical miles to the west of Cape Finisterre on the Spanish coast at a depth of about 3 500 metres, after suffering structural damage on 13 November when sailing in the Finisterre traffic separation zone with a cargo of approximately 77 000 tonnes of heavy fuel oil.
- 1.2 The structural damage caused a large crack in the tanker's casing, roughly in the vicinity of the master rib on the starboard side of the hull, with spillage of the cargo carried, which worsened with the complete breaking of the hull and the sinking of the bow and stern sections.
- 1.3 From the outset the Spanish authorities took all the preventive measures they could to avoid or minimise the damage caused by the spill from the *Prestige*, notifying the IOPC Fund of these circumstances.

2 Impact of the pollution

- 2.1 The coastline affected by the pollution in Spain stretches from the mouth of the Río Miño to the French border, totalling some 2,890 km of coast and so far affecting 646 of a total of 1 064 beaches. (See Annex I)
- 2.2 The Regional Government of Galicia (Xunta de Galicia) placed a ban on fishing and shellfish harvesting in the polluted zones of the Galician coastline, so far affecting 3 970 owners of fishing vessels, 8 640 crew members and 5 153 seafood producers. Other groups are also affected by this halt in activity, such as 347 net makers, 219 guild employees, 49 fish market operators and 51 traders.
- 2.3 Likewise, various fish farms and aquaculture industries have so far been affected: 10 marine farms, 5 nurseries, 8 depuration plants, 17 shellfish beds, 15 parks and 2 hatcheries.

3 Clean-up operations

- 3.1 From the outset all available national and international resources were mustered to clean up the pollution at sea and onshore.
- 3.2 The following technical resources have participated or been used:
 - 3.2.1 2 national aircraft and 6 international aircraft,
15 national helicopters,
11 national ships and 14 international ships,
23 national craft.
 - 3.2.2. The Spanish Armed Forces have also taken part, with a total of:
10 ships, 9 smaller vessels and 5 helicopters of the Navy,
15 Air Force planes,
5 helicopters, 300 vehicles (trucks, buses, excavators, etc.), as well as 20 000 miscellaneous items (kitchens, showers, tents, bedding, generators, barrels, etc.) provided by the Army.
 - 3.2.3 After the large fuel slicks began to break up as a result of the storms, the work of the fishing vessels of the zone has been particularly effective. In formal terms, the maritime salvage company (Sociedad de Salvamento Marítimo) has signed agreements with the various fishermen's guilds (Cofradías de Pescadores) whereby they are paid compensation for the clean-up operations they perform at sea. From the operational point of view, the fishing vessels and their crews are coordinated in their work by a team made up of the Maritime Captain of the zone, a Marine Salvage Technician and a Fisheries Ministry Technician of the Regional Government of Galicia (Xunta de Galicia).
 - 3.2.4 19 500 metres of booms have been deployed, 48 055 metres are held in reserve and another 9 724 metres have remained out of use. Other equipment used includes 54 skimmers of various types, 183 tanks of varying capacities, 62 power units and 26 pumps.
- 3.3 So far, personnel from various ministerial and autonomous community departments have taken part in the clean-up operations, clocking up some 84 000 work days. In addition,

15 000 Spanish military have worked a further 111 000 days. And finally volunteers, provided with the necessary personal and cleaning equipment, insurance, etc., have totalled another 144 000 work days. All the figures are estimates.

- 3.4 So far, some 23 000 tonnes of fuel have been collected at sea and onshore, in addition to 45 000 tonnes of contaminated residues (earth and sand). The contaminated residues collected are transported by an authorised residue handler to the residue storage centres.
- 3.5 In order to carry out the clean-up tasks, various infrastructure works have been necessary, including the construction of 14 new access roads to beaches and coves and the construction and/or conditioning of 10 new roadways.
- 3.6 The cost of the clean-up operations, including the cost of participation of international resources, is being borne by Spain.

4 Present situation of the wreck

- 4.1 Part of the cargo carried by the *Prestige* remains in the sunken parts of the ship.
- 4.2 The French mini-submarine *Nautille* is engaged in plugging the cracks in parts of the sunken hull.
- 4.3 Given the complexity of the situation, a Scientific Commission has been set up which is studying the various alternatives for dealing with the wreck, and which will issue the recommendations that arise from its studies.

5 Measures taken

- 5.1 The Spanish Government has established various administrative authorities needed to manage the crisis caused by the *Prestige* incident:

Inter-Ministerial Commission to monitor the damage caused by the vessel *Prestige*, chaired by the Vice-President of the Spanish Government and composed of representatives of all the Ministries of the Spanish Government.

Government Commissioner for action following the *Prestige* disaster, with the rank of Secretary of State.

Office of the Government Commissioner for action following the *Prestige* disaster. Scientific Commission.

Permanent Delegate Commission of Support of the Inter-Ministerial Commission and the Government Commissioner.

Commissioner of Defence, Commissioner of Infrastructure and Public Works, and Commissioner of the Environment, vested with extraordinary status, for action following the *Prestige* disaster.

- 5.2 Likewise, an extensive package of measures has been adopted that are contained in a variety of norms listed in Annex II.

6 Judicial action

- 6.1. The Examining Court of Corcubión is hearing, under Preliminary Proceedings 960/02, the only criminal case relating to the *Prestige* incident before the Spanish courts.

- 6.2. So far, the only accused are the ship's Captain, First Officer and Chief Engineer. The Captain has been remanded in custody since 17 November subject to bail of €3 million, a situation successively confirmed by Examining Court No. 4 of La Coruña, the Corcubión Court and the Provincial High Court of La Coruña.
- 6.3. A substantial body of evidence has been gathered, including the testimony of most of the subjects connected with the incident, together with the relevant documentation supplied by the owner, shipowner, charterer, salvage company or rating firm. The Spanish Bar has been represented in the proceedings since 18 November 2002.

7 Preliminary evaluation of the impact of the pollution

- 7.1 While recognising that at this initial stage it is very difficult to make a reliable cost estimate, on the one hand because sequels of the original spills are continuing to be felt and, on the other, because the causal factor is still active, what can be estimated is part of the tangible activities carried out and to be performed during the current year, on the understanding that these are minimum estimates:

- Onshore clean-up: €350 000 000
- Clean-up and rehabilitation of the Nature Park of the Atlantic Islands: €75 000 000
- Operations performed at sea: €500 000 000
- Other complementary operations: €75 000 000
- Definitive solution for dealing with the wreck of the *Prestige*: unvalued.

- 7.2 Furthermore, account will need to be taken in the final estimate of the impact of the incident of the cost of another series of measures adopted, such as:

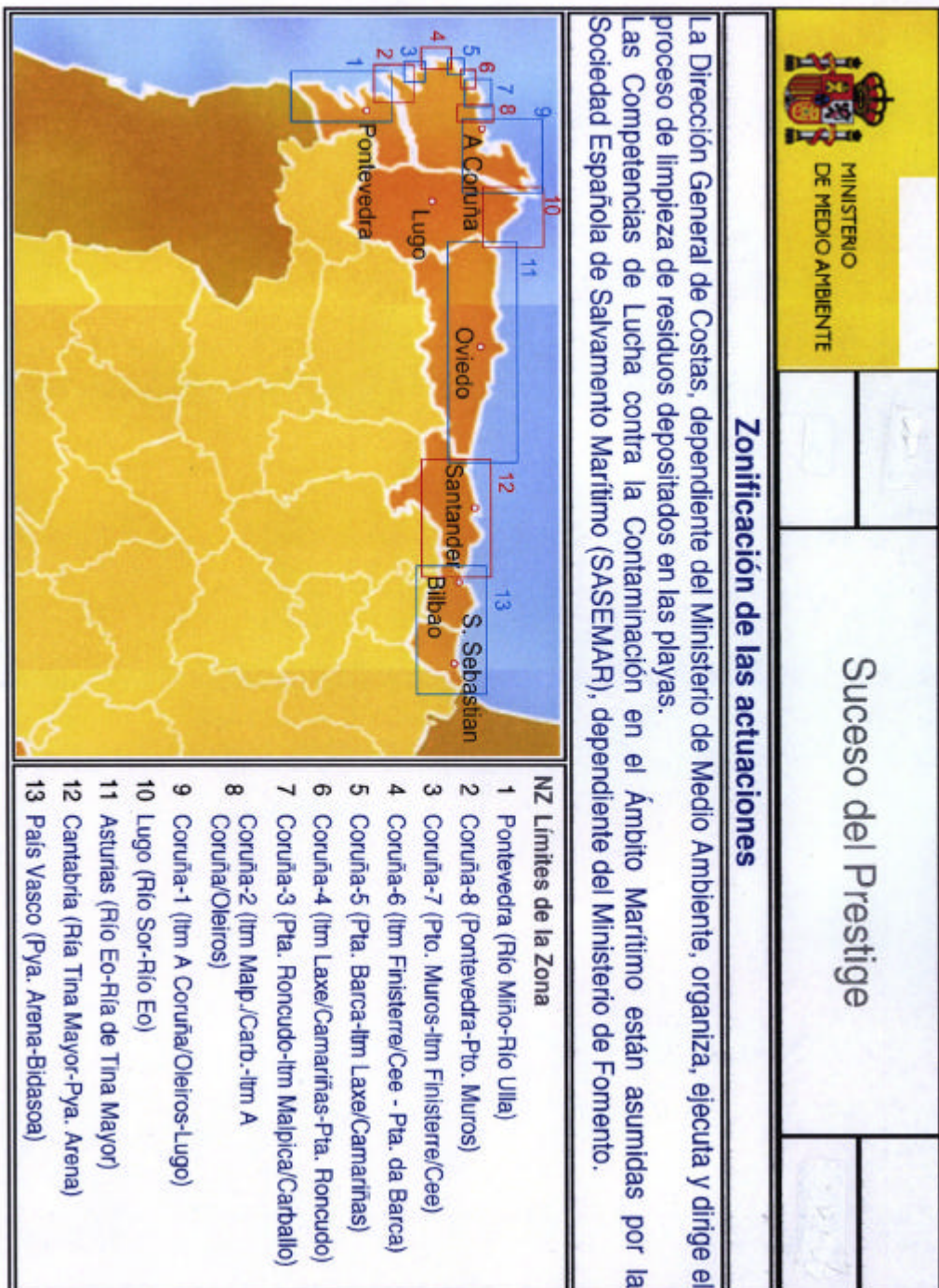
- cessation of fishing activity;
- incentives for economic activity and other financial measures;
- national and international image promotion of the fishing products and tourist areas affected;
- tax reductions or exemptions for sectors and zones affected.

8 Investigation of the causes of the incident

The Permanent Commission of Investigation of Maritime Incidents, under the authority of the Spanish Ministry of Infrastructure and Public Works, is gathering the necessary information to be able to issue its report on the *Prestige* accident. Given the scale of the accident, it will take some time yet for the investigation to reach its conclusions.

ANNEX I

PLANS OF AFFECTED ZONES



ANNEX I

[Map legend]

PLANS OF AFFECTED ZONES

Ministry of the Environment
Incident

Prestige

Remedial Action Zoning

The General Directorate of Coasts, reporting to the Ministry of the Environment, organises, executes and directs the process of cleaning up residues deposited on the shores.

Competence for Marine Pollution Control is assumed by the maritime salvage company Sociedad Española de Salvamento Marítimo (SASEMAR), reporting to the Ministry of Infrastructure and Public Works.

NZ Zone Limits

1. Pontevedra (Río Miño – Río Ulla)
2. Coruña-8 – (Pontevedra – Pto. Muros)
3. Coruña-7 – (Pto. Muros – Itm Finisterre/Cee)
4. Coruña-6 – (Itm Finisterre/Cee – Pta. da Barca)
5. Coruña-5 – (Pta. Barca – Itm Laxe/Camariñas)
6. Coruña-4 – (Itm Laxe/Camariñas – Pta. Roncudo)
7. Coruña-3 – (Pta. Roncudo – Itm Malpica/Carballo)
8. Coruña-2 – (Itm Malp./Carb. – Itm A Coruña/Oleiros)
9. Coruña-1 – (Itm A Coruña/Oleiros – Lugo)
10. Lugo (Río Sor – Río Eo)
11. Asturias (Río Eo – Ría de Tina Mayor)
12. Cantabria (Ría Tina Mayor – Pya. Arena)
13. Basque Country (Pya. Arena – Bidasoa)

ANNEX II

1. ROYAL DECREE 101/2003, of 24 January, establishing the posts of Commissioners of the Ministries of Infrastructure and Public Works and of the Environment and Coordinator of the Ministry of Defence for action by the respective Departments following the disaster of the vessel "Prestige".

MINISTRY OF PUBLIC ADMINISTRATION *Date of Publication: 28/01/2003 BOE number: 024-2003 Section: I*

2. ROYAL DECREE 102/2003, of 24 January, enacting additional provisions for the functioning of the Inter-Ministerial Commission to monitor the damage caused by the vessel "Prestige".

MINISTRY OF THE PRESIDENCY *Date of Publication: 28/01/2003 BOE number: 024-2003 Section: I*

3. ORDER HAC/72/2003, of 22 January, developing Articles 3 and 4 of Royal Decree-Law 7/2002, of 22 November, on reparation measures in respect of the accident of the vessel "Prestige".

MINISTRY OF FINANCE *Date of Publication: 25/01/2003 BOE number: 022-2003 Section: I*

4. ORDER TAS/61/2003, of 17 January, enacting norms for the application of Article 5 of Royal Decree-Law 8/2002, of 13 December, extending the reparation measures in respect of the accident of the vessel "Prestige" to the Autonomous Communities of the Principality of Asturias, Cantabria and the Basque Country, and modifying Royal Decree-Law 7/2002, of 22 November, in addition to modifying Order TAS/3043/2002, of 3 December, enacting norms for the application of the latter Royal Decree-Law.

MINISTRY OF LABOUR AND SOCIAL AFFAIRS *Date of Publication: 24/01/2003 BOE number: 021-2003 Section: I*

5. LAW 8/2002, of 18 December, concerning Extraordinary Credit to finance the necessary measures to alleviate the effects of the fuel spill caused by the accident of the vessel "Prestige".

AUTONOMOUS COMMUNITY OF CANTABRIA *Date of Publication: 16/01/2003 BOE number: 014-2003 Section: I*

6. CORRECTION of errors of Royal Decree 1/2003, of 3 January, establishing the office of Government Commissioner for action following the disaster of the vessel "Prestige".

PRESIDENCY OF THE GOVERNMENT *Date of Publication: 10/01/2003 BOE number: 009-2003 Section: I*

7. CORRECTION of errors of Royal Decree 4/2003, of 3 January, modifying Royal Decree 1220/2002, of 22 November, establishing the Inter-Ministerial Commission to monitor the damage caused by the vessel "Prestige".

MINISTRY OF THE PRESIDENCY *Date of Publication: 10/01/2003 BOE number: 009-2003 Section: I*

8. ROYAL DECREE 4/2003, of 3 January, modifying Royal Decree 1220/2002, of 22 November, establishing the Inter-Ministerial Commission to monitor the damage caused by the vessel "Prestige".

MINISTRY OF THE PRESIDENCY *Date of Publication: 04/01/2003 BOE number: 004-2003 Section: I*

9. ROYAL DECREE 1/2003, of 3 January, establishing the office of Commissioner for action following the disaster of the vessel "Prestige".

PRESIDENCY OF THE GOVERNMENT *Date of Publication: 04/01/2003 BOE number: 004-2003 Section: I*

10. RESOLUTION of 19 December de 2002, of the Congress of Deputies, ordering publication o the Agreement of validation of Royal Decree-Law 8/2002, of 13 December, extending the reparation measures in respect of the accident of the vessel "Prestige" to the Autonomous

Communities of the Principality of Asturias, Cantabria and the Basque Country, and modifying Royal Decree-Law 7/2002 of 22 November.

CORTES GENERALES (PARLIAMENT) *Date of Publication: 27/12/2002 BOE number: 310-2002*
Section: I

11. ROYAL DECREE-LAW 8/2002, of 13 December, extending the reparation measures in respect of the accident of the vessel "Prestige" to the Autonomous Communities of the Principality of Asturias, Cantabria and the Basque Country, and modifying Royal Decree-Law 7/2002 of 22 November.

OFFICE OF THE HEAD OF STATE *Date of Publication: 14/12/2002 BOE number: 299-2002*
Section: I

12. ORDER PRE/3108/2002, of 9 December, extending the municipal and population centre terms of application of the measures provided for in Royal Decree-Law 7/2002, of 22 November on reparation measures in respect of the accident of the vessel "Prestige".

MINISTRY OF THE PRESIDENCY *Date of Publication: 11/12/2002 BOE number: 296-2002*
Section: I

13. RESOLUTION of 28 November 2002, of the Congress of Deputies, ordering publication of the Agreement of validation of Royal Decree-Law 7/2002, of 22 November, on the reparation measures in respect of the accident of the vessel "Prestige".

CORTES GENERALES (PARLIAMENT) *Date of Publication: 04/12/2002 BOE number: 290-2002*
Section: I

14. ORDER PRE/3044/2002, of 3 December, determining the municipal and population centre terms of application of the measures provided for in Royal Decree-Law 7/2002, of 22 November on reparation measures in respect of the accident of the vessel "Prestige".

MINISTRY OF THE PRESIDENCY *Date of Publication: 04/12/2002 BOE number: 290-2002*
Section: I

15. ORDER TAS/3043/2002, of 3 December, enacting norms for the application of Article 5 of Royal Decree-Law 7/2002, of 22 November, on reparation measures in respect of the accident of the vessel "Prestige", concerning discounts in the payment of Social Security dues.

MINISTRY OF LABOUR AND SOCIAL AFFAIRS *Date of Publication: 04/12/2002 BOE number: 290-2002*
Section: I

16. ROYAL DECREE-LAW 7/2002, of 22 November, on reparation measures in respect of the accident of the vessel "Prestige".

OFFICE OF THE HEAD OF STATE *Date of Publication: 23/11/2002 BOE number: 281-2002*
Section: I

17. ROYAL DECREE 1220/2002, of 22 November, establishing the Inter-Ministerial Commission to monitor the damage caused by the vessel "Prestige".

MINISTRY OF THE PRESIDENCY *Date of Publication: 23/11/2002 BOE number: 281-2002*
Section: I