



INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUND 1992

EXECUTIVE COMMITTEE  
2nd session  
Agenda item 3

92FUND/EXC.2/2/Add.1  
28 January 1999  
Original: ENGLISH

## INCIDENTS INVOLVING THE 1992 FUND

### INCIDENT IN GERMANY

#### Note by the Director

<b>Summary:</b>	The shipowner and his insurer have presented pleadings in the court proceedings in which they maintain that the oil spill did not originate from the <i>Kuzbass</i> .
<b>Action to be taken:</b>	Information to be noted.

1 Since document 92FUND/EXC.2/2 was issued, the owner of the *Kuzbass* and his insurer, the West of England P & I Club, have presented pleadings to the Court. The position taken by the owner and the Club is summarised below.

The chemical analyses provided by the German authorities have shown only that the oil carried in the *Kuzbass* and the oil found ashore both originated from Libya, without stating that the chemical composition of the oils was identical. The chemical analyses carried out on behalf of the shipowner and the Club however came to the result that the oils were not identical. In particular, the latter analyses show that, although both oils were Libyan crude oil, the oil carried by the *Kuzbass* was "Libyan Brega" crude oil whereas the oil having caused the pollution was not "Libyan Brega".

With respect to the question of whether the oil pollution might have been caused by the washing of the tanks of the *Kuzbass*, tank washing would normally only be carried out in exceptional cases, ie if a tank had to be repaired or if another cargo had to be taken on board that should not come into contact with the residues of the cargo carried on a previous voyage. In the case of the *Kuzbass*, the tanker was proceeding to the Mediterranean to load

a cargo of crude oil and the conditions of the tanks did not require tank washing. In addition, it would not have been technically possible to pump out the oil which remained on board.

The route followed by the *Kuzbass* was far from the areas where the oil which caused the pollution was alleged to have been washed into the sea. Copies of the original Russian sea charts, the course recorder and the ship's logbook have been provided in support of this position.

As regards the data provided by Lloyd's Maritime Information Services showing that there were no other movements of tankers with Libyan crude oil on board in June 1996 in the area in question (cf document 92FUND/EXC.2/2, paragraph 1.6), the reports of Lloyd's Maritime Information Services cover only laden tankers, and do not give any information on the movements of unladen tankers which are most likely to carry out tank washing.

2 The shipowner and the West of England Club have also referred to the results of the investigation of the German police and of the Italian public prosecutor<sup><1></sup>, both of which, according to the owner and the Club, have not found any valid elements to support the accusation against the *Kuzbass*.

3 **Action to be taken by the Executive Committee**

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

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<1> The port of discharge of the next cargo was in Italy.