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## ERIKA INCIDENT

### Note by the French delegation

<b>Summary:</b>	Since the <i>Erika</i> incident, various measures have been taken to combat the effects of the resulting oil spill, which have been exacerbated by the exceptionally severe weather conditions. Following the first oiling of the shore at the end of December, further oiling has been reported on a daily basis since the end of January. It is still too early to assess the numerous effects of this incident.
<b>Action to be taken:</b>	The Executive Committee is invited to take note of this information with a view to taking the action necessary for the prompt payment of initial compensation.

### 1 Assessment of the situation in mid-February

- 1.1 As noted in the document of the Director, it is estimated that approximately 14 000 tonnes of N°2 fuel oil spilled into the sea after the *Erika*, a tanker registered in Malta, broke in two on 12 December 1999.

The coastline was extremely badly affected during the final days of December. Since the end of January, it has been further affected by new patches of oil which have come ashore mainly in Morbihan and Loire-Atlantique. Although not as heavy as those which came ashore in December, they still arrive on a regular basis. Their origin is unsure: on the one hand, they could stem from the further jettisoning produced by the heavy tides at the end of January, but could equally stem from the arrival on shore of some of the initial spillage.

Additional analysis and research work is under way with a view to identifying their precise origin.

- 1.2 The two pieces of the wreck have been examined. Several leakages producing surface film have been observed.

## **2 Assessment of the clean-up operation**

- 2.1 Despite the particularly unfavourable weather conditions, 1 100 tonnes of oil have been recovered as a result of the offshore clean-up response by both national and foreign authorities.

This high viscosity oil first started to come ashore on 25 December.

- 2.2 The situation along the coastline varies widely according to Département. Following an initial clean-up in Finistère, more precise clean-up plans were drawn up in the presence of the International Tanker Owners Pollution Federation Ltd (ITOPF). By contrast, in the Départements of Morbihan and Loire-Atlantique, as well as in the north of the Département of Vendée, a substantial labour force had to be mobilised as a result of the arrival of more oil. For the time being, any scheduling of the second clean-up phase is impossible.
- 2.3 Over 120 000 tonnes of waste have so far been collected.
- 2.4 Other than the human resources provided by Government administrations and local authorities, a number of volunteers have assisted in the beach clean-up operations.
- 2.5 At this stage, it is too early to assess the total cost of the operations owing to the large numbers of those involved and those affected (individuals, organisations, business interests, local authorities, the Government, etc) and the various forms of damage (to the economy, the tourist industry, the environment and coastal and marine fauna and flora in particular, etc). It is also risky to make any projections until it is certain that no further oil will escape.

## **3 Evaluation of the impact of pollution**

It is also still difficult to acquire an overall picture of the different categories of damage.

- 3.1 With the exception of natural coastal and marine locations, not much property appears to have suffered pollution damage. The cost of repairing and restoring these locations is currently being established on a provisional basis.
- 3.2 Several categories of economic loss are implicated.
- 3.2.1 The fishery, fishfarming and shellfish cultivation industries have been the most greatly affected. Analyses of the composition of the *Erika's* fuel and the content of its toxic components, together with the sampling and analyses conducted before and after the pollution took place, have led to a ban on the use of certain shellfish farming areas and on the pursuit of some fishing activities. These measures have been taken on the basis of the guidelines recommended by the Agence française de sécurité sanitaire des aliments. The marketing chain is also in a state of disruption owing to the lack of customer confidence.
- 3.2.2 The tourist industry is now beginning to feel real concern. The affected coastline and the islands are particularly popular with visitors, renowned as they are for their beaches and sites of outstanding natural beauty. Such an environment brings economic advantages and the various authorities make good use of its image in their promotional campaigns. Some campaigns, however, have been cancelled as a result of the oil spill and it is therefore crucial that an attempt should be made to eliminate the adverse impact which the incident has had. Various foreign tour operators have already cancelled their summer bookings. Those in the tourist industry, however, believe that they will not be able to evaluate their losses until the end of the season. The first influx of holidaymakers is expected at the beginning of April and will serve as an indicator of the situation. A fall in the number of tourist visitors will inevitably have an impact on tourist-related

businesses, particularly bearing in mind the high concentration of camping sites and similar accommodations in the affected area.

- 3.3 Finally, the natural environment of this coastline has been affected. Part of the coastline forms an area of ornithological interest owing to the presence of various bird species, some of which are rare and protected. It is also too early at this stage to evaluate the disturbance to this environment and the measures needed for its restoration. It is not yet possible to calculate the cost of renewing and restoring natural coastal and marine locations, cleaning birds and possibly reintroducing species.

#### **4 Inquiry into the causes of the incident**

- 4.1 Administrative inquiry. An administrative inquiry has been opened by the Ministry of Transport and entrusted to the Bureau of Sea Accident Investigations (BEA/mer). A preliminary report has been submitted.
- 4.2 Criminal proceedings against 'body corporate x' have been instituted in the Tribunal de Grande Instance in Paris. As part of the investigation, the judge has appointed experts with a view to identifying the cause of the incident.
- 4.3 As pointed out by the Director, a number of experts have been appointed by different jurisdictions to investigate the cause of the incident. The Government decided to join in the investigation ordered by the Tribunal de Commerce in Dunkerque.

#### **5 Positions of the French State**

The French State has taken note of the declaration made by Total Fina SA to the effect that it will submit its claims only after all other victims have been compensated.

With a view to facilitating prompt compensation, the French State took the decision to submit its claims only if the amount available under the Conventions is not reached, thus placing itself in the position of the penultimate claimant, immediately before Total Fina SA. It will therefore defer the submission of its compensation claim until the effects of the incident have been fully appraised.

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

The Executive Committee is invited to take note of this information with a view to taking the measures necessary for the prompt payment of initial compensation.

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