THE MSC Napoli incident

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On Thursday 18th January 2007 the MSC Napoli was caught in storms in the English Channel. The vessel had suffered structural damage and began to take on water, which resulted in a total loss of power. Her crew were airlifted from the vessel and the French Coastguard took the vessel under tow. After lengthy discussions and delays it was decided to tow her to a port of refuge in the UK – The designated port was Portland Harbour in Dorset.
Overview of the incident – Change of plan….

• Whilst on transit to Portland the vessel began to list severely and the crack in the side of the vessel worsened. By the time it had reached Lyme Bay the vessel was in serious danger of sinking.

• Late in the evening of Friday 19th January the Secretary of State’s Representative (SoSRep) took the decision to beach the vessel to prevent it from sinking amid fears that it would not make it to Portland.

• During this process the vessel lost over 100 containers into the sea as a result of the severe list and high seas. She had also lost some Heavy Fuel Oil and Diesel during the rescue and grounding.
• By the morning of Saturday 20\textsuperscript{th} January the vessel had been beached and secured about 2km from Branscombe beach, Devon.

• The coast is a key tourist area, an Area of Outstanding Natural Beauty, a World Heritage Site, and owned by our National Trust.

• Access by road is difficult making it beach cleaning etc very tricky
Overview of the incident – Command structure

- Env. Group
  - Environment Agency
  - Natural England
  - Land owners
  - Fisheries
  - Council Ecologists
  - RSPCA / RSPB
  - MCA Scientists
  - Health Protection Agency

- Secretary of States Representative (SoSRep)

- Salvage Control Unit
  - SoSRep
  - Chair of the Env. Group
  - Vessel Insurers
  - Cargo specialist
  - Clearance contractor
  - Head of Salvors
  - MCA Head of Counter Pollution

- Marine Response Centre
  - Head of MCA Counter Pollution
  - MCA Scientists
  - Pollution response experts
  - Local Authority Liaison
  - ITOPF Representative
  - Police, Fire etc (if necessary)

- GOLD
  - Police
  - Fire
  - Health
  - Local Authority Chief Executives

- DORSET SILVER
  - Police
  - Fire
  - Health
  - Local Authorities

- DEVON SILVER
  - Police
  - Fire
  - Health
  - Local Authorities

LOCAL AUTHORITY LIASON OFFICERS

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Overview of the incident – Pollution threats

- The vessel posed three main threats to the environment:
  - Oil Pollution – the vessel was carrying 3,500 tonnes of Heavy Fuel Oil and around 600 tonnes of Diesel and engine lubes
  - Inert Pollution – the vessel was carrying over 2,200 containers with a variety of products onboard. Of the 103 lost, 56 washed ashore and 47 are unaccounted for, presumed sunk
  - Chemical Pollution – there were a variety of dangerous good being carried within the containers
A vessel was brought in to remove bunker oils from the Napoli in order to reduce the risk of a major oil spill.

Protective booms were placed across estuaries in the area to prevent damage to the ecosystems.

Dispersants were sprayed on the oil at sea to reduce the risk of it reaching the shore and booms were placed at sea to try and retrieve oil from the sea surface.

A large barge was chartered from Holland to assist in the removal of the remaining cargo, although this could not begin for several days.
Overview of the incident – Public disorder issues
Overview of the incident – Public disorder issues
The clearance of debris and cargo on the shore was delayed for several days due to ‘scavengers’ who had descended upon Branscombe beach to see what they could retrieve from the beached containers.
Overview of the incident – Salvage operation

- The operation to remove fuel oils and containers from the vessel took several weeks. By the 26th February all fuel oils had been removed from the vessel.
- The last containers from above deck were removed on this date too, meaning approximately 800 containers were removed in just under one month.
- The next phase of the recovery was to remove containers from within the holds, most of which are underwater – this makes the task very difficult and requires divers. All containers have now been removed.
Overview of the incident – Salvage operation
Around 1,900 oiled birds have been recovered from the shores of Dorset and Devon. Some have been returned to the wild, but a large number were put to sleep. The full number of birds killed as a result of the spill is still unknown. It was feared that damage would be caused to the marine eco-systems around the vessel. However, at present it seems these have been un-affected and remain in good condition.
Route of the Napoli tow over 48 hours from 18th January 2007
Questions to answer

• Why was a vessel in vulnerable condition allowed to leave Rotterdam? (previous damage from earlier grounding)

• When the damage occurred why was the vessel towed parallel to the median line between the UK and French for around 24 hours.

• Why were nearer ports of refuge not used?

• If she was really heading for Portland, why was she towed due North, not North North East which would have cleared Portland Bill and its dangerous tide-races

• How was a site of such environmental sensitivity selected as a beaching area?

• How do we compensate local and regional authorities?
Conclusion on the Napoli

• We were very lucky it was a container ship
• Good efficient salvage team
• Excellent weather during the salvage operation
• Owners and insurers paying most of the bills
• Oil spills mostly cleared but still a problem
• Areas reputation as a tourist destination badly damaged
• Damage to sub-aqua ecology of Lyme Bay yet to be assessed
THE THREE TIER SYSTEM OF IOPC FUNDS

THIRD TIER
- Oil receivers after sea transport
- Supplementary Fund Protocol
- Supplementary Fund

SECOND TIER
- Oil receivers after sea transport
- 1992 Fund Convention
- 1992 Fund

FIRST TIER
- Shipowners
- 1992 Civil Liability Convention
- Insurers

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RATIONALE OF THE INTERNATIONAL REGIME

- Provide compensation to victims of pollution damage caused by spills of persistent oil from tankers
- Compensation through amicable settlements; no courts involved
- Uniform application
- Equal treatment
MAXIMUM AMOUNT OF COMPENSATION

- 1992 CLC/Fund Conventions
  - 89.77 million SDR (£69 million)
  - 203 million SDR (£155 million)

- 2003 Supplementary Fund
  - 750 million SDR (£573 million)
1992 Fund: General Fund contributions 2006

- Others 24%
- Japan 17%
- Italy 9%
- Netherlands 9%
- Republic of Korea 8%
- India 7%
- France 7%
- Canada 5%
- United Kingdom 5%
- Singapore 5%
- Spain 4%
AFTERMATH

• What would have happened if the Napoli had been a tanker?
• Have we learned the lessons from Erika, Sea Empress, Braer and Prestige?
• Have we done enough to stop these things happening? More work with Insurers, IMO and EU?
• International Oil Pollution Compensation Funds are important but prevention would be best