



International Oil Pollution  
Compensation Funds

Fonds internationaux  
d'indemnisation pour les  
dommages dus à la pollution  
par les hydrocarbures

Fondos internacionales  
de indemnización de daños  
debidos a contaminación  
por hidrocarburos

# Incident in Israel

Date of incident	01-02-2021
Place of incident	Israel EEZ (presumed)
Cause of incident	Unknown source (said to be slop tanks washing)
Quantity of Spill	Unknown
Area Affected	Israeli coastline (approximately 170 km) with tar balls
Flag State of Ship	Unknown
Gross Tonnage	Unknown
P&I Insurer	Unknown
CLC Limit	Unknown
CLC + Fund limit	SDR 203 million or ILS 943 million
Year last featured in Annual/Incident Report	2023
Compensation Paid	ILS 8 075 215

## Incident

On 19 February 2021, the Israeli authorities contacted the 1992 Fund about tar balls affecting the Israeli coastline since 17 February 2021, and sought assistance and guidance regarding the source of the spill, which was unknown at that time.



In cases where it is not possible to identify the source of the pollution, a number of criteria have to be met before the 1992 Fund can class the incident as a so-called 'mystery spill'. The criteria include the 'oil', as defined within Article I(5) of the 1992 Civil Liability Convention (1992 CLC) identified as causing the pollution, to be from a 'ship',

as defined within Article I(1) of the 1992 CLC.

## Impact

On 17 February 2021, tar balls washed up along the Israeli coastline in a storm which led to waves of four metres' height and strong winds of up to 35-50 knots. The tar balls, ranging in severity from medium-heavy pollution to very light dispersed tar balls, kept being washed ashore until 21 March 2021. The pollution affected the entire coastline of Israel to varying degrees.

## Response operations

The Israeli Marine Environmental Protection Division responded under their National Contingency Plan and took control of the overall response to the spill, while the local authorities were in charge of organising the response on the beaches. A company was tasked with removing the oily waste for disposal.

Clean-up operations involved the coordinated efforts of municipal authorities, nature and parks authorities, and government personnel, as well as volunteers, who numbered between 7 000 and 12 000 per day. These efforts were organised and monitored by an Israeli non-governmental organisation (NGO) and the local authorities.

Clean-up operations were largely completed by mid-April 2021, although removal of tar from different locations, primarily the centre and northern part of the country as far as the northern border, continued until July 2021. By the end of April 2021, some 1 360 tons of debris and oil waste had been collected and taken away from the beaches to a treatment facility.

Bans on fishing and on bathing were imposed immediately after the tar balls first washed ashore. The fisheries restrictions were lifted in early March 2021. The bathing prohibitions were removed in mid-March 2021.

## Applicability of the Conventions

Israel is Party to the 1992 Civil Liability Convention (1992 CLC) and the 1992 Fund Convention.

Article I(1) of the 1992 CLC defines 'ship' as: 'any sea-going vessel and seaborne craft of any type whatsoever constructed or adapted for the carriage of oil in bulk as cargo, provided that a ship capable of carrying oil and other cargoes shall be regarded as a ship only when it is actually carrying oil in bulk as cargo and during any voyage following such carriage unless it is proved that it has no residues of such carriage of oil in bulk aboard'.

Article I(5) of the 1992 CLC defines 'oil' as: 'any persistent hydrocarbon mineral oil such as crude oil, fuel oil, heavy diesel oil and lubricating oil, whether carried on board a ship as cargo or in the bunkers of such a ship'.

Article 4.1 of the 1992 Fund Convention states that:

'...the Fund shall pay compensation to any person suffering pollution damage if such person has been unable to obtain full and adequate compensation for the damage under the terms of the 1992 Liability Convention...

(b) because the owner liable for the damage under the 1992 Liability Convention is financially incapable of meeting his obligations in full and any financial security that may be provided under Article VII of that Convention does not cover or is insufficient to satisfy the claims for compensation for the damage; an owner being treated as financially incapable of meeting his obligations and a financial security being treated as insufficient if the person suffering the damage has been unable to obtain full satisfaction of the amount of compensation due under the 1992 Liability Convention after having taken all reasonable steps to pursue the legal remedies available to him...'

For the 1992 Civil Liability and Fund Conventions to apply, the authorities must establish that the oil spilled was crude oil and not fuel oil. This distinction is crucial, as crude oil is carried in ships as defined in the 1992 CLC, while fuel oil is carried on many types of vessels and used as bunker oil. In addition, the authorities have to establish that the crude oil found on the coastline could not have originated from any other source such as a pipeline, refinery or oil tank, and that its origin must have been a passing oil tanker.

According to the investigations carried out by the 1992 Fund experts (see **Investigation into the cause of the incident**), the pollution was indeed caused by crude oil and it could not have originated from any other source but a passing oil tanker.

At its July 2021 session, the 1992 Fund Executive Committee decided that the pollution which had impacted the coastline of Israel could be considered a spill from an unknown source (a so-called 'mystery spill') and that, therefore, the 1992 Civil Liability and Fund Conventions applied to this incident.

## Investigation into the cause of the incident

### *Investigation by the Israeli authorities – the search to identify the source of the oil spill*

The Israeli authorities began their search to identify the source of the oil spill, initially narrowing the search down to ten vessels by discounting those vessels which were clearly not in the vicinity of the location of the spill origin. Subsequently, when it seemed that the spill occurred before 11 February and probably around 5 February (after reviewing satellite images and running an oil spill model) the circle of suspected vessels was broadened to 39 vessels. This list was then refined to tankers only, following laboratory results of the tar balls that indicated the oil was crude.

The Israeli authorities collected samples of the oil spilled. These samples were analysed by the Israeli Institute for Energy and Environment and by the Hebrew University of Jerusalem. The result of the analysis indicated that the oil spilled was crude oil.

The authorities stated that there were no other sources of crude oil in the Israeli exclusive economic zone (EEZ), nor any land pipelines which could be a possible source of crude oil in the location indicated above.

The investigation concluded that only one tanker matched the time frame and the sea conditions at the time of the incident. However, the Israeli authorities noted that this conclusion was based only on circumstantial evidence and that, therefore, there was inconclusive and insufficient proof to establish that it was that specific tanker which caused the pollution of Israel's coastline.

During a meeting with the IOPC Funds in February 2022, the Israeli authorities informed the Director of the IOPC Funds that they had tried to further investigate the movements of that vessel, but that the evidence obtained was only circumstantial and it was not possible to prove that the oil originated from this tanker.

### *Investigations by the 1992 Fund – analysis of the oil spilled*

In March 2021, the 1992 Fund engaged experts specialising in the analysis and fingerprinting of petroleum oil to send an expert to Israel to collect samples of the tar balls for analysis. The collected samples were brought to a laboratory in the United Kingdom for analysis. In the absence of a reference sample of the source oil, further samples collected some three weeks prior to the expert's visit were also provided by the Israeli authorities, for comparison purposes.

Following a range of analytical procedures and extensive literature review, the conclusions of the investigation were as follows:

- Both the samples collected by the 1992 Fund's experts and those sent for comparison by the Israeli

Government were found to come from the same single source material. This shows that despite the wide geographic spread of the pollutant and the time period between samplings of the material, the pollutant oil originated solely from a single specific oil.

- The analytical evidence showed that the source oil for the pollution incident was crude oil which, based on its chemical composition, most likely originated from washings of the cargo tanks of a crude oil tanker
- Based upon the available data, the laboratory analysis results did not indicate that the source oil was likely to be Iranian crude in origin.
- The pollutant oil was found not to have undergone significant weathering, and evaporative loss calculations suggested the pollutant oil had only weathered for less than 24 hours, which was not consistent with the timeline of a spill of crude oil as cargo as determined by the Israeli authorities. However, there was a similar extent of weathering in the samples drawn by the Israeli authorities in the middle of February 2021 and those drawn by the 1992 Fund's expert in the middle of March 2021. Such extent of weathering did correlate with the pollutant being crude oil washings and not crude oil cargo.
- As a consequence of the pollutant being 'weathering resistant' crude oil washings, it could not be established when the spill actually occurred, nor whether the spill was due to fresh releases of 'old' oil or oil freshly ejected from a tanker at the time period identified during the Israeli investigation. However, the available data indicated that the oil could potentially relate to crude oil washings entering the Mediterranean in early February 2021.
- There are no crude oil platforms or pipelines in the area of the spill. Whilst there have been historical fuel oil and crude oil spills reported in the eastern Mediterranean, those for which details are publicly available took place many years ago and, therefore, the oil would have been much more weathered than that collected in the samples. The composition of the sampled oil was consistent with crude oil washings which would, therefore, indicate that the source was a more recent illegal dumping from an unknown vessel and did not originate from a historical incident.
- Whilst it was not possible to determine the quantities involved in this case, a relatively small amount of tank washings pumped overboard could cause pollution of the magnitude of this incident if it was spread over a large area. Based upon the reported quantity of material removed from the beach, if the pollution did result from crude oil tanker washings as the analysis results suggested, there could be sufficient pollutant oil pumped from a crude oil tanker after tank washing to cause the pollution.
- Crude oil washings are not stored in ballast tanks of tankers but are usually stored in the slop tanks. Therefore, crude oil washings could be carried in the slop tank(s) of a crude oil tanker at the same time as it was carrying a crude oil cargo in its cargo tanks; washings could be illegally ejected from the slop tanks without the cargo being affected.
- From an oil composition point of view, the analytical evidence available did not allow a direct link to be made to the oil having originated from the vessel suspected by the Israeli authorities of causing the pollution between 1 and 2 February 2021. The experts concluded that, based on the nature of the oil, it could potentially have emanated from an ejection of crude oil washings from a tanker in early February 2021.

Updated on: 12.12.2024

## Claims for compensation

At its July 2021 session, the 1992 Fund Executive Committee authorised the Director to pay compensation in respect of claims arising out of the incident in Israel.

In accordance with established practice, the amount of compensation available for this incident has been calculated on the basis of the value of the Israeli New Shekel (ILS) against the Special Drawing Rights (SDR) on the date of the adoption of the 1992 Fund Executive Committee's Record of Decisions of its 76th session, i.e. 23 July 2021. Using the rate of SDR 1 = ILS 4.645440, the conversion of SDR 203 million into that currency gave a total amount available for compensation of ILS 943 024 320.

As of , a total of 415 claims have been submitted for ILS 35.1 million. Of these, 24 claims have been submitted by the Israeli authorities and two non-governmental organisations for clean-up operations and clean-up related activities. Sixteen of these claims have been fully settled at ILS 5.1 million. The other claims are being assessed.

A total of 385 claims have been submitted in the fisheries and aquaculture sectors, totalling ILS 5 million. One claim, from an aquaculture farm, totalling ILS 1 million has been settled at ILS 264 907. Most of those claims refer to property damage and economic losses in the fisheries sector and have been rejected due to the lack of supporting information.

Five claims have been submitted for economic losses in the tourism sector. One of these claims has been settled at ILS 26 720. The other four have been rejected due to lack of supporting information.

The 1992 Fund has engaged a local firm with a long history of assisting P&I Clubs to act as the focal point for this incident, in order to help potential claimants, and to facilitate the submission and processing of claims.

The Israeli Government has compiled information for claimants, which was disseminated through the press and the media in November 2021. The IOPC Funds has also provided claim forms specific to this incident, in English and Hebrew, which are accessible here: [IOPC FUNDS | Incident in Israel – Information for Claimants](#).

The three-year anniversary of the spill was on 17 February 2024. In advance of that date, the IOPC Funds advised all claimants who had not reached final settlement with the 1992 Fund to take the necessary legal steps to protect their rights in the national Court and commence a lawsuit seeking compensation against the 1992 Fund.

According to Article 6 of the 1992 Fund Convention, if a claimant does not bring a lawsuit seeking compensation against the 1992 Fund before the third anniversary of the incident, such claimant loses the right to claim compensation.

All the pending claims were brought to the Admiralty Court in Haifa within the three-year time limit and are therefore protected from time bar. While the proceedings have not started yet, the claimants and the IOPC Funds continue to cooperate in order to reach amicable settlements whenever possible.

Updated on: 12.12.2024

## Legal Proceedings

Three sets of legal proceedings were filed in the Admiralty Court in Haifa against the 1992 Fund. The first is by the Israeli Government, and relates to 12 claims for costs incurred by the central Government and municipal authorities, totalling ILS 25 929 167. Both parties have agreed to suspend legal proceedings for a period of 12 months, effective 9 April 2024, to allow the parties to complete their negotiations.

The second set of legal proceedings is by an NGO for costs incurred during the response, totalling ILS 100 654. This claim has been settled and a judgment dismissing the claim against the 1992 Fund was given on 21 May 2024.

The third set relates to a consolidated claim of 385 claims from fishers and 3 claims from restaurant owners, totalling ILS 4.5 million. The first court hearing was scheduled to take place on 26 November 2024.