

OIL SPILL OVER THE PERUVIAN SEA

A RECOUNT

On January 15, 2022, the largest ecological disaster in the history of the Peruvian sea occurred: nearly 11,000 barrels of hydrocarbons were dumped into the Ventanilla Sea, causing the death of more than 1,800 wild animals and directly affecting two protected natural areas.

In addition, more than 3,000 fishermen, traders and other people who depend on the sea are still affected by this disaster caused by Repsol (Refinería La Pampilla S.A.A.).

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Footage - Diego Perez / SPDA ([link here](#))

THE FIRST YEAR (2022)

- On January 14, 2022, the vessel Mare Doricum began unloading 985 thousand barrels of crude oil at the Multiboyas No. 2 terminal of the La Pampilla Refinery, owned by Repsol S.A.
- The following day, Repsol reported a spill of 0.16 barrels of oil in the sea off Ventanilla to the Environmental Evaluation and Oversight Agency (OEFA).
- On January 16, local media and authorities confirmed the spill and took measures to protect affected bathers and fishermen. The refinery attributed the incident to the eruption of the volcano in the Tongan Sea.
- On January 17, it was confirmed that more than 6,000 barrels were spilled and peaceful protests began.
- The Public Prosecutor's Office and OEFA initiated investigations and cleanup measures.
- On January 22, the government declared a 90-day environmental emergency.
- From that moment on, protests continued and contradictory testimonies about sea conditions were revealed.
- The UN sent a technical mission to assess the environmental impact.
- In February 2022 a second spill was reported and the retention of Repsol executives was ordered.
- It was revealed that more than 11,000 barrels were spilled and additional cleanup and monitoring measures were taken.
- The OAS offered humanitarian aid and highlighted the need for medical attention for affected communities.
- The authorities continued to face criticism for the management of the crisis and the appointment of inexperienced officials.
- As a month has passed since the spill, concerns persisted about environmental remediation and the responsibility of the companies involved.

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2023 TO DATE

- In February, SPDA published a legal report analyzing the role of the "administered third party" in administrative sanctioning procedures (PAS) related to environmental disasters, such as the oil spill in Ventanilla in 2022. SPDA was involved as an administered third party in two PAS, using the right of access to environmental justice ([access document](#) in Spanish).
- In this report, SPDA highlights the rights and duties of the administered third party, in addition to analyzing the regulatory framework and the pronouncements of the environmental authorities. The figure of the administered third party, regulated by the General Administrative Procedure Law, allows affected persons to participate in the procedures.
- Two years after the spill, in January 2024, Actualidad Ambiental published a news report in which several experts analyzed the lessons learned from the oil spill. It highlights the need to strengthen environmental rehabilitation to prevent and mitigate future disasters. In addition, a proposal is presented that includes measures such as the establishment of a national fund for environmental restoration, the creation of a registry of affected areas and the implementation of a continuous monitoring system ([note](#) in Spanish)
- Also in January 2022, the Ombudsman's Office (Defensoría del Pueblo) urged the Executive to continue the actions of environmental and sanitary evaluation and supervision ([note](#)). In December 2023, "Mesa de Diálogo" - a multi-sectoral group that addresses the social problems generated by the oil spill - highlighted that several beaches in Ventanilla and Ancon still present hydrocarbon contamination, and urged fishermen to suspend work and swimmers not to go to some beaches in the area. ([note](#))
- Also in December, Actualidad Ambiental published an article highlighting the possible sanction to Repsol for "acting cruelly" against wildlife affected by the spill. According to the news report, the Public Prosecutor's Office could impose a fine of up to 10,000 Tax Units (UIT) for this reason. This report documents environmental damage and the death of marine animals, including Humboldt penguins and guano birds. It also notes that the Specialized Environmental Prosecutor's Office (FEMA) of North Lima is investigating Repsol for alleged pollution and animal cruelty ([news report](#) in Spanish).
- In September 2023, Actualidad Ambiental reported that a large group of fishermen affected by the Repsol spill were still protesting the lack of compensation ([news report](#) in Spanish).
- In July, it was reported that 19 areas of Ventanilla and Ancon still show traces of oil after the Repsol spill. The Environmental Evaluation and Oversight Agency (OEFA) reported this after analyses showed the presence of hydrocarbons in marine sediment ([news report](#) in Spanish)
- In May, after carrying out new environmental monitoring on 25 of the beaches affected by the oil spill in January 2022, the Environmental Evaluation and Oversight Agency (OEFA) reported that there are still five beaches with traces of hydrocarbons ([see note](#)).
- In April 2023, a group of 700 artisanal fishermen denounced that the out-of-court agreement with Refinería La Pampilla S.A.A. (Relapasaa), whose major shareholder is Repsol, is abusive and demanded a renegotiation ([see note](#)).

- In March, the Plenary of the Congress of the Republic approved a final report of the investigative commission. Among the main recommendations of the report is the formation of a multidisciplinary committee to initiate the process of economic valuation for the damages caused to the environment, the marine fauna and the population; and to consider the company RELAPASAA and the economic group Repsol as "Civilly Responsible Third Parties" in the denunciation that is included in the respective fiscal file. ([see note](#))