



16 September 2009

#### UK GROUP ACTION UPDATE

Trafigura and Leigh Day & Co (acting for the claimants) have agreed the following joint statement:

- 1) The parties have since August 2006 expended considerable time and money investigating in detail the events in Abidjan in 2006, and over 20 independent experts have been appointed.
- 2) In view of that expert evidence, and the fact that claims are not being made in this litigation for deaths, miscarriages, still births, birth defects and other serious injuries, the parties are exploring the possibility of compromising the claims which have been made.
- 3) A global settlement is being considered by the parties and it currently appears that this settlement is likely to be acceptable to most, if not all, of the Claimants. This will take time, and in the meantime the parties both consider that it would be unhelpful and inappropriate to make any further comment.

Following media enquiries and comments, Trafigura reiterates its long-held position as follows:

- In October 2008, Trafigura initiated a case management plan which was agreed with Leigh Day whereby it would compensate (entirely without any admission of liability) any claimants to the extent that they could demonstrate any injury had been caused by exposure to the slops.
- The company has always maintained that the Probo Koala's slops could not possibly have caused deaths and serious or long term injuries. Independent expert witnesses firmly support Trafigura in this stance.
- Although it was agreed by both parties that the UK group action case would only focus on causation, Trafigura has always denied and continues to deny any liability for events that occurred in the Ivory Coast. The company sought at all times to comply with all relevant regulations and procedures concerning the offloading of the Probo Koala's slops in Abidjan. Compagnie Tommy was a fully licensed contractor, recommended to Trafigura by an experienced and reputable Ivorian shipping agent to handle the slops in a legal and responsible manner. Consequently, Trafigura cannot have foreseen the reprehensible and illegal way in which Compagnie Tommy then proceeded to dump the slops.

- Trafigura has consistently stated that the Probo Koala was returning from a routine commercial voyage to deliver a gasoline cargo in Lagos, Nigeria, when it stopped in Abidjan. Consequently, any suggestion that the vessel was sent to West Africa solely for the purpose of offloading its slops is entirely inaccurate.

We will provide further updates regarding Trafigura's position as these arise.