



# Vote NO on Item 3

## "Approval of the Non-Financial Information Statement 2024"

May 13<sup>th</sup>, 2025

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# OVERVIEW

Although Repsol Group's 2024 *Consolidated Statement on Non-Financial Information and Sustainability Information* "states that "[t]here were no significant operating expenses or investments in 2024 related to environmental incidents and deposits,"<sup>1</sup> there are multiple legal, financial, regulatory, and insurance risks still facing the company as a result of the January 2022 oil spill off the coast of Peru. In the same *Consolidated Statement*, Repsol states that through its Human Rights and Community Relations Policy it "undertakes to respect, in all its activities and business relationships, the rights internationally recognized in international treaties and standards on business and human rights" and "will also respect all International Treaties of regional human rights protection systems in whose countries it operates."<sup>2</sup>

Repsol's response to the spill and its engagement with communities affected by it demonstrate that the company breached its Human Rights and Community Relations Policy, did not follow international treaties on human rights and violated regulations in Peru. As a result, there are potentially billions of dollars of fines, legal penalties, and remediation costs pending, that amount to far above those mentioned in its Annual Reports.

Repsol, S.A. (Repsol) is facing over \$5.7 billion USD in two lawsuits, two criminal cases, and 22 administrative cases as a result of its failing to maintain safety protocols at La Pampilla refinery, the environmental damages caused by the January 2022 oil spill resulting from Repsol's damaged equipment, and harms to people living and working in areas affected by the oil spill. The company has already been fined over \$75 million USD in administrative cases in Peru.

The company initially claimed it would cost \$150 million USD to clean up the spill, an inaccuracy addressed in its 2024 *Repsol Group Annual Financial Report* which said that it had already cost \$438 million USD.<sup>3</sup> Yet this adjusted statement does not account for the full costs of addressing the damage from the La Pampilla oil spill or the companies' actions in relation to the incident. In those actions, Repsol did not follow international business and human rights standards in its manner of engaging with victims from the spill and the secretive processes it demanded in negotiations to compensate members of trade associations for loss of income.

For reference, the costs associated with remediating comparable oil spills ranged from \$2.9 billion to \$87.7 billion USD.<sup>4</sup>

Repsol's actions related to the oil spill cause significant financial risk to its investors as well as reputational risk resulting from ongoing false and misleading statements about the spill, its insufficient remediation plans, and its circumvention of legally mandated procedures for community engagement and remuneration. For this reason, we recommend a vote against Proposal 3, Approval of the Non-Financial Information Statement 2024,<sup>5</sup> at Repsol S.A.'s 2025 AGM.

# 1. BACKGROUND OF THE REPSOL 2022 OIL SPILL

## Largest oil spill in the history of Peru

On 15 January 2022, an Italian oil tanker, the Mare Doricum, was unloading crude oil at Terminal 2 of the La Pampilla Refinery owned by Repsol in Callao, Peru. The pipeline connecting the ship to the refinery was broken and over 11,000 barrels of oil (more than 2,100 tons) spilled into the ocean.

Due to Repsol's downplaying of the spill and ongoing violations of mechanical and safety protocols, there was a second spill from the same pipeline on 24 January 2022, and due to Repsol's ongoing failure to address the issue, a third spill occurred at Terminal 2 of La Pampilla in December 2024.

## Cause

The cause of the oil spill was determined to have been caused by a rupture in the pipeline end manifold (PLEM) at the Repsol-owned refinery. Oil from the ship was transferred by a Repsol-owned pipeline through the faulty PLEM and through another pipeline to the refinery. Repsol had been aware of malfunctions and emergency situations regarding this specific equipment since 2013 but had not sufficiently addressed the problems.<sup>6</sup> Repsol was, therefore, operating outdated equipment with a detailed history of malfunctions to transfer oil from tankers to its La Pampilla refinery - risking an oil spill on a daily basis for over a decade.

## Damages to local communities

La Pampilla refinery is located 30 km north of Lima. The oil spill affected people in five districts, Ventanilla, Santa Rosa, Ancon, Aucallama and Chancay.

The location of the spill is a tourist destination with a population of more than 482,000 people, many of whom live in informal housing and lack access to basic services. Approximately 20% of the population works in fishing, agriculture, and small vendors for tourists.<sup>7</sup> CooperAcción found that "[t]he affected artisanal fishermen and women are all heads of households, with an average of three children, whose fishing activity, passed down from generation to generation, is the main source of family income. Therefore, the oil spill has significantly affected their purchasing power, as well as their social, family, and personal structure (mental health)."

The spill had additional negative impacts on women in these communities. Many local women had jobs related to fishing - as filleters, shore fishers, or boat owners. Many others are dependent upon fishing and the loss of family income has caused additional burdens related to them needing to search for ways to feed their families, care for their children who are out of school due to inability to pay fees, and care for their children and family members who fell ill either as a result of contact with the oil or the depletion of nutrients from their diets.<sup>8</sup>

After the spill, many beaches were forced to close and even more were contaminated bringing the tourism to a halt.<sup>9</sup> Fisherfolk not only lost income, but also the loss of ability to fish in the region which threatened people's access to food, not only in the immediate aftermath of the spill, but until the damages have been cleaned and the marine populations can recover - a time frame that a joint team of experts from the United Nations estimated to be anywhere from six to ten years.<sup>10</sup>

A study by the Ministry of Economy and Finance found that the annual impact per family (including the depreciation of fishing materials) amounts to 149,714.86 Soles (\$40,114.85 USD).<sup>11</sup>

## Damages to the ocean and coastline

The oil spread to over 700 hectares, but due to lack of mitigation response, has since spread to over 11,000 hectares, affecting both the ocean and the coastal regions, including two protected areas.<sup>12</sup> The oil that spilled was Buzios crude oil - a type that contains nine heavy metals, two of which - cadmium and lead - are known to be highly toxic.<sup>13</sup>

The crude oil affected 97 coastal formations including 2 natural protection areas - Ancón Reserved Zone and the Pescadores Islets. Local fishermen continue to report "tar balls on the beaches, crude oil regularly rising to the water surface, especially during rough seas, and often [seeing] black sea foam."<sup>14</sup> They also are reporting fewer fish and fewer species of fish and almost all beaches have fewer large marine mammals.<sup>15</sup>

## Violations of international human rights

In Repsol's *Consolidated Statement on Non-Financial Information and Sustainability Information* it states that it "has a Human Rights and Community Relations Policy through which it undertakes to respect, in all its activities and business relationships, the rights internationally recognized in international treaties<sup>16</sup> and standards<sup>17</sup> on business and human rights."<sup>18</sup> It continues that "[i]n addition, Repsol will also respect all International Treaties of regional human rights protection systems in whose countries it operates."<sup>19</sup>

There are five internationally recognized human rights that were impacted by the oil spill: the right to a healthy environment, the right to work, the right to food, the right to health, and the right to cultural identity.

1. Healthy environment: In 2018, the United Nations Human Rights Council adopted the *Framework Principles on Human Rights and the Environment* which states that "States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfill human rights" and "respect, protect and fulfill human rights in order to ensure a safe, clean, healthy and sustainable environment."<sup>20</sup>

The Guiding Principles on Business and Human Rights, to which Repsol directly claims to adhere, states that businesses "should identify and assess actual or potential adverse human rights impacts they may be involved in either through their own activities or as a result of their business relationships."<sup>21</sup> The Inter-American Court of Human Rights (whose Jurisdiction Peru has recognized since 1981)<sup>22</sup> "defined the State obligations derived from the duty to respect and guarantee the rights to life and personal integrity in context of environmental protection, among others, to prevent significant environmental damages."<sup>23</sup>

Repsol's response to the oil spill did not ensure a "clean, healthy, and sustainable environment" to those affected by it.

2. Right to work: Repsol's claim to "respect all International Treaties of regional human rights protection systems in whose countries it operates"<sup>24</sup> subjects it to The International Covenant on Economic, Social, and Cultural Rights (ICESCR) of which Peru is a State Party.<sup>25</sup> The ICESCR establishes "the right of every person to work, which includes the right to have the opportunity to earn a living by work freely chosen or accepted, and the correlative duty of the State to take appropriate measures to guarantee this right" - later clarified by its Committee on Economic, Social and Cultural Rights (CESCR) to be "decent work."<sup>26</sup> The right to work is also ensured in the Political Constitution of Peru, Article 2.<sup>27</sup>

Immediately following the oil spill, thousands of fisherfolk and their families, and others in the region were out of work. Due to economic stress - as many of the people in the area earned subsistence wages - they accepted day work offered by Repsol to clean up the oil spill on the shores, but without training or adequate safety protocols - as should have been provided given the company's Human Rights and Community Relations Policy - and no ongoing nor permanent work was provided.<sup>28</sup>

3. Right to food: The right to food is also established in the ICESCR and in 1978, the CESCR defined key elements of the right to food as the "availability of food, food accessibility, and accessibility to food."<sup>29</sup> It defined food security as "when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life."<sup>30</sup> Parties to ICESCR must take steps to ensure its people have "access to the minimum essential level of sufficient, safe and nutritionally adequate to food ensure freedom from hunger" and that all members of society "and the private business sector are responsible for the realization of the right to adequate food."<sup>31</sup>

The oil spill not only quashed the livelihoods of the fisherfolk and traders, but also their daily food intake which, also, was based on the fish they caught and purchased. Due to the lack of and toxicity of fish and produce, the local people have been forced to change their diet to unaffordable other proteins and processed foods for purchase which has, in turn, had a negative impact on their health.<sup>32</sup> There is strong sentiment that the government should mediate with Repsol to address the food insecurity crisis caused by the oil spill<sup>33</sup> and given the company's Human Rights and Community Relations Policy stating that it will adhere to both international human rights laws and those of the countries in which it operates, the company must comply.

4. Right to health: The ICESCR defines the right to health as "the enjoyment of the highest level of physical, mental and social well-being" and includes the needs of those most at risk and "those who, due to their conditions of poverty, are more vulnerable, as well as the improvement of all aspects of occupational hygiene and the environment."<sup>34</sup> And the CESCR states that this includes "a system of health protection that provides individuals with equal opportunities to enjoy the highest attainable standard of health."<sup>35</sup> The Constitution of Peru states that "[e]veryone has the right to the protection of their health, that of their family environment and that of the community, as well the duty to contribute to its promotion and defense."<sup>36</sup>

The oil spill has affected the emotional and physical health of the people in the region.<sup>37</sup> There also were health impacts from exposure to the oil in the water for both the local population and those hired to clean up the oil spill.<sup>38</sup> Since the spill, Repsol has evaded "its responsibility to take effective action to address the health needs that the spill from the refinery it is responsible for has generated among the population."<sup>39</sup>

5. Right to cultural identity: The American Convention on Human Rights (ratified by Peru in 1978<sup>40</sup>) includes the "right to protection of the family" and the Constitutional Court of Peru maintained that the Constitution for the Republic of Peru upholds identity as an essential attribute of a person.<sup>41</sup> This includes ideology, cultural identity, and values.

Artisanal fishing is a cultural practice that has been passed down from generation to generation in the Ventanilla, Santa Rosa, Ancon, Aucallama and Chancay districts affected by the oil spill. The Repsol spill significantly affected the cultural practices and heritage of artisanal fisherfolk, their families, and their communities. Due to Repsol's inadequate response to the oil spill outlined below, it is not abiding by both the American Convention on Human Rights and the Constitution, because not only are members of the affected communities no longer fishing, but they have had to alter the traditions around their feast of San Pedro and have "had to dedicate a large part of their time to organize themselves in associations aimed at carrying out actions in defense of their rights."<sup>42</sup>

## 2. REPSOL'S RESPONSE

### Cover-up

When the spill first occurred, Repsol claimed that the spill was caused by an earthquake in Tonga, more than 10,000 km away<sup>43</sup> and that only 0.16 barrels of oil<sup>44</sup> had leaked from the PLEM - not

the 11,000 barrels of oil that actually leaked into the ocean. One week later, Repsol announced a plan to control the contamination and clean the ocean and beaches by end of February 2022<sup>45</sup> and in April 2022 the company declared that the sea had been cleaned and was awaiting confirmation from OEFA (Environmental Assessment and Oversight Agency). In September 2022, OEFA reported that of the 97 sites, 71 of them - 73% - still were damaged and required a remediation plan.<sup>46</sup> In March 2023, OEFA required Repsol to produce remediation plans for additional regions not initially considered.<sup>47</sup>

Repsol also downplayed the impact of the spill and assigned it an ecological risk of two, whereas SERNANP (Peru's National Service of Natural Areas Protected by the State) said that more than 3.6 million hectares of Coastal Marine Natural Protected Areas were affected, with a significant decline in protected species warranting it an ecological risk of 3 - the highest level of risk.<sup>48</sup>

In Repsol Group's *2024 Annual Financial Report*, the company claimed to be complying with national and international standards in monitoring and the conditions in the spill area "therefore do not represent any risk to health or the environment"<sup>49</sup> and the associated costs were \$438 million USD, \$276 million of which was compensated by its insurers.<sup>50</sup> The following sections of this memo will provide evidence that Repsol both underrepresented the risks to human health and the environment caused by and the extent of its potential liabilities related to the oil spill in its Annual Reporting.

### Insufficient environmental remediation

To date, Repsol has not rehabilitated the ecosystems and six government agencies have noted deficiencies.<sup>51</sup>

By March 2023, despite Peruvian Governmental bodies continuing to find hydrocarbons in affected areas, Repsol still had not submitted an Environmental Remediation Plan.<sup>52</sup> Five months later (21 months after the spill), in October 2023, Repsol submitted 18 remediation plans, but 12 were rejected by the Ministry of Energy and Mines because they were incomplete.<sup>53</sup> New plans were submitted (for a total of 22 at present), but at the time of this writing - none of them have been approved and contain "incomplete, insufficient, and - in some cases - erroneous information."<sup>54</sup>

For example, Repsol's rehabilitation plans allowed for 65% of the spill (7,150 barrels of oil) to remain in the ecosystem because it would disburse and be purified naturally.<sup>55</sup> This means that the oil would continue to spread, sink to the sea beds affecting deep-sea creatures, and spread to beaches affecting marine life, coastal animals, plants, and birds, as well as the people relying on the natural environment for their lives, livelihoods, and sustenance.

Peruvian authorities noted numerous deficiencies in the remediation plans in five key areas:

#### 1. Inaccuracies in environmental characterization - Repsol:

- used the wrong standards for reference for ecological bioaccumulation testing;
- lacked comparative analyses for hydrobiological reference sites; and
- did not describe the living (plants, animals, and microorganisms) and non-living things (water, soil, air, and sediments) within the ecosystem.<sup>56</sup>

#### 2. Lack of a comprehensive analysis - Repsol:

- claimed areas were inaccessible and did not study them while OEFA was able to obtain samples;
- omitted information on macroinvertebrates and microalgae which are at the base of the food system;
- did not sample areas within Natural Protected Areas;
- did not provide a description of the health status of affected species and omitted monitoring birds, mammals, amphibians, and flora;<sup>57</sup>

#### 3. Failures in the remediation strategies - Repsol's proposals:



- lack objectives for remediation and how recovery of ecosystems will be verified;
- do not integrate test results from different samples into an environmental ecosystem impact analysis;
- lack any special attention to Natural Protected Areas to minimize the presence of hydrocarbons and polycyclic aromatic hydrocarbons; and
- did not present an analysis of the toxins in the ecosystem; plans to recover, manage, and monitor the ecosystems for 10 - 15 years;<sup>58</sup>

#### 4. Monitoring deficiencies - Repsol:

- claimed areas were inaccessible and did not study them even though OEFA was able to access those areas and obtain samples;
- took and relied on groundwater samples from areas 8km away from the affected area;
- lacked information on wildlife breeding areas, including those for protected species; and
- had inconsistencies in its description of the composition of the crude oil spilled;<sup>59</sup>

#### 5. Risks to human health and ecosystems - Repsol:

- did not provide evidence for its claim that groundwater was not affected and did not sample groundwater; and
- did not consider the impacts on people who consume animals or plants that have been contaminated;<sup>60</sup>

In addition, there were significant discrepancies between Repsol's analysis of cadmium and independent findings that found "significant correlation for the parameters cadmium, copper, iron and lead"<sup>61</sup> known, respectively, to be carcinogenic, cause brain damage, cause liver disease, and a neurotoxin.

### Unethical remuneration to affected community members and business owners

Repsol's 2024 *Human Rights and Repsol* report states that it reached compensation agreements with 10,019 of the people it first considered affected for lost profits in 2022 and 9,682 people for 2023<sup>62</sup> and that it entered into 141 social aid agreements but provides no information on them.<sup>63</sup> The comments of government ministries, observations of third-party observers, and the testimonies of affected people in the community demonstrate Repsol's actions to be severely lacking.

#### 1. Undercounting the number of affected people:

Repsol initially prepared a list of 10,186 people, but this significantly undercounted affected persons - a claim verified by the over 34,000 affected people who have filed a lawsuit against the company in the Netherlands.<sup>64</sup> Furthermore, Repsol's counting of affected people had a disproportionate negative impact on women who it did not consider fisherfolk.<sup>65</sup> This undercounting is problematic, as Repsol is legally required to "identify and quantify the environmental and social damages and proceed to begin negotiations with those affected."<sup>66</sup>

#### 2. Insufficient remediation:

Repsol distributed 10,400 vouchers of approximately \$150 USD to be used exclusively in supermarkets but they did not provide much support at a time when thousands of people suddenly lost their livelihoods in fishing, tourism, and recreation.<sup>67</sup> In response to the report, "5 unanswered questions from Repsol,"<sup>68</sup> published in May 2024, the company issued a response that stated "The fishermen received an average of 100,000 soles in total compensation, which is much higher than any official information on the income of artisanal fishermen"<sup>69</sup> but the Ministry of Economy and Finance calculated that the appropriate *annual* remuneration per family should be 149,714.86 Soles (\$40,114.85 USD).<sup>70</sup>

#### 3. The negotiation process did not follow requirements of International Human Rights

Repsol also did not live up to the Guiding Principles on Business and Human Rights requirement that businesses incorporate "substantive consultation with potentially affected groups and other stakeholders"<sup>71</sup> by entering into negotiations with only 19 fishermen's organizations. The company held a few additional meetings in which it did not engage, but instead informed people of the

amount of money they would receive if they signed out-of-settlement agreements. The company also did not make appropriate adjustments to include women in the negotiations who - in addition to working - care for their children and elders and did not make provisions for women to easily access food vouchers - adding to the physical and emotional impacts on their families.<sup>72</sup>

In the negotiations with the 19 fishermen associations, Repsol refused to accept an independent facilitator and proposed from the start that if there were any disagreements they would pursue legal action, something the fishermen could not afford.<sup>73</sup> In addition, Repsol did not engage citizen participation regarding its plans nor inform community members of its findings,<sup>74</sup> and received an administrative sanction from the Peruvian government for failing to disclose environmental and social harms.<sup>75</sup>

The negotiations were not public and in order to receive compensation, people had to waive their rights to any claim against the company.<sup>76</sup> Repsol only would address loss of income and refused to consider other losses the fisherfolk faced including consequential or moral damages, or damages to their human rights.<sup>77</sup> It invested in a Center for Entrepreneurship and Innovation in the area, and 127 people were invited to participate,<sup>78</sup> but this is negligible due to the contamination of the waters from the spill and the resulting economic devastation to fisherfolk and others with related economic activities such as tourism and recreation.<sup>79</sup>

### 3. LEGAL, INSURANCE, REGULATORY AND FINANCIAL RISKS

#### Legal risks

Repsol is facing at least four lawsuits related to the spill - a civil case, a class-action lawsuit, and two criminal cases.

Civil case: In August 2022 a civil case was filed against Repsol by the National Institute for the Defense of Competition and the Protection of Intellectual Property (INDECOPI) for \$4.5 billion USD. INDECOPI is the standard-setting and consumer protection division of the Peruvian government. The suit is for \$3 billion USD for environmental damages caused by the oil spill and \$1.5 billion USD for people affected by the oil spill. The case also names the insurer, Mapfre Global Risks, and the owner of the tanker from which the oil spilled, Fratelli D'Amico Armatori S.P.A.<sup>80</sup>

Class-action lawsuit: In January 2024, a class action lawsuit against Repsol was filed in the Netherlands by Pogust Godhead.<sup>81</sup> It was filed on behalf of 34,000 people - artisanal fisherfolk, traders, and others - for compensation for damages to their lives and livelihoods due to the oil spill. The suit requests \$1.272 billion USD in damages be paid to the class claiming that the damages paid thus far were to a small group of persons and were neither full nor fair reparation. Compensation thus far received from Repsol was given to a few members of professional fishermen and trade associations based solely on loss of income. The case argues that Repsol did not identify all affected victims from the spill, did not consider the full extent of the damages, and ignored damages that are still occurring. Damages are circumstance specific as some people lost income, property, boats, and businesses, and others have health impacts from exposure to the crude oil that was spilled.

Criminal cases: There are currently two criminal cases filed against Repsol in Peru. The details of the cases are not made public until decisions are made. The cases were filed by



the Specialized Prosecutor's Office for Environmental Matters of Northwest Lima - the region affected by the January 2022 oil spill. The first case was filed in 2022 and is about environmental damage.<sup>82</sup> The second case was filed in January 2025. This second case is against both Repsol and the Ministry of Energy and Mining. It is in response to Repsol knowingly providing inaccurate information to the Ministry of Energy and Mining which is responsible for reviewing, approving, or rejecting the remediation plans. The suit is also against the General Directorate of Environmental Affairs of the Ministry of Energy and Mining due to its delays in reviewing essential remediation plans.<sup>83</sup>

### Insurance Risks

Mapfre Global Risks, a leading insurance company in Spain, was the insurance company named in INDECOPI's civil case. Its website states that it "take[s] a keen interest in the progress that is made day-by-day in the business processes within the energy sector" and "care[s] about the impact of their activities, we collaborate for sustainable development, anticipating and controlling the safety and environmental risks to which these types of activities are exposed."<sup>84</sup>

Depending on the outcome of the legal cases and the total costs of remediation - examples of which are presented below - Repsol could face significantly higher premiums to insure its projects or could find some projects un-insurable, which would have a direct negative impact on future earnings.

### Regulatory Risks

Repsol has violated numerous Peruvian regulations related to the requirement to provide a prompt and comprehensive response to those affected by the damages they caused and have, thus far, been fined over \$75 million USD.<sup>85</sup> At present, there are 22 administrative cases filed by six Peruvian government entities against Repsol - the Supervisory Body for Investment in Energy and Mining (OSINERGMIN), Environmental Assessment and Oversight Agency (OEFA), National Forest and Wildlife Service (SERFOR), National Service of Natural Areas Protected by the State (SERNANP), National Port Authority (ANP), and the Port Captainty of Callao (DICAPI).<sup>86</sup>

The regulatory violations range from non-compliance with crude oil containment, recovery and clean-up measures; to failure to determine causes, responsible parties and penalties for the spill; failure to deploy containment barriers; providing inaccurate information about the spill to government agencies; operating the PLEM without following safety standards; not identifying affected areas; failure to comply with control and wildlife safety measures; contaminating biological diversity; failure to clean the affected soil; acting with cruelty and causing the death of specimens; and failure to provide information.<sup>87</sup>

Currently, 14 of the cases have been concluded. Of the 14, Repsol was found administratively liable and was fined and one was archived because although it, too, found Repsol liable, the term in which the matter needed to be resolved had expired. Of the eight remaining cases, six found Repsol administratively liable but Repsol has appealed, one was declared null and void, and one has no public information on its status.<sup>88</sup>

### Financial Risks

Although Repsol's *2024 Annual Financial Report* states that the costs to cover the damage from the La Pampilla spill are \$438 million USD,<sup>89</sup> costs to contain, clean up, remediate, and compensate affected parties from previous oil spills are much higher - causing concern that Repsol is understating the financial burden this disaster will pose to the company and losses to its investors.

For example, in 1989, the Exxon Valdez spilled 37,000 tons of crude oil off the coast of Prince William Sound, Alaska. The costs for clean-up during the first year was \$2 billion USD (in 1989 dollars).<sup>90</sup> In total, Exxon paid over \$4.3 billion USD in clean-up costs, legal settlements, court verdicts, and criminal fines<sup>91</sup> - the equivalent of over \$11 billion USD in 2025.<sup>92</sup> Between

2002 and 2004, the cleaning and recovery costs from the Prestige oil spill off the coast of Galicia, Spain in 2002 were €566.9 million and the cost of economic losses in the affected areas was €770.58 million over the same period,<sup>93</sup> a total of €1.34 billion (approximately \$2.9 billion USD in 2025).<sup>94</sup>

The 2010 explosion on the Deepwater Horizon drilling rig in the Gulf of Mexico cost BP \$65 billion in clean-up costs and legal fees,<sup>95</sup> and by 2020 that amount had increased to \$71 billion USD (87.7 billion USD in 2025)<sup>96</sup> including restoration, economic and non-natural resources losses.<sup>97</sup> Independent studies that also include loss in revenue and reputational costs estimate the total cost of the BP spill to be \$144.9 billion USD.<sup>98</sup>

Although larger, the total costs of each of these historical spills indicate that Repsol is grossly underestimating and underreporting the potential financial liabilities due to its negligence at the La Pampilla refinery and its handling of negotiations with members of the affected communities.

## CONCLUSION

From the facts cited in this memo, it is demonstrated that Repsol's *Consolidated Statement on Non-Financial Information and Sustainability Information* underreported its legal, regulatory, and financial liabilities and responsibilities related to the January 2022 La Pampilla oil spill.

Investors should vote NO on Proposal 3 requesting the approval of the *Consolidated Statement on Non-Financial Information and Sustainability Information* of at the Repsol Group AGM and demand that Repsol more accurately represent its potential liabilities to investors in its annual and other reporting and to comply with its own Human Rights and Community Relations Policy and the articles of the Constitution for the Republic of Peru related to human and environmental rights.

# ENDNOTES

<sup>1</sup> [https://www.repsol.com/content/dam/repsol-corporate/en\\_gb/sostenibilidad/reports/2024/consolidated-statement-non-financial-information-sustainability-information-2024.pdf](https://www.repsol.com/content/dam/repsol-corporate/en_gb/sostenibilidad/reports/2024/consolidated-statement-non-financial-information-sustainability-information-2024.pdf) p. 47

<sup>2</sup> [https://www.repsol.com/content/dam/repsol-corporate/en\\_gb/sostenibilidad/reports/2024/consolidated-statement-non-financial-information-sustainability-information-2024.pdf](https://www.repsol.com/content/dam/repsol-corporate/en_gb/sostenibilidad/reports/2024/consolidated-statement-non-financial-information-sustainability-information-2024.pdf) pp. 97 & 98

<sup>3</sup> [https://www.repsol.com/content/dam/repsol-corporate/en\\_gb/accionistas-e-inversores/rif/2025/rif20022025-2024-repsol-group-annual-financial-report.pdf](https://www.repsol.com/content/dam/repsol-corporate/en_gb/accionistas-e-inversores/rif/2025/rif20022025-2024-repsol-group-annual-financial-report.pdf) p. 68

<sup>4</sup> Costs of comparable oil spills are listed in the Financial Risks section of this memo and were converted to their values in 2025 USD to account for inflation.

<sup>5</sup> [https://www.repsol.com/content/dam/repsol-corporate/en\\_gb/accionistas-e-inversores/informes-jga/2025/2025-proposed-resolutions.pdf](https://www.repsol.com/content/dam/repsol-corporate/en_gb/accionistas-e-inversores/informes-jga/2025/2025-proposed-resolutions.pdf)

<sup>6</sup> Informe final del Congreso de Peru, Mocion 5229, March 2, 2023, p. 113

<sup>7</sup> <https://www.unocha.org/publications/report/peru/peru-environmental-emergency-after-spill-24-february-2022>

<sup>8</sup> <https://cdn2.hubspot.net/hubfs/426027/Oxfam-Website/oi-informes/5-respuestas-pendientes-repsol-en.pdf> p. 21

<sup>9</sup> <https://www.unocha.org/publications/report/peru/peru-environmental-emergency-after-spill-24-february-2022>

<sup>10</sup> <https://www.unocha.org/publications/report/peru/peru-environmental-emergency-after-spill-24-february-2022> and <https://oi-files-cng-v2-prod.s3.eu-west-2.amazonaws.com/peru.oxfam.org/s3fs-public/Revelando%20el%20dan%CC%83o%20del%20derrame%20de%20Repsol.pdf?VersionId=fQv0nPyg9CSISdmNdW0.gQ5X9VVJtLr9>

<sup>11</sup> <https://oi-files-cng-v2-prod.s3.eu-west-2.amazonaws.com/peru.oxfam.org/s3fs-public/Revelando%20el%20dan%CC%83o%20del%20derrame%20de%20Repsol.pdf?VersionId=fQv0nPyg9CSISdmNdW0.gQ5X9VVJtLr9>

<sup>12</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation p. 7)

<sup>13</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation p. 10)

<sup>14</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation p. 32)

<sup>15</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation p. 32)

<sup>16</sup> The document names the following international human rights treaties to which it adheres: "International Bill of Human Rights, Convention against Discrimination against Women, Convention against Racial Discrimination, Convention for the Prevention of Torture and Inhuman or Degrading Ill-Treatment, Convention on the Rights of the Child. Principles relating to the rights set out in the Declaration of the International Labor Organization (ILO), as well as the eight Fundamental Conventions that develop them: Freedom of Association and Collective Bargaining (Conventions 87 and 98), Elimination of Forced Labor (Conventions 29 and 105), Effective Abolition of Child Labor (Conventions 138 and 182) and Elimination of Discrimination (Conventions 100 and 111). ILO Convention No. 169. Humanitarian law in conflict zones. In addition, Repsol will also respect all International Treaties of regional human rights protection systems in whose countries it operates." [https://www.repsol.com/content/dam/repsol-corporate/en\\_gb/sostenibilidad/reports/2024/consolidated-statement-non-financial-information-sustainability-information-2024.pdf](https://www.repsol.com/content/dam/repsol-corporate/en_gb/sostenibilidad/reports/2024/consolidated-statement-non-financial-information-sustainability-information-2024.pdf) p. 98

<sup>17</sup> The document names the following international standards on business and human rights: "The United Nations Guiding Principles on Business and Human Rights, the Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises, the International Finance Corporation (IFC) Performance Standards on Environmental and Social Sustainability and the 10 Principles of the Global Compact."

[https://www.repsol.com/content/dam/repsol-corporate/en\\_gb/sostenibilidad/reports/2024/consolidated-statement-non-financial-information-sustainability-information-2024.pdf](https://www.repsol.com/content/dam/repsol-corporate/en_gb/sostenibilidad/reports/2024/consolidated-statement-non-financial-information-sustainability-information-2024.pdf) p. 98

<sup>18</sup> [https://www.repsol.com/content/dam/repsol-corporate/en\\_gb/sostenibilidad/reports/2024/consolidated-statement-non-financial-information-sustainability-information-2024.pdf](https://www.repsol.com/content/dam/repsol-corporate/en_gb/sostenibilidad/reports/2024/consolidated-statement-non-financial-information-sustainability-information-2024.pdf) pp. 97 & 98

<sup>19</sup> [https://www.repsol.com/content/dam/repsol-corporate/en\\_gb/sostenibilidad/reports/2024/consolidated-statement-non-financial-information-sustainability-information-2024.pdf](https://www.repsol.com/content/dam/repsol-corporate/en_gb/sostenibilidad/reports/2024/consolidated-statement-non-financial-information-sustainability-information-2024.pdf) p. 98

<sup>20</sup> <https://reliefweb.int/report/peru/disaster-could-have-been-avoided-executive-summary> (from full English version p. 65). The *Framework Principles on Human Rights and the Environment* lay out the basic obligations of States under human rights laws related to the environment, "are based directly on treaties or binding decisions from human rights tribunals" or "statements of human rights bodies that have the authority to interpret human rights law but not necessarily to issue binding decisions ... As a result, the Framework Principles should be accepted as a reflection of actual or emerging

international human rights law." <https://globalnaps.org/wp-content/uploads/2018/08/framework-principles-on-human-rights-and-the-environment.pdf> p. 3

<sup>21</sup> <https://reliefweb.int/report/peru/disaster-could-have-been-avoided-executive-summary> (from full English version p. 66)

<sup>22</sup> <https://repository.essex.ac.uk/4492/1/Sandoval.pdf>

<sup>23</sup> <https://reliefweb.int/report/peru/disaster-could-have-been-avoided-executive-summary> (from full English version p. 67)

<sup>24</sup> [https://www.repsol.com/content/dam/repsol-corporate/en\\_gb/sostenibilidad/reports/2024/consolidated-statement-non-financial-information-sustainability-information-2024.pdf](https://www.repsol.com/content/dam/repsol-corporate/en_gb/sostenibilidad/reports/2024/consolidated-statement-non-financial-information-sustainability-information-2024.pdf) p. 98

<sup>25</sup> <https://indicators.ohchr.org/>

<sup>26</sup> <https://reliefweb.int/report/peru/disaster-could-have-been-avoided-executive-summary> (from full English version p. 81)

<sup>27</sup> <https://reliefweb.int/report/peru/disaster-could-have-been-avoided-executive-summary> (from full English version p. 82)

<sup>28</sup> <https://reliefweb.int/report/peru/disaster-could-have-been-avoided-executive-summary> (from full English version pp. 83, 84, and 85)

<sup>29</sup> <https://reliefweb.int/report/peru/disaster-could-have-been-avoided-executive-summary> (from full English version p. 95)

<sup>30</sup> <https://reliefweb.int/report/peru/disaster-could-have-been-avoided-executive-summary> (from full English version p. 96)

<sup>31</sup> <https://reliefweb.int/report/peru/disaster-could-have-been-avoided-executive-summary> (from full English version p. 96)

<sup>32</sup> <https://reliefweb.int/report/peru/disaster-could-have-been-avoided-executive-summary> (from full English version p. 101)

<sup>33</sup> <https://reliefweb.int/report/peru/disaster-could-have-been-avoided-executive-summary> (from full English version p. 104)

<sup>34</sup> <https://reliefweb.int/report/peru/disaster-could-have-been-avoided-executive-summary> (from full English version p. 105)

<sup>35</sup> <https://reliefweb.int/report/peru/disaster-could-have-been-avoided-executive-summary> (from full English version p. 106)

<sup>36</sup> <https://reliefweb.int/report/peru/disaster-could-have-been-avoided-executive-summary> (from full English version p. 106)

<sup>37</sup> Most reported physical issues were related to the oil in the sea including "intense itching of the eyes and nose, nausea, vomiting, headaches, the appearance of pimples and hives on the body and even fever [as well as] reports of intoxication from eating fish after the spill." In addition, due to lack of nutritious food, both adults and children suffered from weight loss and anemia. People also reported depression, stress, anguish, desperation, helplessness and hopelessness. <https://reliefweb.int/report/peru/disaster-could-have-been-avoided-executive-summary> (from full English version pp. 107 - 109)

<sup>38</sup> <https://reliefweb.int/report/peru/disaster-could-have-been-avoided-executive-summary> (from full English version p. 109)

<sup>39</sup> <https://reliefweb.int/report/peru/disaster-could-have-been-avoided-executive-summary> (from full English version p. 113)

<sup>40</sup> <https://cidh.oas.org/Basicos/English/Basic4.Amer.Conv.Ratif.htm>

<sup>41</sup> <https://reliefweb.int/report/peru/disaster-could-have-been-avoided-executive-summary> (from full English version p. 114)

<sup>42</sup> <https://reliefweb.int/report/peru/disaster-could-have-been-avoided-executive-summary> (from full English version p. 118)

<sup>43</sup> <https://www.reuters.com/business/environment/repsol-says-it-will-finish-cleaning-up-peru-oil-spill-late-march-2022-02-03/>

<sup>44</sup> <https://www.reuters.com/business/environment/repsol-says-it-will-finish-cleaning-up-peru-oil-spill-late-march-2022-02-03/>

<sup>45</sup> <https://www.reuters.com/business/environment/repsol-says-it-will-finish-cleaning-up-peru-oil-spill-late-march-2022-02-03/>

<sup>46</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation p. 7)

<sup>47</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation p. 7)

<sup>48</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation p. 15). A designation of level 3 indicates significant adverse effects and is the highest level of risk.

- <sup>49</sup> [https://www.repsol.com/content/dam/repsol-corporate/en\\_gb/accionistas-e-inversores/rif/2025/rif20022025-2024-repsol-group-annual-financial-report.pdf](https://www.repsol.com/content/dam/repsol-corporate/en_gb/accionistas-e-inversores/rif/2025/rif20022025-2024-repsol-group-annual-financial-report.pdf) p. 68
- <sup>50</sup> [https://www.repsol.com/content/dam/repsol-corporate/en\\_gb/accionistas-e-inversores/rif/2025/rif20022025-2024-repsol-group-annual-financial-report.pdf](https://www.repsol.com/content/dam/repsol-corporate/en_gb/accionistas-e-inversores/rif/2025/rif20022025-2024-repsol-group-annual-financial-report.pdf) p. 68
- <sup>51</sup> National Forestry and Wildlife Service (SERFOR), the National Service of Natural Areas Protected by the State (SERNANP), the National Authority of Health and Safety in Fisheries and Aquaculture (SANIPES), the National Fisheries Development Fund (FONDEPES), the National Water Authority (ANA) and the Ministry of Energy and Mines (MINEM)
- <sup>52</sup> <https://oi-files-cng-v2-prod.s3.eu-west-2.amazonaws.com/peru.oxfam.org/s3fs-public/Revelando%20el%20dan%CC%83o%20del%20derrame%20de%20Repsol.pdf?VersionId=fQv0nPyg9CSISdmNdW0.gQ5X9VVJtLr9>
- <sup>53</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation p. 7)
- <sup>54</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> pp. 10, 15, 24, 29, and 33 and English translation pp. 38 - 40
- <sup>55</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation pp. 9 and 11)
- <sup>56</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation pp. 29, 2, and 10)
- <sup>57</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation pp. 28, 22, 14, 15, and 16)
- <sup>58</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation pp. 23, 24, 22, 12, and 11)
- <sup>59</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation pp. 28, 21, 22, and 20)
- <sup>60</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation pp. 19 and 17)
- <sup>61</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation p. 29)
- <sup>62</sup> [https://www.repsol.com/content/dam/repsol-corporate/en\\_gb/sostenibilidad/human-rights-repsol.pdf](https://www.repsol.com/content/dam/repsol-corporate/en_gb/sostenibilidad/human-rights-repsol.pdf) p. 31
- <sup>63</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation p. 49)
- <sup>64</sup> <https://pogustgoodhead.com/nl-nl/pogust-goodhead-takes-action-against-repsol-in-the-netherlands/>
- <sup>65</sup> <https://cdn2.hubspot.net/hubfs/426027/Oxfam-Website/oi-informes/5-respuestas-pendientes-repsol-en.pdf> p. 20
- <sup>66</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation p. 50)
- <sup>67</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation p. 49)
- <sup>68</sup> <https://cdn2.hubspot.net/hubfs/426027/Oxfam-Website/oi-informes/5-respuestas-pendientes-repsol-en.pdf>
- <sup>69</sup> <https://cdn2.hubspot.net/hubfs/426027/Oxfam-Website/oi-informes/comentarios-repsol-carta-oxfam-en.pdf> p. 6
- <sup>70</sup> <https://oi-files-cng-v2-prod.s3.eu-west-2.amazonaws.com/peru.oxfam.org/s3fs-public/Revelando%20el%20dan%CC%83o%20del%20derrame%20de%20Repsol.pdf?VersionId=fQv0nPyg9CSISdmNdW0.gQ5X9VVJtLr9>
- <sup>71</sup> <https://reliefweb.int/report/peru/disaster-could-have-been-avoided-executive-summary> (from full English version p. 66)
- <sup>72</sup> <https://cdn2.hubspot.net/hubfs/426027/Oxfam-Website/oi-informes/5-respuestas-pendientes-repsol-en.pdf> p. 20
- <sup>73</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation p. 50) and <https://www.idl-reporteros.pe/crudo-acuerdo/>
- <sup>74</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation pp. 24 and 25)
- <sup>75</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation p. 49)
- <sup>76</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation p. 50) and <https://data.larepublica.pe/derrame-de-petroleo-de-repsol-afectados-aseguran-que-firmaron-acuerdos-extrajudiciales-por-necesidad-ventanilla-ancon-minam/>
- <sup>77</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation p. 50)

- <sup>78</sup> [https://www.repsol.com/content/dam/repsol-corporate/en\\_gb/sostenibilidad/human-rights-repsol.pdf](https://www.repsol.com/content/dam/repsol-corporate/en_gb/sostenibilidad/human-rights-repsol.pdf) p. 31
- <sup>79</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation pp. 50 and 51)
- <sup>80</sup> <https://www.reuters.com/world/americas/perus-45-bln-lawsuit-against-repsol-over-oil-spill-go-court-2022-08-24/>
- <sup>81</sup> <https://pogustgoodhead.com/nl-nl/two-years-on-from-the-ventanilla-oil-spill/>
- <sup>82</sup> <https://www.gob.pe/institucion/mpfn/noticias/576994-fiscalia-investiga-a-representantes-legales-de-la-refineria-la-pam-pilla-por-el-presunto-delito-de-contaminacion-ambiental>
- <sup>83</sup> <https://www.gob.pe/institucion/mpfn/noticias/1098444-fiscalia-en-materia-ambiental-de-lima-noroeste-inicia-investigacion-por-demora-en-rehabilitacion-de-zona-del-derrame-de-petroleo>
- <sup>84</sup> <https://www.mapfreglobalrisks.com/en/solutions/energy/energy-oilgas/>
- <sup>85</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation p. 40)
- <sup>86</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation p. 38)
- <sup>87</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation pp. 38-40)
- <sup>88</sup> <https://cooperaccion.org.pe/publicaciones/repsol-limpio-el-desastre/> (English translation p. 40)
- <sup>89</sup> [https://www.repsol.com/content/dam/repsol-corporate/en\\_gb/accionistas-e-inversores/rif/2025/rif20022025-2024-repsol-group-annual-financial-report.pdf](https://www.repsol.com/content/dam/repsol-corporate/en_gb/accionistas-e-inversores/rif/2025/rif20022025-2024-repsol-group-annual-financial-report.pdf) p. 68
- <sup>90</sup> <https://www.itopf.org/in-action/case-studies/exxon-valdez-alaska-united-states-1989/>
- <sup>91</sup> <https://www.itopf.org/in-action/case-studies/exxon-valdez-alaska-united-states-1989/>
- <sup>92</sup> <https://www.in2013dollars.com/us/inflation/1989?amount=4300000000>
- <sup>93</sup> <https://www.usc.gal/ecoagra/arquivos/2006-ESTIMATED-COSTS-AND-ADMISSIBLE.pdf>
- <sup>94</sup> <https://fxtop.com/en/historical-currency-converter.php?A=1340000000&C1=EUR&C2=USD&DD=18&MM=11&YYYY=2004&btnOK=Go%21&B=1&P=-2&I=1> and <https://www.in2013dollars.com/us/inflation/2004?amount=1745216000>
- <sup>95</sup> <https://www.reuters.com/article/world/bp-deepwater-horizon-costs-balloon-to-65-billion-idUSKBN1F50O5/>
- <sup>96</sup> <https://www.in2013dollars.com/us/inflation/2020?amount=71000000000>
- <sup>97</sup> [https://www.nola.com/news/business/bp-and-its-partners-have-spent-71-billion-over-10-years-on-deepwater-horizon-disaster/article\\_ca773cc0-80f4-11ea-8fbe-ffa77e5297bd.html#:~:text=BP%20and%20its%20partners%20have,%7C%20Business%20News%20%7C%20nola.com](https://www.nola.com/news/business/bp-and-its-partners-have-spent-71-billion-over-10-years-on-deepwater-horizon-disaster/article_ca773cc0-80f4-11ea-8fbe-ffa77e5297bd.html#:~:text=BP%20and%20its%20partners%20have,%7C%20Business%20News%20%7C%20nola.com)
- <sup>98</sup> [https://www.researchgate.net/publication/322574747\\_Ultimate\\_Costs\\_of\\_the\\_Disaster\\_Seven\\_Years\\_After\\_the\\_Deepwater\\_Horizon\\_Oil\\_Spill](https://www.researchgate.net/publication/322574747_Ultimate_Costs_of_the_Disaster_Seven_Years_After_the_Deepwater_Horizon_Oil_Spill)