

Order on the Discharge of Garbage from Ships etc.

The following shall be laid down pursuant to section 6, section 24(2) and (3), section 25(2) and section 61 of Act no. 130 of 9 April 1980 on the Protection of the Marine Environment (*lov om beskyttelse af havmiljøet*), as amended by Act no. 181 of 8 May 1985 on the Marine Environment (*havmiljøloven*):

Definitions

1.-(1) Discharge means any release, escape or disposal howsoever into the sea of substances or materials generated during the normal operation of the ship or platform, except release of garbage directly arising from exploration, exploitation and associated offshore processing of seabed mineral resources.

(2) Ship means a vessel of any type whatsoever operating in the marine environment. Ship shall also include platforms which can be shifted or towed.

(3) Garbage means all kinds of victual, domestic and operational waste generated during the normal operation of the ship and liable to be disposed of continuously or periodically. This definition shall cover any useless, unneeded or superfluous matter.

(4) Plastic means any high polymer, non-metallic compound which is manufactured synthetically, mixed with other substances, such as fillers and dyes as well as plasticisers and hardeners and moulded by heat, pressure, or casting. This definition shall cover any substance or material in which plastic is an ingredient and it shall cover fishing nets, synthetic ropes and lines etc.

(5) Nearest land means from the coastline or baseline constituting the boundary between the inner waters and territorial sea of a coastal state. However "from the nearest land" off the north-eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in

1. latitude 11°00' S, longitude 142°08'E

to a point in latitude 10°35' S, longitude 141°55' E,

thence to a point latitude 10°00' S, longitude 142°00' E,

thence to a point latitude 9°10' S, longitude 143°52' E,

thence to a point latitude 9°00' S, longitude 144°30' E,

thence to a point latitude 13°00' S, longitude 144°00' E,

thence to a point latitude 15°00' S, longitude 146°00' E,

thence to a point latitude 18°00' S, longitude 147°00' E,

thence to a point latitude 21°00' S, longitude 153°00' E,

thence to a point on the coast of Australia in

latitude 24°42' S, longitude 153°15' E.

(6) *Special area* means a sea area where, for recognised technical reasons to its oceanographical and ecological condition and to the particular character of its traffic, the adoption of special mandatory methods for the prevention of sea pollution by garbage is required. Pursuant to this Executive Order the following areas shall be special areas:

- 1) the *Mediterranean Sea* area means the Mediterranean Sea proper including the gulfs and seas therein with the boundary between the Mediterranean and the Black Sea constituted by the 41° N parallel and bounded to the west by the Straits of Gibraltar at the meridian 005°36' W.
- 2) the *Baltic Sea* area means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerak at 57°44.8' N .
- 3) The *Black Sea* area means the Black Sea proper with boundary between the Mediterranean and the Black Sea constituted by 41° N.
- 4) the Red Sea area means the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras si Ane (12°28.5' N, 043°19.6' E) and to the Husn Murad (12°40.4' N, 043°30.2' E).
- 5) The *Gulfs area* means the sea area located north west of the rhumb line between Ras al Hadd (22° 30' N, 59° 48' E) and Ras al Fasteh (25° 04' N, 61° 25' E).
- 6) The *North Sea area* means the North Sea proper including seas therein with the boundary between:
 - a) the North Sea southwards of latitude 62° N and eastwards of longitude 4° W.
 - b) the Skagerrak, the southern limit of which is determined east of the Skaw by latitude 57°44.8' N.
 - c) the English Channel and its approaches eastwards of longitude 5° W. and northwards of latitude 48°30' N.
- 7) the *Antarctic* area means the sea south of latitude 60° S.
- 8) The *Wider Caribbean Region* means the Gulf of Mexico and Caribbean Sea proper including the bays and seas therein and that portion of the Atlantic Ocean within the boundary constituted by the 30° N parallel from Florida eastward to 77° 30' W meridian, thence a rhumb line to the intersection of 20° N parallel and 50° W meridian, thence a rhumb line drawn south-westerly to the eastern boundary of French Guiana.

Scope

2.-(2) This Executive Order shall apply to all ships, notwithstanding their size, including leisure craft, cf. however section 8 which also applies to offshore platforms.

(2) This Executive Order shall not apply to:

- 1) discharge of fresh fish and parts hereof, and
- 2) disposal of substances or materials covered by chapters 2-5 and 8-9 of the Marine Environment Act (*havmiljøloven*)

Danish territorial waters

3. Discharge of garbage in Danish territorial waters shall be prohibited.

Special areas

4.-(1) In special areas only discharge into the sea of food wastes is permitted. The discharge shall be made as far as practicable from land, but in any case not less than 12 nautical miles from the nearest land.

(2) Disposal into the Wider Caribbean Region of food wastes shall be made as far as practicable from land, but in any case not less than 3 nautical miles from the nearest land. Such food wastes shall be capable of passing through a screen with openings no greater than 25 millimetres.

(3) In the Antarctic area discharge of garbage shall be prohibited.

Other areas

5. Discharge into the sea of plastic shall be prohibited in other areas.

6. The discharge into the sea of garbage shall be permitted if the distance from the nearest land is 25 nautical miles or above for dunnage, lining and packing materials (including packaging) which will float.

7.-(1) Discharge into the sea of all other garbage shall be permitted if the ship is more than 12 nautical miles from the nearest coast.

(2) Discharge into the sea of garbage specified in subsection (1) may be permitted when it has passed through a screen with openings no greater than 25 millimetres and the distance from the nearest land is more than 3 nautical miles.

Platforms etc.

8.-(1) Discharge of garbage into the sea from platforms not being shifted or towed and from all other ships when alongside or within 500 metres of such platforms shall be prohibited.

(2) Discharge into the sea of food wastes may be permitted from the platforms and ships mentioned in subsection (1) located more than 12 nautical miles from land, provided the waste is capable of passing through a screen with openings no greater than 25 millimetres.

Mixed garbage

9. When the garbage is mixed with other substances or materials covered by the Marine Environment Act (*havmiljøloven*) having different discharge requirements, the more stringent requirements shall apply.

Exceptions

10.-(1) The regulations stipulated in sections 3-9 shall not apply to:

- 1) the disposal of garbage from a ship necessary for the purpose of securing the safety of the ship and those on board or saving life at sea,
- 2) the escape of garbage resulting from damage to a ship or its equipment provided all reasonable precautions have been taken before and after the occurrence of the damage, for the purpose of preventing or minimising escape, or
- 3) the accidental loss of synthetic fishing nets or synthetic material incidental to the repair of such nets, provided that all reasonable precautions have been taken to prevent such loss.

(2) Circumstances covered by subsection (1) shall be reported pursuant to Executive Order no. 311 of 12 June 1981 on Reports pursuant to the Act on the Protection of the Marine Environment (*lov om indberetning i henhold til lov om beskyttelse af havmiljøet*).

Penalties and entry into force

11.-(1) Unless more severe penalty is due under other legislation, offenders shall be liable to a fine or imprisonment for violating sections 3-9.

(2) Violations by public limited companies, cooperative societies, private limited companies, or similar may be made liable to fines.

12.-(1) This Order shall enter into force on 1 July 1992, except from the provisions mentioned in subsection (2).

(2) The Minister shall lay down the date of entry into force of the provisions in section 1(6), nos. 1, 3-5 and 8.

(3) The following Executive Orders shall be repealed:

- 1) Executive Order no. 802 of 15 December 1988 on Discharge of Garbage from Ships etc. (*udtømning af affald fra skibe m.v.*).
- 2) Executive Order no. 180 of 15 April 1981 on *særlige havområder* (special areas).
- 3) Executive Order no. 183 of 15 April 1981 on *bortskaffelse af levnedsmiddelfald fra platforme i Østersøområdet* (the disposal of food wastes from platforms in the Baltic region).

The Ministry of the Environment, 21 June 1992

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