

Order no. 485 of 15 June 1999

Order on Oil Discharge from Ships

The following shall be laid down pursuant to section 2(3), section 7, section 11(3), and section 61 of Act no. 476 of 30 June 1993 on the Protection of the Marine Environment as subsequently amended by Act no. 902 of 16 December 1998, and section 10(2) of decree no. 1012 of 14 December 1994 on the entry into force for Greenland of the Act on the Protection of the Marine Environment:

Definitions etc.

1.-(1) Instantaneous rate of discharge of oil contents means the rate of discharge of oil in litres per hour at any instant divided by the speed of the ship in knots at the same instant.

(2) New ship means a ship

1) for which the building contract is placed before 31 December 1975, or

2) in the absence of a building contract, the keel of which is laid or is at a similar stage of construction after 30 June 1976, or

3) the delivery of which is after 31 December 1979, or

4) which has undergone a major conversion:

a) for which the contract is placed after 31 December 1975, or

b) in the absence of a contract, the construction work of which is begun after 30 June 1976, or

c) which is completed after 31 December 1979.

(3) Existing ship means a ship which is not a new ship.

(4) Segregated ballast means the ballast water introduced into a tank which is completely separated from the cargo oil and oil fuel system and which is permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil, noxious liquid substances, chemicals, or substances which may pollute the marine environment.

(5) Clean ballast means the ballast in a tank which, since oil was last carried therein, has been so cleaned that effluent therefrom, if it were discharged from a ship which is stationary into clean calm water on a clear day, would not produce visible traces of oil on the surface of the water or on the

adjoining shorelines or cause sludge or emulsion to be deposited beneath the surface of the water upon adjoining shorelines.

(6) For the purpose of this Executive Order *special areas* are defined as follows:

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 North West European waters* include the North Sea and its approaches, the Irish Sea and its approaches, the Celtic Sea, the English Channel and its approaches and part of the North East Atlantic immediately to the west of Ireland. The area is bounded by lines joining the following points:

- a) 48°27' N on the French coast
- b) 48°27' N, 006° 25' W
- c) 49° 52' N, 007° 44'W
- d) 50° 30' N, 012° W
- e) 56° 30' N, 012° W
- f) 62° N, 003° W
- g) 62° N on the Norwegian coast
- h) 57° 44.8' N on the Danish and Swedish coasts.

4) *the Black Sea area* means the Black Sea proper with the boundary between the Mediterranean Sea and the Black Sea constituted by the parallel 41° N.

5) *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).

6) *the Gulfs area* means the sea area located north-west of the rhumb line between Ras al Hadd (22° 30' N, 059° 48' E) and Ras al Fasteh (25° 04' N, 061° 25' E).

7) *the Gulf of Aden area* means that part of the Gulf of Aden between the Red Sea and the Arabian Sea bounded to the west by the rhumb line between Ras si Ane (12° 28.5' N, 043°

19.6' E) and Husn Murad (12° 40.4' N, 043° 30.2' E) and to the east by the rhumb line between Ras Asir 11°50' N, 051°16.9' E) and Ras Fartak (15°35' N, 052°13.8' E).

8) *the Antarctic area* means the sea south of latitude 60° S.

Discharge of oil in special areas

2.-(1) In special areas, cf. however section 3, discharge of oil from machinery space bilges from oil tankers as well as from non-oil tankers of 400 gross tonnage or above may only take place if the following conditions are met:

- 1) the oil content does not originate from cargo pump room bilges,
- 2) the oily mixture is not mixed with oil cargo residues,
- 3) the ship is proceeding *en route*,
- 4) the oil content of the effluent without dilution does not exceed 15 parts per million,
- 5) discharge shall take place by the use of systems approved for monitoring and control of oil discharges, oily-water separating equipment and oil filtering systems, or similar approved systems.

(2) In special areas discharge of oil from machinery space bilges from non-oil tankers of less than 400 gross tonnage may only take place if the oil content of the effluent without dilution does not exceed 15 parts per million.

(3) Discharge of oil originating from cargo tanks of oil tankers shall be prohibited.

(4) The systems mentioned in subsection 1, no. 5 shall be approved by the Danish Maritime Authority or by other EU authorities, including institutions recognised by these authorities.

3.-(1) In respect of the Antarctic area, any discharge into the sea of oil or oily mixtures from any ship shall be prohibited.

(2) All ships, before entering the Antarctic area, shall be fitted with a tank or tanks of sufficient capacity on board for the retention of all sludge, dirty ballast, tank washing water and other oily residues and mixtures while operating in the area.

(3) Before entering the Antarctic, all ships shall have concluded arrangements to discharge such oily residues at a reception facility after leaving the area.

(4) The systems mentioned in subsection (2) shall be approved by the Danish Maritime Authority or by other EU authorities, including institutions recognised by these authorities.

4.-(1) Any discharge into the sea of oil or oily mixtures from the cargo area of an oil tanker outside special areas shall be prohibited except when all the following conditions are satisfied:

- 1) the tanker has in operation an approved oil discharge monitoring and control system and a slop tank arrangement as required,
- 2) the tanker is more than 50 nautical miles from the nearest land,
- 3) the tanker is proceeding *en route*,
- 4) the instantaneous rate of discharge of oil content does not exceed 30 litres per nautical mile, and
- 5) the total quantity of oil discharged into the sea
 - a) does not exceed for existing tankers 1/15,000 of the total quantity of the particular cargo of which the residue formed a part, and
 - b) does not exceed for new tankers 1/30,000 of the total quantity of the particular cargo of which the residue formed a part.

(2) Discharge of oil from machinery bilges, except from cargo pump room bilges, may however take place on the conditions stated in section 5, unless the machinery space bilges contain oil originating from the cargo.

5.-(1) Discharge of oil from non-oil tankers outside special areas may only take place if

- 1) discharge is carried out by the use of systems approved for monitoring and control of oil discharges, oily-water separating equipment and oil filtering systems, or similar approved systems.
- 2) the tanker is proceeding *en route*,
- 3) the oil content of the effluent without dilution does not exceed 15 parts per million,.

(2) Ships of less than 400 gross tonnage shall not be covered by subsection (1), provided the ship is fitted with a tank or tanks of sufficient capacity on board for the retention of all sludge, dirty ballast, tank washing water and other oily residues as well as equipment for discharging such oil residues to reception facilities, and provided the ship does not discharge oil into the sea.

(3) The systems and equipment mentioned in subsection (1), no. 1 and subsection (2) shall be approved by the Danish Maritime Authority or by other EU authorities, including institutions recognised by these authorities.

Exceptions

6. The provisions of sections 2-5 shall not apply to discharge of

- 1) segregated ballast,
- 2) clean ballast,
- 3) ballast water discharged through an approved installation ensuring that the oil content of the effluent without dilution does not exceed 15 parts per million.

Penalties and entry into force

7.-(1) Any person violating sections 2, 3, 4 and 5 shall be liable to a fine, unless more severe punishment is incurred under other legislation.

(2) The penalty may increase to detention or imprisonment for a maximum term of two years if the offender acted deliberately or by gross negligence, and if the violation:

- 1) resulted in damage to the environment or a risk of damage, or
- 2) resulted in or was intended to result in a financial advantage for the person in question or for others, including through cost savings.

(3) Companies etc. (legal persons) may incur criminal liability under the regulations of Chapter 5 of the Criminal Code (*straffeloven*).

(4) In Greenland violations by public limited companies, cooperative societies, private limited companies, or similar may be made liable to fines.

(5) If the violation has been committed by the Greenland Home Rule, a municipality or municipalities jointly, covered by section 64 of the Greenland Home Rule Parliament Act on local councils and settlement councils etc., fines may be imposed on the Home Rule, the municipality or the municipalities jointly.

8.-(1) This Executive Order shall enter into force 1 July 1999, except for the provision in section 1(6), no. 3 which shall enter into force on 1 August 1999.

(2) The Ministry of the Environment and Energy Executive Order no. 733 of 10 October 1998 on Oil Discharge from Ships (*Bekendtgørelse om udtømning af olie fra skibe*) shall be repealed.

9. The Minister for Environment and Energy shall determine the time of entry into force for Greenland of this Executive Order.

Ministry of Environment and Energy, 15 June 1999

Translation: Only the Danish document has legal validity.

Svend Auken

/Jesper Hermansen

Editorial notes

The following regulation(s) contain(s) provisions on entry into force:

BEK Nr. 683 af 24/08/1999