

Order no. 1632 of 13 December 2006

## Order on Reception Facilities for Waste from Ships, on Discharge of Waste by Ships and Waste Plans in Ports <sup>1)</sup>

The following shall be laid down pursuant to section 24, section 48, section 55(2), section 55a, section 61 and section 62 of the Act on the Protection of the Marine Environment (*lov om beskyttelse af havmiljøet*), cf. Consolidated Act no. 925 of 28 September 2005, as amended by section 1 of Act no. 474 of 31 May 2006, section 2 of Act no. 1571 of 20 December 2006, and after consultation with the Minister for Transport and Energy:

### Part 1

#### *General provisions and definitions*

**1.-(1)** All Danish ports shall establish reception facilities for ship-generated waste and cargo residues arising from the ships which normally call at the port, in accordance with the provisions of this Executive Order, cf. however, subsection (6).

**(2)** The reception facilities shall have adequate capacity to meet the need to discharge waste without causing undue delay to the ships using them, taking account of the operational needs of the users of the port, the size and the geographical location of the port, and the type of ships which normally call at the port.

**(3)** Ports and undertakings may, in accordance with the regulations laid down in Ports Act (*lov om havne*), jointly establish and operate reception facilities, and, under observation of subsection (2), a port may assign a ship to reception facilities at another port.

**(4)** All ships calling at Danish ports shall be covered by this Executive Order, cf. however, section 2(2) of the Act on the Protection of the Marine Environment (*lov om beskyttelse af havmiljøet*).

**(5)** All ship-generated waste and cargo residues on board ships which call at the port shall be covered by this Executive Order.

**(6)** Ports which are only used by ships covered by section 2(2) of the Act on the Protection of the Marine Environment (*lov om beskyttelse af havmiljøet*) shall not be covered by this Executive Order.

**2.-(1)** The Danish Environmental Protection Agency may also order the undertakings listed below to establish reception facilities for ballast containing oil or tank washings:

- 1) Bunkering undertakings.
- 2) Undertakings which discharge or receive oil from ships.
- 3) Ship repair undertakings.

**(2)** The order pursuant to subsection (1) may stipulate conditions regarding establishment of a treatment plant to separate the ballast containing oil or tank washings into a water phase and an oil

phase. The conditions regarding establishment of a treatment plant may, however, be disregarded if the ballast containing oil or tank washings received are transported to a treatment plant at another location or disposed of in some other way in accordance with the Environmental Protection Act (*miljøbeskyttelsesloven*).

**(3)** Fixed and mobile reception facilities shall have a coupling which enables connection to ships' discharge pipes and hoses, cf. Technical regulation from the Danish Maritime Authority on construction and equipment etc. of ships (*Søfartsstyrelsens tekniske forskrift for skibes bygning og udstyr m.v.*).

**(4)** The Danish Environmental Protection Agency may also order the undertakings listed below to establish reception facilities for ballast water or tank washing water which contains noxious liquid substances:

- 1) Undertakings which ship/dispatch or receive noxious liquid substances in bulk from ships.
- 2) Ship repair undertakings which repair chemical tankers.

**3.-(1)** If a reception facility for waste has inadequate capacity, the Danish Environmental Protection Agency, after consulting the Ministry of Transport and Energy, may order the entity operating the port, or the undertakings mentioned in section 2 to carry out the necessary expansion of the reception facility.

**(2)** If a user finds that a reception facility has inadequate capacity or otherwise does not function satisfactorily, the user may complain in writing to the entity operating the port.

**(3)** The entity operating the port shall forward a copy of the complaint mentioned in subsection (2) to the Danish Environmental Protection Agency, which to the extent necessary pursuant to subsection (1) may order the entity operating the port to carry out the necessary expansion of the reception facility.

**4.** The following definitions shall be used in this Executive Order:

- 1) "ship" shall mean a seagoing vessel of any type whatsoever operating in the marine environment and shall include hydrofoil boats, air-cushion vehicles, submersibles and floating craft;
- 2) "reception facilities" shall mean any facility, which is fixed, floating or mobile and capable of receiving ship-generated waste or cargo residues;
- 3) "Marpol 73/78" shall mean the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as in force at the date of adoption of this Executive Order;
- 4) "ship-generated waste" shall mean all waste, including sewage, and residues other than cargo residues, which are generated during the service of a ship and fall under the scope of Annexes I, IV and V to Marpol 73/78 and cargo-associated waste as defined in the Guidelines for the implementation of Annex V to Marpol 73/78. Ship-generated waste shall be considered waste pursuant to the Statutory Order on Waste (*bekendtgørelse om affald*);
- 5) "cargo residues" shall mean the remnants of any cargo material on board in cargo holds or tanks which remain after unloading procedures and cleaning operations are completed and shall

include loading/unloading excesses and spillage. Cargo residues shall be considered as waste pursuant to the Statutory Order on Waste (*bekendtgørelse om affald*);

- 6) "waste" shall mean ship-generated waste and cargo residues.
- 7) "fishing vessel" shall mean any ship equipped or used commercially for catching fish or other living resources of the sea;
- 8) "recreational craft" shall mean a ship of any type, regardless of the means of propulsion, intended for sports or leisure purposes;
- 9) "small craft" shall mean ships with a gross tonnage of 200 or less or ships certified to carry up to ten persons.
- 10) "port" shall mean a place or a geographical area made up of such improvement works and equipment as to permit, principally, the reception of ships, including fishing vessels and recreational craft.
- 11) "port charges" shall mean the amount ships normally pay for calling at the port, except for pilotage, towage, ice charges, as well as rent of area and warehouse space. Port charges also include the amount certain types of ship, such as recreational craft, pay to rent a moorage.
- 12) "reception scheme" shall mean a scheme whereby several ports collaborate on a reception facility, which may be fixed, floating or mobile.

## Part 2

### *Ship-generated waste*

#### General

**5.** The entity operating the port shall ensure that reception facilities are established for ship-generated waste.

#### *Ship-generated waste containing oil*

**6.-(1)** The entity operating the port shall, with respect to ship-generated waste containing oil, ensure that reception facilities are established for oil sludge, used lubricating oil, mixtures containing oil from bilges in machine spaces, oily mixture ballast or tank washings and other oil residues.

**(2)** The requirements of section 2(2) and (3) shall also apply to the reception facilities mentioned in subsection (1).

**(3)** Ports which are exclusively called at by recreational craft shall not be covered by subsection (2).

#### *Sewage*

**7.-(1)** The entity operating the port shall ensure that reception facilities are established for sewage.

**(2)** Fixed and mobile reception facilities as stated in subsection (1) shall have a coupling which enables connection to ships' discharge pipes and hoses, cf. Technical Regulation from the Danish Maritime Authority on construction and equipment etc. of ships (*Søfartsstyrelsens tekniske forskrift for skibes bygning og udstyr m.v.*).

**(3)** For ports which are exclusively called at by small craft, however, the reception scheme established shall be able to receive sewage from ships through a coupling made in accordance with ISO 8099, cf. Technical Regulation from the Danish Maritime Authority on construction and equipment etc. of ships (*Søfartsstyrelsens tekniske forskrift for skibes bygning og udstyr m.v.*). The plant shall also be capable of producing the necessary pump capacity.

### Part 3

#### *Cargo residues*

##### *General*

**8.** The entity operating the port shall ensure that reception facilities are established for cargo residues from ships.

##### *Noxious liquid substances*

**9.-(1)** The entity operating the port shall ensure that reception facilities are established to collect residues and mixtures of noxious liquid substances, cf. Technical Regulation from the Danish Maritime Authority on construction and equipment etc. of ships (*Søfartsstyrelsens tekniske forskrift for skibes bygning og udstyr m.v.*). Notice from the Danish Maritime Authority B, chapter XXII, Supplement II, List of noxious liquid substances in bulk (with reference to the International Bulk Chemical Code).

**(2)** The reception facility shall be designed to prevent backflow from substances to the ship's tanks.

##### *Cargo residues containing oil*

**10.-(1)** The entity operating the port shall ensure that reception facilities are established for cargo residues containing oil, including oily mixture ballast and tank washings.

**(2)** The requirements in section 2(2) and (3) shall also apply to the reception facilities mentioned in subsection (1).

### Part 4

#### *Duty to discharge ship-generated waste and cargo residues*

**11.-(1)** The master of a ship calling at a port shall ensure that all ship-generated waste and all cargo residues are discharged to the port reception facility, cf. however, subsection (2).

**(2)** If the notification stated in section 12 documents that there are small amounts of waste which can be stored on board in an environmentally appropriate manner, and if the waste, together with waste accumulated later, can be discharged at a later port of call, the master of the ship shall be exempted from his duty under subsection (1).

**12.-(1)** The master of a ship who plans to call at a port shall notify the port of the amount and type of waste the ship is expected to have on board on arrival and at the same time state what is expected to be discharged, cf. however, subsections (5), (7) and (8).

**(2)** Notification shall be reported

- 1) no less than 24 hours prior to arrival, if the port of call is known,
- 2) as soon as the port of call is known, if this information is available less than 24 hours prior to arrival, or
- 3) no later than on departure from the previous port, if the duration of the voyage is less than 24 hours.

**(3)** A copy of the notification shall be kept on board until departure from the next port of call and shall be produced on demand for the supervisory authority.

**(4)** The form reproduced in annex 1 or annex 2 shall be used for the notification.

**(5)** If the port is unmanned, the master of the ship shall send his notification direct to the Danish Environmental Protection Agency.

**(6)** The entity operating the port shall ensure that the Danish Environmental Protection Agency receives a copy of the notification mentioned in subsection (1). Submission to the Danish Environmental Protection Agency shall, as far as possible, be by fax or electronic post.

**(7)** Fishing vessels are exempt from the duty to notify stated in subsection (1).

**(8)** Recreational craft certified to carry up to 12 persons or which are equipped to carry normally up to 12 persons shall also be exempt from the duty to notify in subsection (1).

## Part 5

### *Payment for reception of waste*

#### *Ship-generated waste*

**13.-(1)** Payment for reception and handling of ship-generated waste shall be included in the normal port dues and hence, may not be dependent upon the amount or type of waste discharged, cf. however, subsections (2) and (3).

**(2)** The entity operating the port shall, however, be entitled to demand separate payment if one or more of the following points are fulfilled:

- 1) If the amount of ship-generated waste to be discharged is greater than the amount of waste the ship would normally generate between ports, taking into account the size and type of the ship. This shall only apply for ships subject to the duty to notify of section 12(1).
- 2) If ship-generated waste is intended to be discharged outside normal working hours at the port.
- 3) If regular port dues are not paid.

- 4) If notification is not made in accordance with section 12.
- 5) If the ship does not apply the necessary pump capacity to discharge ship-generated waste containing oil.
- 6) If it is cargo-related sewage or cargo-related garbage covered by annex V of Marpol 73/78.

(3) Port dues may be reduced if the master of the ship can demonstrate that the quantity of ship-generated waste is reduced due to the ship's environmental management system, design, equipment and operation.

(4) Each year, the entity operating the port, for example on a placard, shall inform users of the port of the expenses incurred by the port for handling ship-generated waste. The placard shall include the basis of calculation of the port dues for waste handling pursuant to subsection (2).

#### *Cargo residues*

**14.** Payment for reception and handling of cargo residues shall be set dependent upon the amount and type of cargo residues discharged.

### Part 6

#### *Waste plans*

**15.-(1)** The entity operating the port shall prepare a plan for waste reception and handling (waste plans). Ports and undertakings, cf. section 1(3) may prepare waste plans jointly.

(2) The waste plan shall be prepared in accordance with, and meet the specification requirements in, annex 3.

(3) The waste plan shall be submitted to and approved by the Danish Environmental Protection Agency. The plan shall be submitted no later than 15 November 2008 and every three years thereafter.

(4) The entity operating the port shall subsequently update the waste plan, if significant changes occur in the operation of the port. The updated plan shall be submitted to the Danish Environmental Protection Agency. This shall also apply for waste plans submitted pursuant to previous legislation.

**16.-(1)** The entity operating the port may not make the final decision about the waste plan, including updates of the plan, before the relevant parties, including in particular the municipality in which the port is located and the representatives of the users of the port mentioned in subsection (2), have had an opportunity to comment on a proposed waste plan.

(2) The following representatives of the users of the port shall always receive proposed waste plans:

- 1) Leisure craft harbours: the Danish Yacht Racing Union
- 2) Commercial ports: the Danish Shipowners' Association, Rederiforeningen af 1895, Dansk Transport og Logistik (DTL), Danmarks Skibsmæglerforening, Rederiforeningen for mindre Skibe, as well as Bilfærgernes Rederiforening.

3) Fishing ports: the Danish Fishermen's Association.

**(3)** The relevant parties mentioned in subsection (1) shall be allowed at least 3 – 6 weeks from receipt of the proposal to make comments on the proposed waste plan.

**17.** The entity operating the port shall inform all the users of the port of the information mentioned in annex 3 B.

## Part 7

### *Exemptions and supervision*

**18.** With regard to ships engaged in scheduled traffic with frequent and regular port calls, the Danish Environmental Protection Agency may, after application from the shipowner and recommendation from the entity operating the port, exempt the ship from the duty to discharge stated in section 11(1), the duty to notify under section 12(1), as well as the payment in section 13, but only for ship-generated waste.

**19.-(1)** The Danish Environmental Protection Agency shall supervise compliance with the regulations laid down in this Executive Order.

**(2)** On an annual basis, no less than 25 per cent of the ships stated in section 12(1) shall be inspected.

- 1) Ships for which the master has not notified correctly, cf. section 12.
- 2) Ships on which the information submitted by the master pursuant to section 12 has revealed other grounds to believe the master does not comply with this Executive Order.

**(3)** If a ship has left port against section 11(1), the Danish Environmental Protection Agency shall ensure that,

- 1) if the next port is a foreign port, and the country in which the port is located is a member of the European Union, the competent authority in this port is informed, or
- 2) if the next port is a Danish port, a more detailed assessment of the factors relating to compliance by the ship of this Executive Order is made, e.g. the accuracy of the information notified in accordance with section 12.

## Part 8

### *Appeals*

**20.** The decisions of the Danish Environmental Protection Agency under this Executive Order may not be brought before any other administrative authority.

Part 9

*Penalties and entry into force*

**21.-(1)** Unless more severe penalty is due under other legislation, a fine shall be imposed on any person who

- 1) does not comply with the order from the Danish Environmental Protection Agency to establish reception facilities pursuant to section 2(1) or section 2(4),
- 2) omits to ensure that the reception facility, reception scheme or treatment plant is equipped in accordance with the requirements of section 2(2) and (3), section 6(2), section 7(2) and (3), section 9(2) and section 10(2),
- 3) does not comply with an order to carry out necessary expansion of the reception facility pursuant to section 3(1),
- 4) omits to forward a complaint regarding the reception facility pursuant to section 3(3) or a notification pursuant to section 12(6) to the Danish Environmental Protection Agency,
- 5) omits to establish reception facilities or reception schemes pursuant to section 5, section 6(1) section 7(1), section 8, section 9(1) and section 10(1),
- 6) omits to discharge waste pursuant to section 11(1),
- 7) does not notify waste pursuant to section 12(1),
- 8) violates section 12(2)-(5),
- 9) provides incorrect or misleading information in the waste notification, cf. section 12, or in application for exemption pursuant to section 18,
- 10) sets payments in conflict with section 13(1)-(3) and section 14,
- 11) omits to provide information on the matters stated in section 13(4),
- 12) omits to prepare a waste plan pursuant to section 15(1) and (2),
- 13) omits to submit a waste plan in due time to the Danish Environmental Protection Agency pursuant to section 15(3) and (4),
- 14) does not update a waste plan pursuant to section 15(4),
- 15) violates section 16,
- 16) omits to inform the users of the port pursuant to section 17.

**(2)** The penalty may increase to 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)** Subsection (2) shall not apply for violations committed from foreign ships. For violations committed from foreign ships, the penalty may be increased to imprisonment of up to 2 years, if the violation was committed in Danish territorial seas and with intentional and serious pollution of the marine environment.

Translation: Only the Danish document has legal validity.

(4) Companies etc. (legal persons) may incur criminal liability under the regulations of Chapter 5 of the Criminal Code (*straffeloven*), cf. section 62.

**22.-(1)** This Executive Order shall enter into force on 1 January 2007.

(2) Executive Order no. 1003 of 10 December 2002 on Reception Facilities for Waste from Ships, on Delivery of Waste by Ships and Waste Plans in Ports shall be repealed.

*Ministry of the Environment, 13 December 2006*

Connie Hedegaard

/Karsten Skov



**Annex 1**

**Anmeldelsesformular på dansk**

OPLYSNINGER, DER SKAL MEDDELES INDEN ANLØB AF HAVNEN I .....  
(bestemmelseshavn som anført i § 12 i denne bekendtgørelse)

1. Navn, radiokaldesignal og eventuelt skibets IMO-havnekendingsbogstaver og -nummer:
  2. Flagstat:
  3. Forventet anløbstidspunkt (ETA):
  4. Forventet afsejlingstidspunkt (ETD):
  5. Foregående anløbshavn:
  6. Næste anløbshavn:
  7. Sidste havn, hvor driftsaffald blev afleveret, og datoen herfor:
  8. Afleverer De\*  
alt  noget af  intet af  Deres affald til modtagefaciliteten i havnen?
  9. Type og mængde af det affald og de rester, der skal afleveres og/eller beholdes om bord, og maksimal lagerkapacitet i procent:
- \* Sæt kryds i det relevante felt.

Noter:

Disse oplysninger kan anvendes til havnestatskontrol og til andre inspektionsformål.

Denne formular skal udfyldes, medmindre skibet er omfattet af en dispensation i henhold til denne bekendtgørelses § 18.

Jeg bekræfter,

- at nedennævnte enkeltheder er nøjagtige og korrekte, og
- at der efter aflevering kun er mindre mængder affald om bord, og at der er tilstrækkelig lagerkapacitet til rådighed om bord til at opbevare dette affald samt det affald, der frembringes mellem denne meddelelse og den næste havn, i hvilken affaldet vil blive afleveret.

Dato.....

Tidspunkt .....

Underskrift .....

*Hvis alt affald afleveres, udfyldes anden kolonne, hvor det er relevant.*

*Hvis noget eller intet affald afleveres, udfyldes alle kolonner.*

TYPE	AFFALD, DER SKAL AFLEVERES  (m <sup>3</sup> )	MAKSIMALE LAGERKAPACITET TIL RÅDIGHEDE (m <sup>3</sup> )	AFFALDSMÆNGDE DER BEHOLDES OM BORD (m <sup>3</sup> )	DEN HAVN, HVOR DET RESTERENDE AFFALD VIL BLIVE AFLEVERET	SKØNNET AFFALDSMÆNGDE, DER VIL BLIVE FREMBRAGT MELLEM ANMELDELSEN OG NÆSTE HAVN (m <sup>3</sup> )
1. Spildolie					
Slam					

Lastvand					
Andet (specificeres)					
2. Skrald					
Madrester					
Plast					
Andet					
3. Kloakspildevand					
4. Lastrelateret affald (1) (specificeres)					
5. Lastrester (1) (specificeres)					

(1) Kan være et skøn.

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## Annex 2 Notification form in English

### Notification form in English

INFORMATION TO BE NOTIFIED BEFORE ENTRY INTO THE PORT OF .....

(Port of destination as referred to in section 12 of this Executive Order)

1. Name, call sign and, where appropriate, IMO identification number of the ship:
2. Flag State :
3. Estimated time of arrival (ETA):
4. Estimated time of departure (ETD):
5. Previous port of call:
6. Next port of call:
7. Last port and date when ship-generated waste was discharged:
8. Are you discharging \*  
all  some  none  of your waste into the port reception facilities?
9. Type and amount of waste and residues to be discharged and/or remaining on board, and percentage of storage capacity:

\* Please tick appropriate box.

Notes:

This information may be used for port State control and other inspection purposes.

This form is to be completed unless the ship is covered by an exemption in accordance with section 18 of this Executive Order.

I confirm that

- the details below are accurate and correct and
- that after discharge only minor amounts are on board, and that there is sufficient dedicated onboard capacity to store this waste, and all waste generated between notification and the next port at which waste will be discharged.

Date.....

Time.....

Signature.....

*If discharging all waste, complete second column as appropriate.*

*If discharging some or no waste, complete all columns.*

TYPE	WASTE TO BE DISCHARGED (m <sup>3</sup> )	MAXIMUM DEDICATED STORAGE CAPACITY (m <sup>3</sup> )	AMOUNT OF WASTE RETAINED ON BOARD (m <sup>3</sup> )	PORT IN WHICH THE REMAINING WASTE WILL BE DISCHARGED	ESTIMATED AMOUNT OF WASTE TO BE GENERATED BETWEEN NOTIFICATION AND NEXT PORT OF CALL (m <sup>3</sup> )
<b>1. Waste Oils</b>					
Sludge					

Bilge water					
Others (specify)					
2. Garbage					
Food waste					
Plastic					
Other					
3. Sewage					
4. Cargo– associated waste (1) <i>(specify)</i>					
5. Cargo residues (1)* <i>(specify)</i>					

(1) May be estimates.

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## Annex 3

### REQUIREMENTS FOR WASTE RECEPTION AND HANDLING PLANS IN PORTS

A. Plans shall cover all types of ship-generated waste and cargo residues originating from ships normally visiting the port and shall be developed according to the size of the port and the types of ships calling at that port.

The following elements shall be addressed in the plans:

- an assessment of the need for port reception facilities, in light of the need of the ships normally visiting the port,
- a description of the type and capacity of port reception facilities,
- a detailed description of the procedures for the reception and collection of ship-generated waste and cargo residues,
- description of the charging system,
- procedures for reporting alleged inadequacies of port reception facilities,
- procedures for ongoing consultations with port users, waste contractors, terminal operators and other interested parties, and
- type and quantities of ship-generated waste and cargo residues received and handled.

In addition, the plans should include:

- a summary of relevant legislation and formalities for discharge,
- identification of a person or persons to be responsible for the implementation of the plan,
- a description of the pre-treatment equipment and processes in the port, if any,
- a description of methods of recording actual use of the port reception facilities,
- a description of methods of recording amounts of ship-generated waste and cargo residues received, and
- a description of how the ship-generated waste and cargo residues are disposed of.

The procedures for reception, collection, storage, treatment and disposal should conform in all respects to an environmental management scheme suitable for the progressive reduction of the environmental impact of these activities. Such conformity is presumed if the procedures are in compliance with the Council Regulation (EEC) No 761/2001 of 19 March 2001 allowing voluntary participation by companies in the industrial sector in a Community eco-management and audit scheme.

B. The plan shall also state the information listed below, which shall be made available to all port users:

- brief reference to fundamental importance of proper discharge of ship-generated waste and cargo residues,
- location of port reception facilities applicable to each berth with diagram/map,
- list of ship-generated waste and cargo residues normally dealt with,
- list of contact points, the operators and the services offered,
- description of procedures for discharge,
- description of charging system, and
- procedures for reporting alleged inadequacies of port reception facilities.

Translation: Only the Danish document has legal validity.

<sup>11</sup> This Executive Order contains provisions implementing Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues, (Official Journal 2000 no. L 332 page 81), as amended by Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 amending the Directives on maritime safety and the prevention of pollution from ships, (Official Journal 2002 no. L 324, page 53).