

Translation: Only the Danish version is authentic

Technical regulation no. 3 of 28 June 2007 on ships' logs in connection with pollution prevention

The following shall be laid down pursuant to section 1(2), section 3, no. 3, section 17(5) and (6), and section 32(4) of the Safety at Sea Act (*lov om sikkerhed til søs*), cf. Consolidated Act no. 627 of 26 July 2002, as amended by Act no. 1465 of 22 December 2004 and section 1 of Act no. 547 of 8 June 2006, and upon authorisation from the Minister for Economic and Business Affairs:

Section 1. This regulation shall apply to Danish ships as well as foreign ships in Danish ports, in Danish territorial waters as well as in the exclusive economic zones to the extent that it is compatible with international law.

Subsection 2. The provisions have been drafted on the basis of the International Convention for the Prevention of Marine Pollution from Ships (MARPOL 73/78), Annexes I, II and V, as amended. Danish regulations expanding on the Convention provisions are printed in italics.

*Oil Record Book Part I (machinery space operations), all ships,
and Oil Record Book Part II (cargo/ballast operations), oil tankers*

Section 2. Every oil tanker with a gross tonnage of or above 150 and any other ship with a gross tonnage of or above 400 shall be provided with an Oil Record Book Part I. Furthermore, every oil tanker with a gross tonnage of or above 150 shall be provided with an Oil Record Book Part II. The Oil Record Books shall be in the form specified in appendix III to Annex I in MARPOL 73/78. The Record Books shall be kept in accordance with instructions in the Record Books and the provisions of subsections 2-5, subsection 7 and section 5.

Subsection 2. The Oil Record Books shall be kept, dependent on the extent of the operation for each tank separately, whenever one of the following operations takes place on the ship:

- 1) Machinery space operations (all ships):
 - a) Ballasting or cleaning of oil fuel tanks.
 - b) Discharging of dirty ballast or tank cleaning water from the tanks stipulated under item 1.
 - c) Disposing of oil residues (sludge).
 - d) Discharging over board or disposing otherwise of bilge water from machinery spaces.
- 2) Cargo and ballast operations (oil tankers):
 - a) Loading of oil cargo.
 - b) Internal transfer of oil cargo during the voyage.
 - c) Unloading of oil cargo.
 - d) Ballasting of cargo tanks and dedicated clean ballast tanks.
 - e) Cleaning of cargo tanks, including crude oil washing.
 - f) Discharging of ballast, except from separate ballast tanks.
 - g) Discharging of water from slop tanks.
 - h) Closing of the valves used and similar devices after slop tank discharge operations.
 - i) Closing of valves necessary to separate dedicated clean ballast tanks from cargo and stripping lines after slop tank discharge operations.
 - j) Disposing of oil residues.

Subsection 3. In the event of such discharge of oil or oily mixtures as a consequence of an accident or other unforeseen circumstances, a statement shall be made in the Oil Record Book of the circumstances of, and the reasons for, the discharge, cf. regulation 11 of Annex I in MARPOL 73/78.

Subsection 4. Each operation described in subsection 2 shall be recorded in the Oil Record Book instantly and all entries in the Oil Record Book concerning the operation in question shall be complete. Each completed operation shall be signed by the officer or officers in charge and each completed page shall be signed by the master of the ship. Entries

in the Oil Record Book shall be in a language which is official in the state whose flag the ship is entitled to fly, and for ships engaged on international voyages and holding an International Oil Pollution Prevention Certificate also in English or French.

Subsection 5. The Oil Record Book shall be kept in such a place as to be readily available for inspection by the Danish Maritime Authority and, except in the case of unmanned ships under tow, shall be kept on board the ship. It shall be retained for a period of three years after the last entry has been made.

Subsection 6. The Danish Maritime Authority may inspect the Oil Record Book on board any ship to which this section applies while the ship is in a Danish port or at a Danish offshore terminal and may make a copy of any entry in the book.

Subsection 7. The Danish Maritime Authority may require the master of the ship to certify that the copy is a true copy of the one mentioned in subsection 6.

Subsection 8. The inspection of an Oil Record Book and the taking of a certified copy by the Danish Maritime Authority shall be performed as expeditiously as possible without causing the ship undue delay.

Garbage Record Book

Section 3. Every ship with a gross tonnage of or above 400 and every ship certified to carry 15 persons or more engaged in voyages to ports or terminals under the jurisdiction of another country party to the Convention shall be provided with a Garbage Record Book. The Garbage Record Book shall be in the form specified in Annex V to MARPOL 73/78. The Record Book shall be kept in accordance with instructions in the Record Book and the provisions of subsections 2-5, subsection 7 and section 5. Ships engaged on voyages of one hour's duration or less, certified to carry 15 persons or more and engaged in voyages to ports or terminals under the jurisdiction of another country party to the Convention shall not be covered by this section.

Subsection 2. Each discharge operation, including discharge to the shore of garbage, or completed incineration shall be recorded in the Garbage Record Book and signed for on the date of the incineration or discharge by the officer in charge. Each completed page of the Garbage Record Book shall be signed by the master of the ship. The entries in the Garbage Record Book shall be made in an official language of the state whose flag the ship is entitled to fly, and for ships engaged on international voyages shall also be in English or French.

Subsection 3. Records of each incineration or discharge shall be stated with date, time, position of the ship, description of garbage and the estimated amount incinerated or discharged.

Subsection 4. The Garbage Record Book shall be kept on board the ship and in such a place as to be readily available for inspection by the Danish Maritime Authority within a reasonable time. It shall be retained safely for a period of two years after the last entry has been made.

Subsection 5. In the event of disposal, escape or accidental loss as referred to in regulation 6 of Annex V in MARPOL 73/78, a statement shall be made in the Garbage Record Book of the circumstances of, and the reasons for, the incident.

Subsection 6. The Danish Maritime Authority may inspect the Garbage Record Book on board any ship to which this subsection applies while the ship is in a Danish port or at a Danish terminal. The Danish Maritime Authority may make a copy of any entry in the book.

Subsection 7. The Danish Maritime Authority may require the master of the ship to certify that the copy is a true copy of the one mentioned in subsection 6.

Subsection 8. The inspection of a Garbage Record Book and the taking of a certified copy by the Danish Maritime Authority shall be performed as expeditiously as possible without causing the ship undue delay.

Cargo Record Book for ships carrying liquid noxious substances in bulk

Section 4. Every ship carrying noxious liquid substances in bulk shall be provided with a Cargo Record Book for noxious substances, either as part of the ship's logbook or as a separate book. The Record Book shall be in the form specified in appendix IV of Annex II to MARPOL 73/78. The Record Book shall be kept in accordance with instructions in the Record Book and the provisions of subsections 2-3, subsections 5-6, subsection 8 and section 5.

Subsection 2. The Cargo Record Book shall be completed for each tank separately whenever any of the following operations with respect to a noxious liquid substance takes place on the ship:

- 1) Loading of cargo.
- 2) Internal transfer of cargo.
- 3) Unloading of cargo.
- 4) Cleaning of cargo tanks.
- 5) Ballasting of cargo tanks.
- 6) Discharging of ballast from cargo tanks.
- 7) Disposing of residues to reception facilities.
- 8) Discharging into the sea or removal by ventilation of residues in accordance with regulation 5 of Annex II in MARPOL 73/78.

Subsection 3. In the event of any discharge of a noxious liquid substance, or mixture containing such substance, of a nature referred to in article 8 and regulation 6 of Annex II in MARPOL 73/78, whether intentional or accidental, an entry shall be made in the Cargo Record Book stating the circumstances of, and the reason for, the discharge.

Subsection 4. When the Danish Maritime Authority under regulation 8 of Annex II in MARPOL 73/78 has inspected a ship, the Authority shall make an appropriate entry in the Cargo Record Book.

Subsection 5. Each operation described in subsections 2 and 3 shall be recorded instantly in the Cargo Record Book, and all entries concerning the operation in question shall be complete. Each entry shall be signed by the officer or officers in charge of the operation concerned and each page shall be signed by the master of the ship. The entries in the Cargo Record Book shall be in the official national language of the state whose flag the ship is entitled to fly, and for ships engaged in international voyages and holding an International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk or a certificate referred to in regulation 12A of Annex II in MARPOL 73/78, also in English or French.

Subsection 6. The Cargo Record Book shall be kept in such a place as to be readily available for inspection and, except in the case of unmanned ships under tow, shall be kept on board the ship. It shall be retained for a period of three years after the last entry has been made.

Subsection 7. The Danish Maritime Authority may inspect the Cargo Record Book on board any ship to which this section applies while the ship is in a Danish port or at a Danish terminal and may make a copy of any entry in the book.

Subsection 8. The Danish Maritime Authority may require the master of the ship to certify that the copy is a true copy of the one mentioned in subsection 7.

Subsection 9. The inspection of a Cargo Record Book and the taking of a certified copy by the Danish Maritime Authority shall be performed as expeditiously as possible without causing the ship undue delay.

Subsection 10. The Danish Maritime Authority may authorise ship control companies with no interest in the relevant chemical cargo to give the endorsement mentioned in subsection 4 on behalf of the Authority. The Danish Maritime Authority may lay down more detailed regulations for the execution of this authority. Costs in connection with endorsement of the Cargo Record Book shall be paid by the consignee.

Subsection 11. The agent of the ship shall report to the Danish Maritime Authority or the company mentioned in subsection 10 on the arrival of ships which are to unload noxious liquid substances carried in bulk. The report shall be submitted as expeditiously that the endorsement can be carried out without causing the ship undue delay.

Keeping and making public the Record Books

Section 5. The record books referred to in sections 2-4 shall be properly completed and no page may be torn out. Once an entry has been made, it shall not be erased, crossed out or otherwise made illegible. If it becomes necessary to make a correction in the record book, this correction shall be added as a note.

Section 6. The record books referred to in sections 2-4 shall be made public by order of the Danish Maritime Authority.

Penalties and entry into force, etc.

Section 7. Any person violating section 2(1-5), or (7), section 3(1-5), or (7), or section 4(1-3), (5-6), (8), or (11) shall be liable to a fine or detention.

Subsection 2. Companies etc. (legal persons) may incur criminal liability under the rules of Chapter 5 of the Criminal Code (*straffeloven*).

Section 8. This regulation shall enter into force on 30 July 2007.

Subsection 2. Technical regulation no. 7 of 16 June 2000 on ships' logs in connection with pollution prevention shall be repealed.

Section 9. This regulation shall not apply to the Faeroe Islands and Greenland.

**Comment on Technical regulation no. 3 of 28 June 2007
on ships' logs in connection with pollution prevention**

Compared to the previous provision "Technical regulation no. 7 of 16 June 2000 on ships' logs in connection with pollution prevention", there is a minor linguistic amendment to the provisions in section 3 on the use of the Garbage Record Book. In future, the requirement for using Garbage Record Books shall therefore only include ships with a gross tonnage of or above 400 and ships certified to carry 15 persons or more engaged in international voyages. It should be noted that the requirement for waste management plans shall be the same as in the previous regulation.

The regulation is reissued in its entirety in order to promote the overall user-friendliness of the provisions.

The Danish Maritime Authority, 28 June 2007

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