

**Translation. Only the Danish document has legal validity.**

*Order no. 765 of 22 July 2009 issued by the Danish Maritime Authority*

## **Order on technical regulation on shipboard emergency plans in connection with pollution accidents caused by hazardous or noxious substances<sup>1</sup>**

In pursuance of section 3, item 2, and section 32 of the Act on Safety at Sea, cf. Consolidated Act no. 903 of 12 July 2007, having regard to the Protocol adopted by the IMO and signed by Denmark of 15 March 2000 on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances to the Convention of 30 November 1990 on Oil Pollution Preparedness, Response and Co-operation and by authority, the following provisions are laid down:

**Section 1.** Any tanker with a gross tonnage of or above 150 and all other ships with a gross tonnage of or above 400 carrying substances other than oil which, when introduced into the marine environment, would probably present a health risk to human beings, harm living resources and the marine environment, damage facilities or disturb other types of legal use of the sea shall be provided with an emergency plan for use in connection with pollution accidents caused by these substances.

*Subsection 2.* The requirement stipulated in subsection 1 for an emergency plan shall apply only to substances carried as cargo.

*Subsection 3.* Substances mentioned in subsection 1 that are classified as pollutants in current versions of the international codes on the carriage by sea of hazardous liquid substances (IBC), dangerous goods in packaged form (IMDG), goods in bulk (BC) and liquid gases in bulk (ICG).

**Section 2.** The emergency plan shall be drawn up in the working language used on board the ship and shall contain:

- 1) Reporting procedures in case of pollution accidents;
- 2) A list of persons or authorities to be contacted in case of pollution accidents;
- 3) A detailed description of the measures to be taken immediately on board the ship to limit or control pollution accidents; and
- 4) Procedures and assembly stations on board the ship for coordinating shipboard measures for combating pollution, including coordination with local authorities.

*Subsection 2.* Emergency plans drawn up in accordance with the Codes stipulated in section 1(3) shall be adequate if they comply with the requirements of subsection 1 of this provision.

**Section 3.** Unless a stricter penalty is prescribed by any other legislation, contraventions of section 1 shall be punishable by fine or imprisonment for a period not exceeding 1 year.

*Subsection 2.* The penalty may be increased to imprisonment for a period not exceeding 2 years if:

- 1) the contravention has caused damage to life or health or risk of such damage;
- 2) an injunction or order has previously been issued in connection with the same or equivalent situations; or
- 3) the contravention has produced or has been intended to produce financial benefits to the contravener or others.

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<sup>1</sup> This regulation has as a draft been notified in accordance with European Parliament and Council Directive 98/34/EEC (directive on the information procedure), as amended by Directive 98/48/EEC.

*Subsection 3.* Companies etc. (legal personalities) may be liable to punishment according to the provisions of chapter 5 of the Penal Code.

**Section 4.** This Order shall enter into force on 1 October 2009.

**Section 5.** This Order shall not apply to Greenland.

*Danish Maritime Authority / 22 July 2009*

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