

Translation. Only the Danish document has legal validity.

Order no. 33 of 7 January 2011 issued by the Ministry for the Environment

Order on places of refuge and plans hereon¹

In pursuance of section 37(1)-(3) and section 48(1) of the Act on the Protection of the Marine Environment, cf. Consolidated Act no. 929 of 24 September 2009, the following provisions are laid down:

Chapter 1

Application and definitions etc.

Section 1. This Order identifies places of refuge in Danish waters. The purpose is that ships in need of assistance can seek refuge here to limit or eliminate the risk of pollution of the marine environment as well as in consideration of navigational safety.

Subsection 2. This Order also lays down provisions on the drawing up of plans for the places of refuge. The plans shall make it possible for the Admiral Danish Fleet to handle and direct ships in need of assistance to a place of refuge.

Section 2. For the purposes of this Order, the following definitions shall apply:

- 1) “Place of refuge” means a port, the part of a port or another protective berth or anchorage or any other sheltered water identified or temporarily identified for accommodating ships in need of assistance.
- 2) “Ship in need of assistance” means, without prejudice to the provisions of the SAR Convention (International Convention on Search and Rescue, 1979), a ship in a situation that could give rise to its loss or an environmental or navigational hazard.
- 3) “WGS-84” means the World Geodetic System from 1984.
- 4) “IMO” means the International Maritime Organization.

Chapter 2

Places of refuge

Section 3. The places of refuge identified in Danish waters are shown in annex 1 to this Order.

Section 4. The Nature Agency may, after having consulted the parties involved, amend annex 1.

Subsection 5. The Admiral Danish Fleet may identify and use temporary places of refuge in Danish waters if the use of the places of refuge, as mentioned in annex 1, turns out not to be

¹ This Order contains provisions implementing parts of Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (Official Journal 2002 no. L 208, page 10) as well as Directive 2009/17/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system (Official Journal 2009 no. L 131, page 101).

possible, and if temporary identification is necessary in order to prevent or combat pollution of the sea or to ensure safety of navigation.

Subsection 2. When identifying and using a temporary place of refuge, the Admiral Danish Fleet shall, to the widest extent possible, consider natural and environmental conditions.

Section 6. The use of ports identified as places of refuge may not be inconsistent with the regulations on the security of ports and port facilities.

Chapter 3 *Security*

Section 7. The following power pursuant to the Act on the protection of the marine environment shall be exercised by the Admiral Danish Fleet:
On behalf of the Minister for the Environment, to provide security vis-a-vis ports identified as places of refuge or as temporary places of refuge for the expenses that they may incur by receiving a ship in need of assistance, cf. section 37(4) of the Act on the protection of the marine environment. Any subsequent case consideration shall be made by the Nature Agency.

Chapter 4 *Plans for places of refuge*

Section 8. The Nature Agency shall draw up plans for the places of refuge mentioned in annex 1 to this Order.

Section 9. The places of refuge shall be drawn up on the basis of the paradigm shown in annex 2 to this Order.

Subsection 2. The places of refuge shall, furthermore, be drawn up on the basis of IMO Resolution A.949(23) on Guidelines on places of refuge for ships in need of assistance as well as IMO Resolution A.950(23) on Maritime Assistances Services (MAS). The resolutions are available from www.nst.dk.

Subsection 3. The plans for the places of refuge shall contain a decision diagram for use by the Admiral Danish Fleet's direction or refusal of ships, cf. annex 3 to this Order.

Section 10. A plan for a place of refuge may include more places of refuge.

Section 11. Before a plan for a place of refuge is put to use, the relevant interested parties shall be consulted about a draft version of the plan.

Section 12. The Admiral Danish Fleet shall have access to the plans for the places of refuge via the internet.

Subsection 2. Furthermore, the plans for the places of refuge shall be published on the internet in consideration of the Act on the treatment of personal data and other legislation on sensitive data.

Section 13. The Nature Agency shall ensure that the plans are updated regularly.

Chapter 5
Entry into force, etc.

Section 14. This Order shall enter into force on 24 January 2011.

Subsection 2. Order no. 180 of 9 March 2009 on places of refuge and plans hereon shall be repealed.

The Danish Ministry for the Environment, 7 January 2011

Karen Ellemann / Helle Pilsgaard

Annex 1

The following areas shall be identified as places of refuge in Danish waters:

Esbjerg Port
 Thyborøn Port
 Hanstholm Port
 Hirtshals Port
 Aalbæk Bay
 Frederikshavn Port
 Pakhus Bay (Anholt)
 Grenaa Port
 Tragten (at Fredericia)
 Kalundborg Fjord
 Kalundborg Port
 Romsø South
 Lindholm Terminal
 Agersø Sound North
 Langeland Belt
 Køge Shallows East
 Copenhagen Roadstead (anchorages 1 and 2)
 Bøtø East (Falster)
 Vang Pier
 Rønne Port
 The area off Tejn Harbour

The table contains coordinates for each place of refuge	
Place of refuge	Geographical coordinates in system WGS-84 datum
Esbjerg Port	55°28.3'N 8°25.3'E
Thyborøn Port	56°41.9'N 8°13.4'E
Hanstholm Port	57°07.4'N 8°35.7'E
Hirtshals Port	57°35.7'N 9°57.7'E
Aalbæk Bay	57°38.05'N 10°31.49'E 57°38.05'N 10°34.16'E 57°36.81'N 10°34.16'E 57°36.81'N 10°31.49'E
Frederikshavn Port	57°26.1'N 10°32.9'E
Anholt	56°43.06'N 11°37.12'E 56°43.06'N 11°40.73'E 56°41.90'N 11°40.73'E 56°41.90'N 11°37.12'E
Grenaa Port	56°24.4'N 10°55.5'E
Tragten Fredericia	55°36.18'N 9°49.23'E 55°36.94'N 9°51.74'E 55°36.94'N 9°54.22'E 55°34.91'N 9°49.79'E
Kalundborg Fjord	55°40.6'N 11°05.1'E
Kalundborg Port	55°43.35'N 10°55.45'E

	55°43.47'N 10°57.42'E 55°43.23'N 10°59.17'E 55°41.90'N 10°59.17'E 55°42.55'N 10°56.71'E
Romsø South	55°29.80'N 10°46.70'E 55°29.80'N 10°50.51'E 55°28.16'N 10°50.51'E 55°28.16'N 10°46.70'E
Lindholm Terminal	55°17.9'N 10°48.8'E
Agersø Sound North	55°17.73'N 11°09.99'E 55°17.73'N 11°11.08'E 55°16.79'N 11°11.89'E
Langeland Belt	54°49.98'N 10°47.26'E 54°49.98'N 10°49.50'E 54°47.92'N 10°49.50'E 54°47.92'N 10°47.26'E
Køge Shallows East	55°30.24'N 12°16.25'E 55°30.24'N 12°20.78'E 55°28.61'N 12°20.78'E 55°28.61'N 12°16.25'E
Copenhagen Roadstead Anchorage no. 2	55°45.97'N 12°39.24'E 55°45.97'N 12°40.22'E 55°44.56'N 12°38.92'E 55°44.56'N 12°37.99'E
Copenhagen Roadstead Anchorage no. 3	55°45.06'N 12°39.86'E 55°44.27'N 12°39.86'E 55°43.80'N 12°39.15'E 55°44.05'N 12°38.83'E
Bøtø East Falster	54°38.14'N 11°58.62'E 54°38.14'N 12°01.97'E 54°36.16'N 12°01.97'E 54°36.16'N 11°58.62'E
Vang Pier	55°14.7'N 14°43.9'E
Rønne Port	55°05.9'N 14°41.8'E
Tejn	55°15.42'N 14°50.30'E 55°15.42'N 14°53.43'E 55°16.56'N 14°53.43'E 55°16.56'N 14°50.29'E

Paradigm for plans for places of refuge

Plans for places of refuge should be divided in three:

- 1) Part I concerns the decision process as such, including the inclusion of the competent authorities.
- 2) Part II contains the lay-out of the specific plan for the place of refuge concerned, which contains the place-specific conditions and requirements (such as environmental and commercial conditions, equipment), as well as administrative conditions.
- 3) Part III is the operational part which is implemented by the Admiral Danish Fleet through the MAS (Maritime Assistance Service), cf. Part III) in cooperation with the master of the ship in need of assistance.

Part I shall contain a description of the following:

- The identity of the authority responsible for the receipt and handling of information on accidents and incidents at sea, i.e. the Admiral Danish Fleet through the MAS.
- The identified place(s) of refuge finally identified on the basis of the “Redegørelse om udpegning af nødområder i de danske farvande, 1/2004” (Account of the identification of places of refuge in Danish waters, 1/2004) issued by the Environmental Protection Agency.
- The identity of the competent authority deciding on admission or refusal of access to an identified place of refuge for a ship in need of assistance, i.e. the Admiral Danish Fleet (MAS).
- Procedures on international coordination and decision-making; including a description of the decision-making process from the receipt of a call from a ship in need of assistance to the admission/refusal of a ship in an identified place of refuge, incl. the roles and distribution of responsibility between the authority and the respondent; cf. the decision diagram in annex 3 to this Order.
- Overview of contact possibilities to the relevant specialist authorities and fora as well as international organizations with special knowledge:
 - The Ministry of Defence (the Admiral Danish Fleet, the Chief of Defence Denmark, the Danish Emergency Management Agency, the Danish Maritime Safety Administration).
 - The Danish Maritime Authority.
 - The municipal emergency management as well as the municipalities’ environmental guards.
 - The Nature Agency.
 - The police (which will pass on communication to and coordinate with the relevant authorities ashore in the local emergency management staff).
 - The Danish Directorate of Fisheries.
 - International assistance (EMSA, OPRC, the Bonn Agreement, HELCOM, the Copenhagen Accord, SWEDENGER, DENER, EU Task Force).
- Procedures for any security and liability for ships in need of assistance in a place of refuge.
- Overall description of the possibilities of intervening and reference to possibilities of intervening against ships pursuant to Danish law.

Part II shall contain a description of the organizational and administrative conditions, the environmental and natural aspects and practical measures, including action plan for a place of

refuge. This part will be based on the municipalities' emergency preparedness plans supplemented by information pursuant to the guidelines of IMO Resolution A.949(23).

Part II contains a description of the following:

Organizational and administrative conditions:

- The organizational chart, environmental guard and contact details of the place of refuge.
- The regulations as well as the responsibility and competence conditions of the parties involved in the plan for the place of refuge.
- A diagram of the alarm procedures, including sequence and form (oral, telephone, fax, radio, e-mail, SMS, etc.).
- Warning and calling of phase (for example for local fishermen, game consultants, health inspectors).
- Overview of possible tasks (prioritization of the efforts to be made in various places, documentation of decisions and requests, marking of an area, acquisition of proof through oil samples, etc. as well as contact to insurance companies, management of contractors, contact to waste recipients), among other things, in support of the composition of staff (municipalities concerned, the police, the Danish Emergency Management Agency, the Admiral Danish Fleet, the Danish Maritime Safety Agency, etc.).
- List of possible localities assessed suitable for functioning as a staff command post.
- Information on coastlines.
- Description of any guidelines for the coordination of addresses made by private citizens and volunteers.
- Description of guidelines for internal and external briefing (including newsletters and information letters to the emergency management staff, contact with citizens, press and media, press releases, use of webpage).
- Description of guidelines for use of civilians for cleaning the coast.
- Description of guidelines for updating the plan.
- Description of guidelines for emergency drills and training.
- Any emergency service plan as well as evacuation facilities.
- Description of the acquisition of any security in relation to ports identified as places of refuge.

Environmental and natural aspects

- Description of the place of refuge's environmental and natural character, including sensitive habitats and species (for example in connection with designated environmental areas: RAMSAR and NATURA2000, fishing and offshore activities as well as recreational areas and tourism).
- Consequence analysis for the place of refuge, including a description of whether the access to the place of refuge is located in a natural or environmentally sensitive area. It is examined whether the area may be affected by possible pollution. In addition, predictable consequences of various scenarios are described as regards the safety of persons and pollution, risk of fire, toxic and explosive risks. The analysis should also contain any environmental consequences to the neighbours.
- Description of the state of the sea and weather conditions (prevailing wind conditions, protection against strong winds and "disturbed" seas, tides and tidal currents). The information will be retrieved from the DMI (Danish Meteorological Institute and/or the Danish Safety Administration Agency).

- Depth measurement (minimum and maximum water depth as well as the water depth in the approach, the maximum permissible draught of the ship). The information will, possibly, be retrieved from the Danish Safety Administration Agency.
- Maximum length of the ships admitted to the place of refuge.
- Bottom conditions (hard/soft bottom, sandy or the possibility of a vessel grounding in the place of refuge). The information will, possibly, be retrieved from the Danish Safety Administration Agency.
- Seasonal effects, including any ice covering.
- Local meteorological statistics and the number of days in which the place of refuge is not operational or inaccessible. The information will, possibly, be retrieved from the DMI (Danish Meteorological Institute).
- Map of the place of refuge showing the following:
 - Bathing beaches.
 - Protected areas.
 - Publically owned areas.
 - Access ways to the beach.
 - Areas for water catchment (possibly, with an indication of the groundwater flow).
 - Areas for the taking in of cooling water, for example for industrial companies.
 - The closest distance to industrial areas.
 - Marinas.
 - Other areas to be especially considered, including for example other recreational areas as well as areas for bird brood and fry as well as moors, salt marshes, lakes, marshes and streams under the Nature Preservation Act, section 43.
 - Areas for temporary depositing of collected oil.

Practical measures and action plan

- Exact description of the extent of the place of refuge as well as “corner coordinates” (longitude/latitude) of the area. If the place of refuge is a circle, the centre position (longitude/latitude) of the area as well as the radius (nautical miles) shall be given. A port identified as a place of refuge may, however, be given as one point.
- Description of the resources and facilities disposable for aid, salvage activities and pollution prevention in the place of refuge.
- Overview of equipment for combating oil and chemical pollution of the water and cleaning of coasts in case of adverse weather conditions.
- Fire-fighting capacity and assistance.
- Approved refuse disposal plants and reception facilities for harmful and noxious goods, suitable cleaning locations for polluted material.
- Close-by tugboats, any port tugboats (number and bollard pull), special purpose vessels, aircraft and other necessary means for carrying out the necessary operations or for acquiring the necessary assistance.
- Facilities such as pumps, fire hoses, barges and containment booms.
- Repair facilities such as yards, workshops, floating cranes, tugboats, barges.
- Diving assistance.
- Description of the guidelines for retrieval and disposal of hazardous waste, etc., including where and how depots can be established, cf. the municipalities’ beach cleaning plans.
- Description of the guidelines for keeping a log (record of incidents and requests), daily situational reports and acquisition of documentation.

- Description of anchorages in the place of refuge and mooring possibilities in ports identified as places of refuge.
- Description of operational conditions, especially as regards ports, including mandatory pilotage (availability of pilots).
- Description of the carriage of equipment and personnel from shore to a place of refuge in the territorial sea.
- Information about the possibilities of contacting shipowners, agents, classification societies, insurance companies, etc. that could provide guidance about, among other things, stabilization, pollution prevention and the rescuing of a vessel.
- Retrieval of information on hazardous goods as well as bunkers on board. A risk assessment of any hazardous goods on board. A plan for the sampling (in case of cleaning/beach cleaning, it is the responsibility of the police to acquire proof for use in connection with later legal proceedings).
- Lightering of vessels in a place of refuge in the territorial seas.
- Information about external power supply.
- Risk assessment of any repair work on board a vessel.
- Description of any action plan in case of a loss in a place of refuge.
- Description of any plan for environmental monitoring of the areas affected.
- Description of any plan for fishing prohibitions/bathing prohibitions.
- Description of limits to the place(s) of refuge as well as alternatives.
- For example in case of adverse weather conditions, there shall be a possibility for safe rescue and transport by barge.
- Navigational characteristics, including sufficient room for manoeuvring a ship without any propulsion power assisted by tugboats.
- Maximum length of a ship that can access the place of refuge.
- The risk of a stranded ship that can block the fairway, the access way or the ship navigation of others as well as the risk of disturbances of the port's activities (fairway, quay, equipment and other installations).
- Permission for use as place of refuge or port of a place of refuge in case of a risk of noxious gases being discharged, a risk of explosions, etc.
- What places of refuge are temporarily closed for example due to breeding seasons, the migration of birds, etc.

Part III

The cooperation of the Admiral Danish Fleet (MAS – Maritime Assistance Service) with the master of a ship in need of assistance.

The MAS is an integrated part of the Admiral Danish Fleet and functions on a 24-hour basis as a central maritime point of contact for shipping in and around Danish waters. It is the Danish MAS that is to admit/refuse a place of refuge and be the point of contact for ships in need of assistance.

For assessing what place of refuge would be the most suitable for such a ship, the MAS needs information about the ship's situation, the weather conditions as well as the status of the place of refuge concerned. In this connection, it is relevant whether the area can admit ships posing a potential pollution risk (already having a leakage) or must exclusively be used for ships not posing a pollution risk (minor repairs).

The following information is of relevance to the assessment:

- The ship's identity (name, call sign, IMO number, etc.).
- The ship's position.
- The ship's dimensional limits, such as length, breadth and draught, seaworthiness of ship, special buoyancy, stability.
- The extent of the damage (such as list, a hole in the hull, the ingress of water, leakage).
- Means of propulsion and effect generation, bow thruster/stern thruster. Any restrictions on the machinery due to damages.
- The ship's steering characteristics after any damages.
- The condition, quantity and nature of the cargo, especially dangerous goods (in this connection, the UN number, quantity as well as location of the dangerous goods is requested).
- Distance to and estimated time of transit to the place of refuge.
- Quantity of oil on board as well as the location hereof.
- The safety of those on board, including the number of crewmembers and/or rescuers and other personnel on board as well as an assessment of human factors (such tiredness/fatigue).
- Any pollution (or potential pollution) caused by the ship; including in the transit area/the access way close to the place of refuge or in a locality that may be threatened by pollution from the incoming ship in need of assistance.
- Threats to the safety of the general public, including the nearest distance to larger concentrations of people.
- The insurance conditions of the ship concerned.
- If the ship is insured, the name of the insurer and the limits of the coverage.
- Agreement between the master and the ship's owner/shipping company about the MAS's proposal to continue or sail to a place of refuge.
- Acquiring any security in relation to ports identified as places of refuge.
- Information about any commercial salvage contract.
- Information about the plans of the master and/or salvager.

The master

The master shall, pursuant to the Order on reporting pursuant to the Act on the protection of the marine environment, be obliged to inform the Admiral Danish Fleet (MAS) about accidents or other incidents at sea as well as the more detailed circumstances in this connection. Furthermore, the master shall be obliged to provide supplementary information contributing to giving the authority an overview of the situation. In addition, the master shall in general inform the Admiral Danish Fleet (MAS) if polluting discharges are observed on the surface of the sea.

It shall be relevant for the master to inform the MAS about the following additional information:

- What kind of assistance is requested, if any.
- Whether direction to a place of refuge is requested.

The master should cooperate with any rescue vessels.

The master shall cooperate with the responsible authorities with the purpose of reducing the effects of an accident or incident at sea.

The master shall uncover the need of assistance to the Admiral Danish Fleet (MAS), among other things by carrying out a risk analysis containing the elements given under MAS.

Decision diagram

1. Incident: The Admiral Danish Fleet (MAS) receives a call from a ship in need of assistance or is in any other way made aware of a ship in need of assistance.



2. Fundamental information retrieval (MAS):

- **The ship:** MAS retrieves information about the ship's identification, its position, conditions, situation (extent of damages), dimensions, containment and location of oil, the ship's cargo, number of persons on board and the master's own assessment of the situation.
- **Meteorology:** MAS retrieves meteorological information from the relevant sources (DMI) as well as from the ship's crew. In addition to the current weather situation, prognoses of the coming period are also studied.
- **Oceanography and hydrography:** MAS retrieves information about the oceanographic conditions from the relevant sources, including the Danish Maritime Safety Administration.



3. MAS makes an analysis and an assessment:

- Identifies the ship on the maritime situational chart.
- Validates the information retrieved.
- Assesses the need/possibilities of using places of refuge (such as what areas are accessible).
- Assesses the legal basis of orders/prohibitions, including an assessment of what authority has the competence to issue orders/prohibitions.
- Assesses the need for assistance in general.



2. Fundamental information retrieval (MAS):

- **The ship:** MAS retrieves information about the ship's identification, its position, conditions, situation (extent of damages), dimensions, containment and location of oil, the ship's cargo, number of persons on board and the master's own assessment of the situation.
- **Meteorology:** MAS retrieves meteorological information from the relevant sources (DMI) as well as from the ship's crew. In addition to the current weather situation, prognoses of the coming period are also studied.
- **Oceanography and hydrography:** MAS retrieves information about the oceanographic conditions from the relevant sources, including the Danish Maritime Safety Administration.



Following MAS's dialogue with the port, the port refuses to accept a ship in need of assistance – for example for reasons of space, the ship's lack of will or ability to give the security required. The procedure must not delay the handling of the ship. Then, MAS will give any security against the port, cf. section 37(4) of the Act on the marine environment, or identify a new place of refuge.

Ships in need of assistance sail to the place of refuge identified.

Ships in need of assistance refuse to proceed to the place of refuge identified referring to the master's right in certain situations to take or carry out any decision that is, in his professional judgment, necessary to ensure safety of navigation and protect the marine environment (SOLAS V/34-1). MAS will assess specifically whether it is possible to maintain an order/prohibition or whether a new place of refuge can be identified.