

## **Order on prevention of air pollution from ships and platforms**

In pursuance of section 24, section 31(4), section 33(1), section 48 and section 61(1) of the act on protection of the marine environment (*lov om beskyttelse af havmiljøet*), cf. consolidated act no. 963 of 3 July 2013, as amended by act no. 1499 of 23 December 2014, and following consultation with the Minister for Transport and Building, the following provisions are laid down:

### *Application and definitions*

**Section 1.** This order covers Danish ships in Danish and international waters, foreign ships in Danish territorial waters, platforms in Danish territorial waters and in the exclusive economic zone. In addition, the order covers ports as stated in section 7.

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

- 1) "The 73/78 MARPOL Convention" means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978.
- 2) "Emission" means any liberation to the atmosphere or the sea from ships and platforms of substances subject to control in accordance with this order.
- 3) "Ozone depleting substances" mean substances as defined in article 1(4) of the Montreal Protocol of 1987 on substances that deplete the ozone layer and listed in annex A, B, C or E of the Protocol, in its current wording.
- 4) "The IMO" means the International Maritime Organization.

### *Ozone depleting substances*

**Section 3.** Any deliberate emission of ozone depleting substances from ships or platforms, including emissions that occur as part of maintenance, repairs or the removal of systems or equipment, shall be prohibited.

*Subsection 2.* Minimum emissions that cannot be avoided in connection with the recovery or recycling of an ozone depleting substance shall be exempted from the prohibition stipulated in subsection 1.

*Subsection 3.* Ozone depleting substances and equipment containing ozone depleting substances shall be delivered to a reception facility when removed from ships or platforms, cf. section 7.

**Section 4.** As regards ships and platforms in Danish territorial waters that are not registered in an EU State, installations put into use after 19 May 2005 shall not contain ozone depleting substances. However, hydrochlorofluorocarbon (HCFC) may be used in installations on board those ships and platforms if put into use before 1 January 2020. Danish ships and platforms as well as ships and platforms registered in an EU State that are situated in Danish territorial waters are regulated by the re-

gulation of the European Parliament and of the Council on ozone depleting substances as well as the provisions in force at any time stipulated in the order on certain ozone depleting substances.

### *Shipboard incineration*

**Section 5.** Shipboard incineration of normal operational waste on ships and platforms shall be prohibited in Danish territorial waters.

**Section 6.** Shipboard incineration of normal operational waste on ships and platforms outside Danish territorial waters shall be permitted only in an approved incinerator.

*Subsection 2.* However, shipboard incineration of sewage and sludge originating from the normal operation of a ship or platform may – outside Danish territorial waters – take place in main or auxiliary machinery or in the boilers, but if this is the case, it shall not take place in ports, bays, fjords and similar areas.

*Subsection 3.* Shipboard incineration of the following substances, etc. shall be prohibited:

- 1) Cargo residues covered by annexes I-III of the 73/78 MARPOL Convention as well as associated polluted packaging.
- 2) Polychlorinated biphenyl (PCB).
- 3) Garbage as defined in annex V of the 73/78 MARPOL Convention, which contains more than inconsiderable concentrations of heavy metals.
- 4) Refined crude oil products containing halogen compounds.
- 5) Polyvinyl chloride (PVC) except for incineration in incinerators approved by the IMO.

### *Reception facilities in ports*

**Section 7.** In repair ports as well as in places where ships or platforms are scrapped, the port administration or the one responsible for the port or the place shall ensure that a system is established for receiving ozone depleting substances and equipment containing such substances when they have been removed from the ship or platform.

### *Inspection and right of appeal*

**Section 8.** The Danish Environmental Protection Agency shall inspect compliance with the regulations of this order, cf. the provisions of the act hereon. The Danish Maritime Authority shall assist the Danish Environmental Protection Agency in the inspection of ships.

*Subsection 2.* Decisions made by the Danish Environmental Protection Agency under subsection 1 cannot be appealed to the Minister for the Environment and Food.

*Penalty and entry into force*

**Section 9.** Unless stricter punishment is deserved under other legislation, anyone shall be punished by fine who:

- 1) emits ozone depleting substances in violation of section 3(1);
- 2) does not deliver ozone depleting substances to a reception facility, cf. section 3(3);
- 3) uses ozone depleting substances in installations in violation of section, the first and second clauses;
- 4) incinerates normal operational waste in Danish territorial waters, cf. section 5;
- 5) incinerates normal operational waste outside Danish territorial waters in violation of section 6;  
or
- 6) does not establish a reception facility pursuant to section 7.

*Subsection 2.* The penalty may be increased to imprisonment for a term not exceeding two years if the violation was committed intentionally or grossly negligently and if the violation

- 1) has resulted in damage to the environment or a risk of such damage; or
- 2) has resulted in or intended to result in financial benefits, including savings, to the transgressor or others.

*Subsection 3.* Subsection 2 shall not apply to contraventions committed from foreign ships unless the contravention was committed in inner territorial waters. As regards contraventions committed from foreign ships in outer territorial waters, the penalty may be increased to imprisonment for a term not exceeding two years in case of intentional and serious pollution of the marine environment.

*Subsection 4.* Companies etc. (legal personalities) may be liable to punishment according to the provisions of part 5 of the penal code (*straffeloven*).

**Section 10.** This order shall enter into force on 31 December 2015.

*Subsection 2.* Order no. 508 of 18 June 2005 on the prevention of air pollution from ships and platforms shall be repealed.

*Ministry of Environment and Food of Denmark, 10 December 2015*

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