

## **Order on the discharge of garbage from ships and offshore installations**

The following shall be laid down pursuant to section 2(3), section 6(2), section 7, section 21(2), section 22(2) and (3), section 23(2), section 24(1) and section 61(1) of the act on protection of the marine environment (*lov om beskyttelse af havmiljøet*), cf. consolidated act no. 116 of 26 January 2017, as amended by section 2 of act no. 427 of 18 May 2018:

### Part 1

#### *Scope*

**Section 1.** This order shall apply to all ships, irrespective of size, cf. however subsection 3.

*Subsection 2.* The order shall also apply to offshore installations, cf. section 16.

*Subsection 3.* The order shall not apply to warships or other ships owned or used by a State for as long as the ship is exclusively used for non-commercial State service, cf. section 2(2) of the act.

### Part 2

#### *Definitions, etc.*

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

- 1) *Garbage* means all kinds of food wastes, domestic wastes and operational wastes, all plastics, cargo residues, cooking oil, fishing gear and animal carcasses generated during the normal operation of the ship and liable to be disposed of continuously or periodically. Garbage does not include oil, sewage, liquid substances carried in bulk, emission to the air as well as harmful substances carried at sea in packaged form as defined or stipulated in the other annexes to the MARPOL Convention. Garbage does not include fresh fish and parts thereof generated as a result of fishing activities undertaken when discharge takes place during the same voyage. Garbage does not include fresh fish generated as a result of aquaculture activities which involve the transport of fish including shellfish for placement in the aquaculture facility and the transport of harvested fish including shellfish from such facilities to shore for processing when discharge takes place during the same voyage.
- 2) *Arctic waters* means those waters which are located north of a line extending from latitude 58°00'.0 N, longitude 042°00'.0 W to latitude 64°37'.0 N, longitude 035°27'.0 W and thence by a rhumb line to latitude 67°03'.9 N, longitude 026°33'.4 W and thence by a rhumb line to Sørkapp, Jan Mayen and by the southern shore of Jan Mayen to the Island of Bjørnøya and thence by a great circle line from the Island of Bjørnøya to Cap Kanin Nos and thence by the northern shore of the Asian continent eastward to the Bering Strait and thence from the Bering Strait westward to latitude 60° N as far as Il'pyrskiy and following the 60th North parallel eastward as far as and including Etolin Strait and thence by the northern shore of the North American continent as far south as latitude 60° N and thence eastward along parallel of latitude 60° N, to longitude 56°37'.1 W and thence to the latitude 58°00'.0 N, longitude 042°00'.0 W.
- 3) *Operational wastes* means all solid wastes (including slurries) that are collected on board during normal maintenance or operations of a ship, or used for cargo stowage and handling. Operational wastes

also includes cleaning agents and additives contained in cargo hold and external wash water. Operational wastes does not include grey water, bilge water, or other similar discharges essential to the operation of a ship. Furthermore, operational wastes does not include oil, sewage, liquid substances carried in bulk, emission to the air as well as harmful substances carried at sea in packaged form as defined or stipulated in other annexes to the MARPOL Convention.

- 4) *Animal carcasses* means the bodies of any animals that are carried on board as cargo and that die or are euthanized during the voyage.
- 5) *Fixed or floating platforms* means fixed or floating structures located at sea which are engaged in the exploration, exploitation or associated offshore processing of sea-bed mineral resources.
- 6) *Fast ice* means sea ice which forms and remains fast along the coast, where it is attached to the shore, to an ice wall, to an ice front, between shoals or grounded icebergs.
- 7) *Fishing gear* means any physical device or part thereof or combination of items that may be placed on or in the water or on the sea-bed with the intended purpose of capturing, or controlling for subsequent capture or harvesting, marine or fresh water organisms.
- 8) *Grey sewage* means drainage from dishwater, shower, laundry, bath and washbasin drains. It does not include drainage from toilets, urinals, or cargo holds. Furthermore, grey water does not include sewage (drainage substances or other waste from toilets, hospital rooms and rooms accommodating live animals), cf. section 20(1) of the act.
- 9) *Domestic wastes* means all types of wastes that are generated in the accommodation spaces on board the ship. Domestic wastes does not include grey water. Furthermore, domestic wastes does not include oil, sewage, liquid substances carried in bulk, emission to the air as well as harmful substances carried at sea in packaged form as defined or stipulated in other annexes to the MARPOL Convention.
- 10) *Ice-shelf* means a floating ice sheet of considerable thickness showing 2 to 50 m or more above sea-level, attached to the coast.
- 11) *Cargo residues* means the remnants of any cargo which remain on the deck or in holds following loading or unloading, whether in wet or dry condition but does not include cargo dust remaining on the deck after sweeping or dust on the external surfaces of the ship. Furthermore, cargo residues do not include oil, sewage, liquid substances carried in bulk, emission to the air as well as harmful substances carried at sea in packaged form as defined or stipulated in other annexes to the MARPOL Convention.
- 12) *Food wastes* means any spoiled or unspoiled food substances and includes fruits, vegetables, dairy products, poultry, meat products and food scraps generated aboard ship.
- 13) *Cooking oil* means any type of edible oil or animal fat used or intended to be used for the preparation or cooking of food, but does not include the food itself that is prepared using these oils.
- 14) *MARPOL* means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended by the 1997 Protocol.
- 15) *Nearest land* means from the baseline from which the territorial waters of the territory concerned is determined in accordance with international law; however with the addition that for the purposes of these provisions "from the nearest land" off the north-eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in
  - a) latitude 11°00' S, longitude 142°08'E to a point in latitude 10°35' S, longitude 141°55' E,
  - b) thence to a point latitude 10°00' S, longitude 142°00' E,
  - c) thence to a point latitude 9°10' S, longitude 143°52' E,
  - d) thence to a point latitude 9°00' S, longitude 144°30' E,
  - e) thence to a point latitude 10°41' S, longitude 145°00' E,

- f) thence to a point latitude 13°00' S, longitude 145°00' E,
  - g) thence to a point latitude 15°00' S, longitude 146°00' E,
  - h) thence to a point latitude 17°30' S, longitude 147°00' E,
  - i) thence to a point latitude 21°00' S, longitude 152°55' E,
  - j) thence to a point latitude 24°30' S, longitude 154°00' E,
  - k) thence to a point on the coast of Australia in latitude 24°42' S, longitude 153°15' E.
- 16) *Plastic* means a solid material which contains as an essential ingredient one or more high molecular mass polymers and which is formed (shaped) during either manufacture of the polymer or the fabrication into a finished product by heat and/or pressure. Plastics have material properties ranging from hard and brittle to soft and elastic.
- 17) *Ship* means a seagoing vessel, irrespective of flag, of any type operating in the marine environment, including hydrofoils, air cushion vehicles, submersibles and floating installations.
- 18) *En route* means that the ship is underway at sea on a course or courses, including deviation from the shortest direct route, which as far as practicable for navigational purposes, will cause any discharge to be spread over as great an area of the sea as is reasonable and practicable.

**Section 3.** *Special area* means a sea area where, for recognised technical reasons to its oceanographical and ecological condition and to the particular character of its traffic, the adoption of special mandatory methods for the prevention of sea pollution by garbage is required.

*Subsection 2.* Pursuant to this order, the following areas shall be special areas:

- 1) the *Mediterranean Sea* area means the Mediterranean Sea proper including the gulfs and seas therein with the boundary between the Mediterranean and the Black Sea constituted by the 41° N parallel and bounded to the west by the Straits of Gibraltar at the meridian 005°36' W.
- 2) the *Baltic Sea* area means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8' N.
- 3) the *Gulfs area* means the sea area located north west of the rhumb line between Ras al Hadd (22° 30' N, 59° 48' E) and Ras al Fasteh (25° 04' N, 61° 25' E).
- 4) the *North Sea area* means:
  - a) the North Sea southwards of latitude 62° N and eastwards of longitude 4° W
  - b) the Skagerrak, the southern limit of which is determined east of the Skaw by latitude 57°44.8' N and
  - c) the English Channel and its approaches eastwards of longitude 5° W and northwards of latitude 48°30' N.
- 5) the *Antarctic* sea area means the sea south of latitude 60° S.
- 6) The *Wider Caribbean Region* means the Gulf of Mexico and Caribbean Sea proper including the bays and seas therein and that portion of the Atlantic Ocean within the boundary constituted by the 30° N parallel from Florida eastward to 77° 30' W meridian, thence a rhumb line to the intersection of 20° N parallel and 59° W meridian, thence a rhumb line to the intersection of 7° 20' N parallel and 50° W meridian, thence a rhumb line drawn southwesterly to the eastern boundary of French Guinea.

### Part 3

#### *Discharge of garbage outside special sea areas*

**Section 4.** Discharge of garbage into the sea outside special sea areas shall be prohibited, except for the types of garbage and on the conditions stipulated in sections 5-10.

**Section 5.** Food wastes shall be discharged only, cf. however section 6, while the ship is en route, cf. however section 3, and is not less than 3 nautical miles from the nearest land and if they have been passed through a comminuter or grinder. Such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 mm.

*Subsection 2.* If food wastes have not been treated in accordance with subsection 1, discharge may take place only while the ship is en route and is not least than 12 nautical miles from the nearest land, cf. however subsection 3.

*Subsection 3.* The provision stipulated in subsections 1 and 2 that the ship shall be en route shall not apply if the storage of food wastes may present a health risk to those on board and the discharge is thus considered necessary to avoid this risk.

**Section 6.** Discharge into arctic waters of food wastes is only permitted when the ship is en route, cf. however subsection 4, and not less than 12 nautical miles from the nearest land, nearest ice-shelf or nearest fast ice, and if the food wastes have passed through a comminuter or grinder. Such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 mm.

*Subsection 2.* Food wastes shall not be contaminated by any other garbage type.

*Subsection 3.* Food wastes shall not be discharged onto the ice.

*Subsection 4.* The provision stipulated in subsection 1 that the ship shall be en route shall not apply if the storage of food wastes may present a health risk to those on board and the discharge is thus considered necessary to avoid this risk.

**Section 7.** Discharge of cargo residues that cannot be recovered using commonly available methods for unloading shall only be permitted while the ship is en route and at least 12 nautical miles from the nearest land.

*Subsection 2.* Cargo residues shall not contain any substances classified as harmful to the marine environment.

**Section 8.** In arctic waters, discharge of cargo residues that cannot be recovered using commonly available methods for unloading shall only be permitted when the cargo residues, including cleaning agents and additives, are contained in hold washing water and the following conditions are satisfied:

- 1) The ship is en route and at least 12 nautical miles from the nearest land, nearest ice shelf or nearest fast ice.
- 2) Cargo residues, cleaning agents and additives in hold washing water shall not contain substances that are harmful to the marine environment.
- 3) Both the port of departure and the next port of destination are within arctic waters and the ship will not transit outside arctic waters between those ports.
- 4) No adequate reception facilities are available at those ports for the relevant cargo residues.

**Section 9.** The discharge of animal carcasses shall take place only while the ship is en route and shall occur as far from the nearest land as possible, and if possible at least 100 nautical miles from the nearest land, cf. however subsection 2.

*Subsection 2.* Discharge of animal carcasses shall be prohibited in arctic waters.

**Section 10.** Cleaning agents and additives contained in cargo hold, deck and external surfaces wash water may be discharged into the sea if these substances are not harmful to the marine environment.

#### Part 4

#### *Discharge of garbage in special sea areas*

**Section 11.** Discharge of garbage into the sea in special sea areas shall be prohibited, except for the types of garbage and on the conditions stipulated in sections 12-15.

**Section 12.** Food wastes shall be discharged only while the ship is en route, cf. however subsection 4, and is not less than 12 nautical miles from the nearest land or the nearest ice shelf, cf. however subsection 2, and if they have been passed through a comminuter or grinder. Such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 mm.

*Subsection 2.* In the Antarctic area, the following applies, in addition to the conditions stipulated in subsection 1:

- 1) Discharge shall take place not less than 12 nautical miles from the nearest fast ice;
- 2) discharge shall not take place on ice; and
- 3) Discharge of introduced avian products, including poultry and poultry parts, is permitted only if it has been treated to be made sterile.

*Subsection 3.* Food wastes shall not be contaminated by any other garbage type.

*Subsection 4.* The provision stipulated in subsection 1 that the ship shall be en route shall, however, not apply if the storage of food wastes may present a health risk to those on board and the discharge is thus considered necessary to avoid this risk.

**Section 13.** The discharge of cargo residues that cannot be recovered using commonly available methods for unloading may take place only when the cargo residues, including cleaning agents and additives, are contained in the hold washing water and when the following conditions are met, cf. however subsection 2:

- 1) the ship is en route and at least 12 nautical miles from the nearest land or the nearest ice shelf,
- 2) cargo residues, cleaning agents and additives contained in hold washing water may not include any substances classified as harmful to the marine environment,
- 3) both the port of departure and the next port of destination are within the special area and the ship will not transit outside the special area between those ports, and
- 4) no adequate reception facilities are available at those ports for the relevant cargo residues.

*Subsection 2.* In the Antarctic sea area, discharge shall, in addition to the provisions stipulated in subsection 1, take place at least 12 nautical miles from the nearest fast ice.

**Section 14.** In addition, the following rules shall apply with respect to the Antarctic area:

- 1) Danish ports from which ships depart en route to or arrive from the Antarctic area undertakes to ensure that as soon as practicable adequate facilities are provided for the reception of all garbage from ships, without causing undue delay, and according to the needs of the ships using them.
- 2) All ships shall, before entering the Antarctic area, have sufficient capacity on board for the retention of all garbage, while operating in the area and have concluded arrangements to discharge such garbage at a reception facility after leaving the area.

**Section 15.** Cleaning agents and additives contained in cargo hold, deck and external surfaces wash water may be discharged into the sea, but these substances must not be harmful to the marine environment.

#### Part 5

##### *Discharge of garbage from offshore installations, etc.*

**Section 16.** Discharge of garbage shall be prohibited from fixed or floating offshore installations and from ships moored to or lying within a distance of 500 m from such an offshore installation, cf. however subsection 2.

*Subsection 2.* Discharge into the sea of food waste from fixed or floating offshore installations and from ships may, however, take place if the offshore installation is more than 12 nautical miles from the nearest land and the waste has passed through a comminuting or grinding system. Such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 mm.

#### Part 6

##### *Other provisions*

**Section 17.** When discharging garbage mixed with other substances or materials covered by the act to which different discharge provisions apply, the strictest provisions shall be observed.

#### Part 7

##### *Exceptions*

**Section 18.** The prohibition of this order against the discharge of garbage shall not apply to:

- 1) the accidental loss of fishing gear from a ship provided that all reasonable precautions have been taken to prevent such loss;
- 2) the discharge of fishing gear from a ship for the protection of the marine environment or for the safety of that ship or its crew, and
- 3) the exceptions mentioned in section 58 of the act.

Part 8  
*Penalties*

**Section 19.** Unless more severe penalty is due under other legislation, anyone shall be liable to punishment by fine who:

- 1) discharges garbage in violation of sections 4-13 and sections 15-16; or
- 2) in violation of section 14(1)(ii) does not have sufficient capacity for storing all garbage, while the ship is in the Antarctic area or has not concluded an agreement, before entering the Antarctic area, to discharge garbage to a reception facility after the ship has left the sea area.

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

- 1) the contravention has caused damage to the environment or risk of such damage; or
- 2) the contravention has produced or has been intended to produce financial benefits to the contravener or others, including cost savings.

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

*Subsection 4.* Subsection 2 shall not apply to contraventions committed from foreign ships unless the contravention has been committed in inner territorial waters. For 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.

Part 9  
*Entry into force*

**Section 20.** This order shall enter into force on 1 July 2017.

*Subsection 2.* Order no. 66 of 21 January 2013 on the discharge of garbage from ships and offshore installations shall be repealed.

*Ministry of Environment and Food of Denmark, 22 May 2017*

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