

Order on the reporting obligation of recipients of HNS substances carried in bulk by ships

In pursuance of section 223(6) and section 514(a) of the merchant shipping act (*søloven*), cf. consolidated act no. 75 of 17 January 2014, as amended by act no. 724 of 25 June 2014, and by authority, the following is laid down:

Section 1. Anyone receiving HNS substances carried in bulk by ships in Danish ports, oil terminals or other places of call shall, prior to 15 March, provide the Danish Maritime Authority with information about the name and address as well as the quantity received in the previous year, cf. however subsection 2. This shall also apply when the HNS substances are received in duty-free areas. The information shall be given on forms available for downloading from the webpage of the Danish Maritime Authority (www.dma.dk).

Subsection 2. The reporting obligation under subsection 1 shall apply when the following is received in a calendar year:

- 1) At least 150,000 tonnes of heavy oil covered by section 191(4) of the act, cf. however subsection 3;
- 2) any quantity of liquefied natural gas of light hydrocarbons containing methane as its main element (LNG); or
- 3) at least 15,000 tonnes of other HNS substances.

Subsection 3. The reporting obligation under subsection 2(i) on heavy oil shall be considered to have been met if reporting has already been made on the heavy oil received in accordance with the provisions on Danish oil recipients' obligation to report and contribute to the International Oil Pollution Compensation Fund, 1992 (the 1992 Fund Convention) and the Protocol of 2003 to the 1992 Fund Convention (the supplementary fund).

Subsection 4. For the purposes of this order, HNS substances shall mean substances covered by section 212 of the merchant shipping act (*søloven*). Since the list is adjusted on an ongoing basis, detailed information about which substances are HNS substances is available from the webpage of the Danish Maritime Authority (www.dma.dk).

Subsection 5. Recipients of HNS substances shall not be obliged to pay contributions to the HNS Fund until the 2010 HNS Convention becomes effective for Denmark.

Section 2. The reporting obligation shall include HNS substances carried by sea to or within Denmark. The receipt of HNS substances carried by sea to a floating storage in Danish territorial waters shall be considered receipt in a Danish port or oil terminal. A ship shall be considered a floating storage if the ship cannot sail or if the ship is permanently or semi-permanently at anchor. "Semi-permanently at anchor" shall mean location for a rather long period, which shall mean a couple of weeks or months.

Subsection 2. Information pursuant to section 1(2) shall not be reported for goods in transit that are partly or fully transferred directly or in port or at a place of discharge from one ship to another ship as part of the maritime transport from the original place of loading to the final place of discharge. HNS substances stored with a view to subsequent resale shall not be considered goods in transit.

Subsection 3. The Danish Maritime Authority may send requests for reporting to any recipients who are obliged to report.

Subsection 4. If a recipient has received a request for reporting pursuant to subsection 4 and if the recipient has received less than the quantity of HNS substances deriving from subsection 2 in the previous calendar year, the recipient shall be obliged to inform that it is not obliged to report.

Section 3. Violations of sections 1 and 2 shall be liable to punishment by fine.

Subsection 2. Companies, etc. (legal personalities) shall be liable to punishment in accordance with the provisions of part 5 of the penal code (*straffeloven*).

Section 4. This order shall enter into force on 1 January 2015. No later than on 15 March 2015, recipients of HNS substances shall provide information pursuant to section 1 on HNS goods received in 2014.

Danish Maritime Authority, 15 December 2014
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