

# **Carriage by sea of dangerous goods**

## **The authorities involved**

A number of sector authorities are involved in the carriage by sea of dangerous goods:

- The Danish Maritime Authority for the approval and inspection of Danish ships as well as the control of Danish ships in Danish ports.
- The Danish Emergency Management Agency for the approval of carriage by sea of fissile products on board Danish ships and for ships calling at Danish territorial waters.
- The Danish Institute for Radiation Protection (SIS) for the approval of casks for carriage by sea of fissile products on board Danish ships and special measures in this connection.
- The Ministry of the Environment and the Ministry of Defence, who are responsible for the Danish environmental emergency preparedness and response:
  - In general, the Admiral Danish Fleet monitor the ship traffic in Danish waters. If an incident or accident occurs at sea, the Admiral Danish Fleet has the operational and coordinating responsibility at sea. As part of this responsibility, the Admiral Danish Fleet investigates whether the ship(s) involved carries/carry dangerous or polluting cargoes and subsequently the Admiral Danish Fleet will involve the relevant and municipal authorities in any emergency and response measures.
  - Pursuant to the act on the marine environment, the municipalities must "obtain an emergency preparedness and response plan for initiating the cleaning of coastlines in case of major pollution of coasts in the municipality and for combating pollution in the ports of the municipality.
  - Furthermore, the municipal council can order the port administration to draw up an emergency preparedness and response plan for combating pollution in the port and ensuring that the necessary equipment is available.
- The Ministry of the Environment for the notification scheme for ship transportation of dangerous and polluting goods that must take place when ships carrying dangerous goods depart from or are to arrive at EU ports.

## **The maritime set of regulations**

Shipping is by nature a global industry. Therefore, many coastal States will experience that the majority of ships pass their coasts without calling at their ports or performing operations in the territorial waters, so-called transit passages. An obvious example of this is the many ships that pass through Danish waters each year with cargoes to and from the Baltic Sea states.

It would be a difficult task for the ships if they were to meet the specific regulations laid down by the countries passed by the ships or in which they call. Such a regime would also involve unnecessary obstacles to global trade and considerable administrative and resource-related challenges to the coastal State.

In order to establish a common (high) safety level for carriages by sea, while at the same time ensuring mutual recognition of each other's ships, common global minimum standards for ships have been laid down under the auspices of United Nations' International Maritime Organization (IMO).

The regulations according to which the ships operate contain requirements for the ships' safety and emergency preparedness, and this has been operationalised into the ships' safety management systems.

If a ship is to carry dangerous goods, it involves specific requirements for the ship's construction, the training and education of its crew and the handling during the voyage. Depending on the nature of the dangerous goods, the carriage must be performed in accordance with the specific set of regulations hereon. More detailed information about the various modes of transport is available from the webpage of the Danish Maritime Authority.

The majority of carriages by sea are carried out in accordance with the regulations on packaged dangerous goods as stipulated in the International Maritime Dangerous Goods Code (IMDG Code). In accordance with this, there are strict requirements for the handling and packaging of dangerous goods corresponding to those that have been laid down for similar carriages by road and train. In connection with carriage by sea, there are also regulations on the placing on board the ship and the measures to be taken by the ship's crew in case of any discharge of the dangerous goods, for example as a consequence of a collision.

### *Approval*

Ships must be constructed, approved and operated in accordance with the international regulations on the carriage of dangerous goods. When those conditions are in place, maintained and when they are inspected, the ship is not required to apply for approval of the individual carriages by sea of dangerous goods. This applies irrespective of the ship's flag.

However, in connection with so-called INF Code<sup>1</sup> products, a separate permit is required for each individual carriage from both the flag State and the countries which the ship intends to call at.

Irrespective of the ship's nationality, a comprehensive control system has been established to ensure compliance with international regulations. Thus, the authorities in the country where the ship is registered (the flag State) must ensure that periodic inspections of the ship are performed, including with the ship's safety procedures. As regards ships intended to carry dangerous goods, it will be an integrated part of the inspection that any approvals and procedures in this connection are in place.

In addition, host States perform random checks of foreign ships, so-called port State control inspections. Control of whether the ship performs carriages of dangerous or polluting goods according to the sets of regulations laid down will – where relevant – be included in this.

## **Information about dangerous goods**

The international set of regulations stipulate that all ships experiencing incidents which result in or may lead to loss of dangerous or polluting products must inform the nearest coastal States about this.

According to the so-called monitoring directive,<sup>2</sup> ships calling at or departing from ports in the EU with dangerous or polluting goods must also report information hereon to the authorities of the coastal State.

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<sup>1</sup> International Code for the safe carriage of packaged irradiated nuclear fuel, plutonium and high level radioactive wastes on board ships.

<sup>2</sup> Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system, and amending directive 2009/17/EC.

Similarly, ships passing ship traffic systems operated by the EU countries, for example in the English Channel as well as at Finland, must report about dangerous goods in connection with the passage of the system. The reporting of dangerous goods will also be included in the reporting to the mandatory ship traffic system in the Sound from 1 September 2011, just as it is expected to be included in the traffic system for the Sound from mid-2013 following final international approval.

Subsequently, it is possible, by means of SafeSeaNet, to acquire information about dangerous goods on board ships headed for both Danish ports or to or from the Baltic Sea.

In addition, a number of measures have been launched to further Russia's participation in the exchange of information on dangerous goods.

The information on dangerous and polluting goods received will be incorporated into the common EU data exchange system SafeSeaNet, from where the emergency preparedness and response authorities in the member States can acquire this information.

The information in SafeSeaNet about dangerous and polluting goods is not immediately available, but must be acquired for each individual ship when considered expedient – for example in connection with an accident, incident, etc. Therefore, SafeSeaNet cannot be used proactively for, for example, screening for specific dangerous products.

State and municipal authorities with a need for this can get access to the information in SafeSeaNet.

In addition, it is an element of the standard regulations of the Ministry of Transport (Danish Coastal Authority) for commercial ports that the one responsible for the port can determine that ships calling at the port must provide information about dangerous goods.<sup>3</sup>

### **Monitoring**

The Admiral Danish Fleet performs monitoring of the waters both by means of its own resources and the addition of data and information from other maritime authorities and players. The purpose is to demonstrate possible activities in the entire maritime domain that can affect or threaten Denmark's interests and safety. An important parameter in this connection, is information about ships carrying dangerous or polluting goods.

In the same manner, the Admiral Danish Fleet records information about ships that have, for example, been involved in ship accidents, have violated current legislation or have been approved for special transports – as for example INF cargoes. The purpose of this is to perform a more focused monitoring and investigation, if relevant, of potential risk ships.

The information received is recorded and relevant ships are followed during the passage of Danish waters.

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<sup>3</sup> Section 1(1)(iv): *Information about whether dangerous goods are carried on board, the nature and quantity hereof, whether it is to be unloaded in the port or whether dangerous goods are to be loaded in the port. Dangerous goods mean goods covered by the regulations on the carriage by sea of dangerous goods in force at any time.*

## **The State emergency preparedness and response**

As regards Danish waters, any efforts have their point of departure in the "Beredskabsplan for det Statslige Danske Beredskab til Bekæmpelse af forurening af Havet med olie og andre skadelige stoffer" (*Emergency preparedness plan for the State Danish Emergency Preparedness for Combating Pollution of the Sea by Oil and Other Harmful Substances*), which has been drawn up with its legal basis in the act on the marine environment. In general, the Admiral Danish Fleet launches relevant measures and involves the authorities affected in this connection.

In case of an accident at sea, the Admiral Danish Fleet will initially have the operational and coordinating responsibility. In connection with this initial coordinating responsibility, the Admiral Danish Fleet will – if there is a need for this – involve various expert emergency preparedness services, including the Danish Emergency Management Agency as well as the Danish Health Authority (Danish Institute for Radiation Protection).

On the basis of the initial coordinating responsibility of the Admiral Danish Fleet, the Admiral Danish Fleet will – in case of an accident at sea – inform both the municipal emergency preparedness and the State emergency preparedness with a view to involving these authorities in the emergency preparedness measures that may prove necessary. This exchange of information and involvement in combating operations are tested several times annually with both municipal and State emergency preparedness services.

### *Places of refuge*

In accordance with the monitoring directive, the member States must designate special places of refuge to where ships can sail or be ordered to sail with a view to fighting an accident, etc. or limiting its consequences under protected conditions. In this connection, it can be necessary to involve both State and municipal emergency preparedness services.

The Ministry of the Environment is responsible for designating places of refuge and drawing up the plans for this.<sup>4</sup> The Admiral Danish Fleet is responsible for the specific use of the places of refuge.

The places of refuge and the plans hereon are available from the webpage of the Danish Nature Agency.<sup>5</sup>

## **The municipal emergency preparedness**

The municipalities perform tasks, partly in accordance with the act on emergency preparedness, partly on the act on protection of the marine environment.

According to the act on emergency preparedness, the municipal emergency preparedness must be able to provide appropriate measures against injuries to persons and damage to property and the environment in case of accidents and catastrophes. The municipalities are responsible for performing these tasks within the municipality's own limits within the framework of the risk-based dimensioning; thus, the municipalities must take measures in connection with acute accidents with dangerous substances as well as rescue operations in

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<sup>4</sup> Order no. 33 of 7 January 2011 on places of refuge and plans hereon.

<sup>5</sup> [http://www.naturstyrelsen.dk/Vandet/Havet/Havmiljoet/Noedomraader\\_ny/](http://www.naturstyrelsen.dk/Vandet/Havet/Havmiljoet/Noedomraader_ny/)

lakes, marshes, rivers and ports. The municipalities must base their dimensioning on their risk profile and on an analysis of representative scenarios. Both of these are determined by the municipalities.

According to the act on the marine environment, the municipal council must be responsible for the cleaning of coastlines in case of oil or chemical pollution of the municipality's coasts and for combating pollution of its ports.

In March 2008, the Ministry of the Environment has published a guidance on beach cleaning, which gives a more detailed account of this.<sup>6</sup>

The municipalities' expenses for environmental cleaning in connection with oil and chemicals are refunded in full by the Ministry of the Environment.<sup>7</sup>

In case of especially serious and comprehensive oil and chemical pollution, the act on the marine environment contains a possibility of the Minister for Defence deciding that the efforts made to clean coastlines and combating pollution in ports must be managed by the Minister for Defence.

According to the act on the marine environment (section 35(2)), the municipal council must produce an emergency preparedness plan for initiating cleaning of coastlines in case of major pollution of coasts in the municipality and for combating pollution of ports and ensure that the necessary equipment is available. According to the act on the marine environment (section 35(3)), the municipal council can order the port administration to draw up an emergency preparedness plan for pollution of the port and ensure that the necessary equipment is available.

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<sup>6</sup> Guidance no. 9075 of 11 March 2008 on beach cleaning.

<sup>7</sup> Order no. 1630 of 13 December 2006 on refunds of expenses for emergency preparedness, combating and cleaning measures, as well as removal in connection with oil and chemical pollution (the order on beach cleaning).