

Order on the discharge of garbage from ships in the exclusive economic zone around Greenland

The following shall be laid down pursuant to section 3(3), section 6(2), section 17(1), section 18 and section 44 of decree no. 1035 of 22 October 2004 on the entry into force for Greenland of the act on protection of the marine environment (*anordning om ikrafttræden for Grønland af lov om beskyttelse af havmiljøet*):

Part 1

Scope

Section 1. This order shall apply to all ships in the exclusive economic zone around Greenland, cf. however subsection 2.

Subsection 2. 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 3(2) of the decree.

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, irrespective of whether this is used in the cargo hold or on external surfaces. 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) *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.
- 6) *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.
- 7) *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.
- 8) *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.
- 9) *Ice-shelf* means a floating ice sheet of considerable thickness showing 2 to 50 m or more above sea-level, attached to the coast.
- 10) *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.
- 11) *Food wastes* means any spoiled or unspoiled food substances and includes fruits, vegetables, dairy products, poultry, meat products and food scraps generated aboard ship.
- 12) *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.
- 13) *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.
- 14) *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.
- 15) *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.
- 16) *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.
- 17) *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.

Part 3

Discharge of garbage in the exclusive economic zone

Section 3. Discharge of garbage in the exclusive economic zone around Greenland shall be prohibited, except for the types of garbage and on the conditions stipulated in sections 4-9.

Section 4. Food wastes shall be discharged only, cf. however section 5, 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 5. 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 6. 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, cf. however section 7.

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

Section 7. 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 8. 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 9. 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

Other provisions

Section 10. 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 5

Exceptions

Section 11. 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 42 of the decree.

Part 6
Sanction

Section 11. Unless a severer sanction is due under other legislation, anyone shall be liable to punishment by fine pursuant to the criminal code for Greenland who discharges garbage in violation of sections 3-9.

Part 7
Entry into force

Section 13. This order shall enter into force on 1 July 2017.

Ministry of Environment and Food of Denmark, 22 May 2017

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