

Order on the discharge of sewage from ships and offshore installations outside Danish territorial waters and the Baltic Sea area

The following shall be laid down pursuant to section 6(2), section 20(3) 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:

- 1) Ships with a gross tonnage below 400 which have been approved for the carriage of more than 15 persons.
- 2) Ships with a gross tonnage of or above 400.
- 3) Passenger ships approved for the carriage of more than 12 persons.

Subsection 2. This order shall apply to ships mentioned in subsection 1 that are

- 1) in the Danish exclusive economic zone or
- 2) otherwise outside Danish territorial waters.

Subsection 3. This order shall also apply to Danish offshore installations and offshore installations that are in the Danish continental shelf area.

Subsection 4. This order shall not apply to ships and offshore installations in Danish territorial waters or in the Baltic sea area, cf. however section 20(1) of the act.

Subsection 5. This order shall not apply to ships and offshore installations in the exclusive economic zones or territorial waters of foreign States if these foreign states have for these waters laid down other requirements for the discharge of sewage than those stipulated in this order.

Subsection 6. In addition, this order shall not apply to warships and 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) *Polar waters* means Arctic waters and Antarctic waters.
- 2) *Antarctic waters* means the waters south of latitude 60° S.
- 3) *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.

- 4) *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.
- 5) *Approved system* means a system approved by the Danish Maritime Authority or by other EU authorities, including institutes recognised by these authorities, in accordance with the provisions of Notice B from the Danish Maritime Authority, technical regulation on the construction and equipment, etc. of ships, chapter XXIV; prevention of pollution by sewage from ships, or approved by other Parties to the MARPOL Convention.
- 6) *Ice-shelf* means a floating ice sheet of considerable thickness showing 2 to 50 m or more above sea-level, attached to the coast.
- 7) *Category A ship* means a ship that has, according to the ship's Polar Ship Certificate, been certified as a category A ship by a classification society approved by the Danish Maritime Authority.
- 8) *Category B ship* means a ship that has, according to the ship Polar Ship Certificate, been certified as a category B ship by a classification society approved by the Danish Maritime Authority.
- 9) *Sewage* means:
 - a) drainage and other wastes from any form of toilets and urinals;
 - b) drainage from medical premises (dispensary, sick bay, etc.) via wash basins, wash tubs and scuppers located in such premises;
 - c) drainage from spaces containing living animals;
 - d) other waste waters when mixed with the drainages defined above.
- 10) *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.
- 11) *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.
- 12) *Holding tank* means a tank used for the collection and storage of sewage.
- 13) *The Baltic Sea area* means the the Baltic Sea, the Gulf of Bothnia, the Gulf of Finland, the Sound, the Belts and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8' N, cf. section 5(5) of the act.

Part 3
Discharge of sewage

Section 3. In the waters mentioned in section 1(2) and in the Danish continental shelf area, cf. however section 1(3), sewage shall be discharged, cf. however section 4, only if:

- 1) the discharge takes place by means of an approved system for the treatment of sewage and the sewage shall not produce any visible traces in the sea at the outlet from the system;
- 2) the sewage is comminuted and disinfected in an approved system and the discharge takes place at a distance of at least 3 nautical miles from the nearest land; or
- 3) the discharge takes place at a distance of at least 12 nautical miles from the nearest land if the sewage has not been comminuted and disinfected by an approved system.

Subsection 2. If the discharge of sewage as mentioned in subsection 1(i)-(iii) is made from a holding tank or if the sewage originates from spaces containing living animals, the speed of the ship or the offshore installation shall, furthermore, be at least 4 knots and the discharge shall take place at a moderate discharge speed.

Section 4. In polar waters sewage shall be discharged, cf. however subsections 3 and 4, only if:

- 1) the discharge takes place by means of an approved system for the treatment of sewage and the sewage shall not produce any visible traces in the sea at the outlet from the system;
- 2) the sewage is comminuted and disinfected in an approved system and the discharge takes place at a distance of at least 3 nautical miles from the nearest ice shelf or fast ice; or
- 3) the discharge takes place at a distance of at least 12 nautical miles from the nearest ice shelf or fast ice if the sewage has not been comminuted and disinfected by an approved system.

Subsection 2. If the discharge of sewage as mentioned in subsection 1(i)-(iii) is made from a holding tank or if the sewage originates from spaces containing living animals, the speed of the ship or the offshore installation shall, furthermore, be at least 4 knots and the discharge shall take place at a moderate discharge speed.

Subsection 3. Category A and B ships constructed on or after 1 January 2017 and passenger ships constructed on or after 1 January 2017 shall discharge sewage in polar waters only as stipulated in subsection 1(i).

Subsection 4. Category A and B ships operating in polar waters with ice concentrations above 1/10 shall discharge sewage only using an approved system for treating sewage when the ship is in these areas for longer periods of time and following previous notification of the Danish Environmental Protection Agency.

Subsection 5. The notification shall contain the following information:

- 1) The ship's name, IMO number and distinctive number or letters.
- 2) The ship's port of registry.
- 3) The ship's gross tonnage.
- 4) The ship's oil storage capacity.
- 5) The duration of the planned voyage.
- 6) The ship's next intermediate survey or renewal survey.

Subsection 6. If the Danish Environmental Protection Agency does not, within 2 weeks after the receipt of the notification, state that the ship cannot be considered to meet the criteria of subsection 4, the ship may discharge sewage as stipulated in subsection 4.

Part 4
Penalties

Section 5. Unless more severe penalty is due under other legislation, anyone shall be liable to punishment by fine who:

- 1) discharges sewage in violation of sections 3 and 4(1)-(4) and subsection (6); or
- 2) gives false or misleading information in connection with notifications under section 4(5).

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 5
Entry into force, etc.

Section 6. This order shall enter into force on 1 July 2017.

Subsection 2. Order no. 270 of 18 April 2008 on the discharge of sewage from ships and offshore installations outside Danish territorial waters and the Baltic Sea Area shall be repealed, cf. however subsection 3.

Subsection 3. Order no. 270 of 18 April 2008 on the discharge of sewage from ships and offshore platforms outside Danish territorial waters and the Baltic Sea Area shall remain in force for Greenland.

Ministry of Environment and Food of Denmark, 22 May 2017

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