

**Order on the obligation of Danish oil recipients to report and contribute
to the International Fund for Compensation
for Oil Pollution Damage, 1992 (1992 Fund Convention)
and the 2003 Protocol to the 1992 Fund Convention (Supplementary Fund)**

In pursuance of section 202(4), section 514a and section 514b of the merchant shipping act (*søloven*), cf. consolidated act no. 856 of 1 July 2010, as amended by act no. 249 of 21 March 2012, section 202(4), section 514 and section 514a, as enacted for the Faroe Islands by decree no. 305 of 7 May 1997 on the entry into force for the Faroe Islands of parts of the merchant shipping act, as amended by decree no. 659 of 21 June 2006, section 202(4), section 514a and section 414b, as enacted for Greenland by decree no. 8 of 15 January 1996 on the entry into force for Greenland of the merchant shipping act, as amended by decree no. 217 of 11 March 2005, and by authority, the following provisions are laid down:

Contribution obligation

Section 1. Anyone receiving more than a total of 150,000 tonnes of crude oil, heavy fuel oil or heavy distillates in Danish ports or oil terminals per year shall contribute to the 1992 Fund and to the Supplementary Fund in accordance with the provisions stipulated by the bodies of the 1992 Fund in pursuance of articles 10 and 12 of the 1992 Fund Convention as well as the provisions stipulated by the bodies of the Supplementary Fund in pursuance of articles 10, 11 and 18 of the 2003 Protocol. The oil mentioned shall include oil carried by sea to or within Denmark. The discharge of oil carried by sea into a floating tank within Danish territorial waters shall be considered receipt in a Danish port or oil terminal.

Subsection 2. A ship shall be considered a floating tank if the ship cannot sail or if the ship is permanently or semi-permanently at anchor. "Semi-permanently at anchor" shall mean placing for a period of longer duration, i.e. a number of weeks or months.

Subsection 3. The obligation to contribute to the 1992 Fund shall also cover oil coming to Denmark in any other manner than mentioned in subsection 1, but which has been carried by sea to a State that is not a Party to the 1992 Fund Convention, and from there been carried on to Denmark without having been reloaded in reception facilities in another State Party to the Convention.

Subsection 4. The obligation to contribute to the Supplementary Fund shall also cover oil coming to Denmark in any other manner than mentioned in subsection 1, but which has been carried by sea to a State that is not a Party to the 2003 Fund Protocol, and from there been carried on to Denmark without having been reloaded in reception facilities in another State Party to the Protocol.

Subsection 5. Complaints about the size of the contribution to the 1992 Fund shall be forwarded to the 1992 Fund.

Subsection 6. Complaints about the size of the contribution to the Supplementary Fund shall be forwarded to the Supplementary Fund.

Section 2. The contributing oil mentioned in section 1 includes:

- 1) "Crude oil", which is any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation. The term also includes crude oils from which certain

distillate fractions have been removed (sometimes referred to as “topped crudes”) or to which certain distillate fractions have been added (sometimes referred to as “spiked crudes” or “reconstituted crudes”); and

- 2) “Fuel oil”, which means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the “American Society for Testing and Materials Specification for Number Four Oil (Designation D 396-69)” or heavier.

Section 3. Anyone who, in Danish ports or oil terminals or to a floating tank, cf. section 1, receives a total of less than 150,000 tonnes contributing oil covered by section 2 shall be liable to pay a contribution for the quantity actually received if the quantity of contributing oil received in a calendar year together with the quantity of contributing oil received in this year in Danish ports or oil terminals or to a floating tank by one or more persons with whom the person concerned has joint interests exceeds 150,000 tonnes.

Reporting obligation

Section 4. Anyone who is a recipient of contributing oil in this country in pursuance of section 1 or 3 shall provide information about name and address as well as the quantity of oil received in the previous calendar year to the Danish Energy Agency, the Jarðfeingi in the Faroe Islands and the Ministry of Housing, Infrastructure and Traffic in Greenland before 31 March in the subsequent year. This information shall be forwarded through the Danish Maritime Authority to the 1992 Fund and the Supplementary Fund. The information shall be reported on forms that are available for downloading from the webpage of the Danish Maritime Authority (www.dma.dk). It shall be possible to submit forms digitally to the extent that the Danish Maritime Authority, the Danish Energy Agency, the Jarðfeingi, the Ministry of Housing, Infrastructure and Traffic, the 1992 Fund and the Supplementary Fund have developed computer systems for digital reporting.

Subsection 2. The Danish Energy Agency, the Jarðfeingi and the Ministry of Housing, Infrastructure and Traffic may send requests for reports to any recipients obliged to pay contributions. In such cases, the company may use the accompanying forms.

Subsection 3. If a company has received a request to report and if the company has received less than 150,000 tonnes of contributing oil in the previous calendar year, the company shall be obliged to report that it is not obliged to pay a contribution.

Penalty provisions, etc.

Section 5. A recipient covered by section 1 or 3 shall be liable to punishment by fine or imprisonment for a term not exceeding 1 year unless he is liable to severer punishment under other legislation if information is not provided or is not provided in due time in accordance with section 4.

Subsection 2. The punishment may be increased to imprisonment for a term not exceeding 2 years if the contravention has been committed intentionally or through gross negligence.

Subsection 3. In case anyone fails to meet the obligation to report in due time under section 4, the Minister of Business and Growth may impose daily or weekly fines on the person in question as a coercive measure.

Subsection 4. Companies etc. (legal personalities) may be liable to punishment according to the provisions of chapter 5 of the penal code (*straffeloven*).

Section 6. If the receiving company has a corporate form, the members of the management or those comparable herewith shall be obliged to observe that the reporting obligation is met. In case of non-timely compliance with the reporting obligation, the Danish Maritime Authority may, on the basis of an estimate, determine the assumed imported quantities and report them.

Entry into force, etc.

Section 22. This order shall enter into force on 1 March 2014.

Subsection 2. Order no. 560 of 11 June 2008 on the obligation of Danish oil recipients to report and contribute to the International Fund for Compensation for Oil Pollution Damage, 1992 (1992 Fund Convention) and the 2003 Protocol to the 1992 Fund Convention (Supplementary Fund) shall be repealed.

Subsection 3. Order no. 433 of 24 May 1996 on the International Fund for Compensation for Oil Pollution Damage, 1992, shall be repealed.

Danish Maritime Authority, 15 January 2014
Henriette Bytoft Flügge / Ditte Helene Bang