

Translation: Only the Danish document has legal validity

Order no. 1188 of 12 December 2011 issued by the Danish Ministry of the Environment

Order on the surface treatment of ships

Pursuant to section 7(1)(i) and (ii), section 35(2) and section 110(3) of the act on environmental protection (*lov om miljøbeskyttelse*), cf. consolidated act no. 879 of 26 June 2010, the following provisions are laid down:

Chapter 1
Application

Section 1. This order shall cover

- 1) companies carrying out outdoor surface treatment of steel ships, and
- 2) companies carrying out outdoor surface treatment of ships made of materials other than steel of a total length of or above 25 metres.

Section 2. For the purposes of this order, surface treatment shall mean the following types of treatment of a ship's outer surfaces: High-pressure washing with or without the addition of blowing agents in order to remove old paint, sand blasting with or without the addition of water as well as metal spraying and spray painting.

Section 3. As regards installations covered by the order on the approval of listed companies, the environmental authorities shall, by means of environmental approvals or orders, lay down conditions corresponding at least to the requirements stipulated in sections 4-6.

Subsection 2. This order shall not prevent the issue of orders or prohibitions pursuant to section 42 of the act.

Chapter 2
Ships in the water outside yard areas

Section 4. Outer surface treatment of ships lying in the water outside yard areas shall be prohibited.

Chapter 3
Ships in docks, on berths or inside yard areas

Section 5. When surface treating ships in docks, on berths or inside yard areas, effective prevention against considerable pollution shall be established, including the necessary shielding in connection with the performance of the work.

Section 6. Before a ship leaves the dock or is set afloat, the dock or the berth, respectively, shall be cleaned for materials or substances that may pollute the marine environment, including used blowing agents, blown off paint, waste, oily rags, etc.

Chapter 4
Penalty and entry into force provisions

Section 7. Unless stricter penalty is due under other legislation, anyone contravening section 4, 5 or 6 shall be liable to punishment by fine.

Subsection 2. The penalty may be increased to imprisonment for a term not exceeding two years if the contravention has been made intentionally or grossly negligently and if the contravention has

- 1) caused damage to the environment or produced a risk of such damage, or
- 2) a financial benefit has been achieved or sought achieved for the contravener or others, including savings.

Subsection 3. Companies, etc. (legal personalities) may be liable to punishment pursuant to the provisions of chapter 5 of the penal code (*straffeloven*).

Section 8. This order shall enter into force on 31 December 2011.

Section 11. Order no. 1276 of 12 December 2005 shall be repealed.

Danish Ministry of the Environment, 12 December 2011

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