

# Order on prohibiting the discharge of flue gas cleaning water from ships' sulphur flue gas cleaning systems into the sea<sup>1</sup>

Pursuant to Section 29b, Section 48(1) and (2) and Section 61(1) of the Marine Protection Act, cf. Consolidation Act No 147 of 19 February 2024, as amended by Act No XX of DDMMYYYY, it is hereby enacted:

## *Scope and definitions*

**Section 1.** (1) The Order covers Danish ships and ships in Danish territorial waters, cf. Section 2(1)(1) of the Act.

(2) The Order does not apply to warships and other ships owned or operated by a state, as long as the ship is used exclusively for non-commercial government service.

(3) The Order's rules on prohibiting discharges of flue gas cleaning water and bleed-off water shall not apply to discharges of flue gas cleaning water in connection with

- 1) testing during repair, maintenance or installation of flue gas cleaning systems when the ship is at the shipyard.
- 2) ensuring the safety of a ship or human life at sea; or
- 3) damage to the ship or its equipment or unavoidable leakage, provided that, after the damage or leakage has been ascertained, all reasonable precautions have been taken to avoid or reduce discharge and immediate measures have been taken to repair the damage, unless the owner, the user or the master of the ship or other persons carrying out work in the service of the ship have acted wilfully or should have foreseen the damage.

**Section 2.** The following definitions apply for the purposes of this Order:

- 1) Sulphur flue gas cleaning system (scrubber): A plant comprising one or more flue gas cleaning units and based on technology using a wet cleaning medium to reduce sulphur oxides (SO<sub>x</sub>) in the ship's exhaust gas from a flue gas flow from the ship's engines (internal combustion engine) operating in either open or closed mode.
- 2) Flue gas cleaning unit: Unit in which flue gas and a wet cleaning medium are mixed.
- 3) Ship: Seagoing vessels of any type, including hydrofoil boats, hovercraft, submersibles, floating craft and floating platforms.
- 4) Flue gas cleaning water: Liquid brought into contact with flue gas flow to reduce sulphur oxides (SO<sub>x</sub>) in the ship's exhaust gas.
- 5) Closed mode: The mode in which a sulphur flue gas cleaning system can operate, where flue gas cleaning water is passed several times through the flue gas cleaning unit. A small amount of flue gas cleaning water can be discharged in the form of bleed-off water.
- 6) Bleed-off water: The amount of water removed from a sulphur flue gas cleaning system operating in closed mode to maintain the system's ability to absorb sulphur components from the flue gas.
- 7) Open mode: The mode in which a flue gas cleaning system can operate, where flue gas cleaning water is only passed once through the flue gas cleaning unit before being discharged into the sea.
- 8) A hybrid sulphur flue gas cleaning system: A sulphur flue gas cleaning system that can operate in both open and closed mode.
- 9) Territorial sea: external and internal territorial waters, cf. the definition in Section 5(1) of the Marine Protection Act, cf. Section 1 of the Act on delimitation of territorial waters.
- 10) Territorial waters: territorial waters, cf. the definition in Section 2 of the Act on delimitation of territorial waters.
- 11) Internal waters: internal waters, cf. the definition in Section 3 of the Act on delimitation of territorial waters.

## *Prohibition on discharging flue gas cleaning water from sulphur flue gas cleaning systems*

**Section 3.** It is prohibited to discharge flue gas cleaning water into the sea in Danish territorial sea from ships using an open-loop sulphur flue gas cleaning system, including a hybrid sulphur flue gas cleaning system, when this is used in open mode.

**Section 4.** It is prohibited to discharge bleed-off water into the sea within Danish territorial sea from ships using a closed-loop sulphur flue gas cleaning system, including a hybrid sulphur flue gas cleaning system when used in closed mode.

<sup>1</sup>The Order was notified as a draft in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 on a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification), Official Journal 2015, L 241, p. 1. The Order contains provisions transposing parts of Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements, OJ L 255, 2005, p. 11, as last amended by Directive (EU) 2024/3101 of the European Parliament and of the Council of 27 November 2024, OJ L of 16 December 2024.

### *Exemption*

**Section 5.** (1) The Danish Environmental Protection Agency may, on the basis of an application or at the request of the Environmental Protection Agency, grant a temporary exemption from the prohibition laid down in Sections 3 and 4.

(2) An exemption in accordance with paragraph 1 shall be granted in cases where, following a specific assessment, the Environmental Protection Agency finds that there are very special circumstances, for example in connection with a research or development project, where it is assessed whether it will be necessary to discharge flue gas cleaning water for a limited period of time, and that the environmental risk associated therewith is of a non-significant nature.

(3) An exemption referred to in paragraph 1 may be granted subject to compliance with specified conditions, including conditions relating to the duration of the exemption, the total amount of discharge, the area of discharge, the collection of control samples and reporting.

(4) The Environmental Protection Agency may revoke an exemption if the conditions laid down in this connection, cf. paragraph 3, are not complied with.

(5) An application for an exemption under paragraph 1 shall be submitted to the Environmental Protection Agency.

### *Supervision*

**Section 6.** Supervision and control of compliance with the rules laid down in the Order shall be exercised by the Environmental Protection Agency, cf. the relevant provisions of the Act in Chapter 14.

### *Appeals*

**Section 7.** The Environmental Protection Agency's decisions under this Order may not be appealed to any other administrative authority.

### *Penalties*

**Section 8.** (1) Unless higher penalties are stipulated under other legislation, fines will be imposed on those who:

1) discharge flue gas cleaning water or bleed-off water in contravention of the rules laid down in Sections 3 and 4, or

2) disregard the terms of an exemption granted under Section 5(3).

(2) The penalty may increase to 2 years' imprisonment if the infringement was committed wilfully or through serious negligence, and said infringement:

1) caused damage to the environment or endangered it; or

2) achieved or was intended to achieve a financial benefit for the party concerned or for others, including through savings.

(3) Companies etc. (legal persons) may be held criminally liable in accordance with the regulations in Chapter 5 of the Danish Penal Code.

### *Commencement and transitional provision*

**Section 9.** (1) This Order shall enter into force on 1 July 2025.

(2) Section 4 of this Order shall take effect on 1 July 2029.

*Ministry of Environment and Gender Equality, XX*

Magnus Heunicke

/ Tone Madsen