

Executive Order on Emergency Response Measures in Case of Pollution of the Sea from Certain Offshore Installations

Unofficial translation. In case of discrepancy, the original Danish text shall prevail.

Pursuant to Section 8 (3), Section 9 (5), Section 21 (2) of Act no. 292 of 10 June 1981 on certain offshore installations and Section 42 of Act no. 130 of 9 April 1980 on the protection of the offshore environment, the following shall be provided:

Part 1

Emergency response plan - contents and approval

1. The owner or user of an offshore installation, cf. Part 1 of Act on certain offshore installations, shall maintain emergency response measures which in case of pollution of the sea from the installation can fight that pollution.

2. The owner or user of an offshore installation shall draw up an emergency response plan.

(2) Owners or users of offshore installations shall be entitled to maintain the emergency response measures in co-operation and to draw up a common emergency response plan.

(3) The emergency response plan shall contain information on the following matters:

1) Alarm and communication systems, including notification of authorities.

2) Organisation with indication of management of emergency response measures, manning, distribution of liability, and procedure for implementing antipollution measures.

3) Survey of fighting equipment with description of type and indication of capacity and location.

4) Description of measures to be taken in various situations of pollution, including anti-pollution methods, supervision, supply and transportation conditions, manning, temporary storage, and removal of polluting substances, etc.

5) Drill activities.

(4) The emergency response plan shall be subject to approval by the Danish Environmental Protection Agency. The said Agency shall be entitled to lay down conditions for the approval of the emergency response plan.

(5) The emergency response plan for existing installations shall be submitted for approval in the Danish Environmental Protection Agency not later than 3 months subsequent to this Order coming into force. It shall appear from the plan when the equipment will be available.

3. It shall rest with the owner or user to up-date the emergency response plan. Considerable changes in the emergency response plan shall be subject to approval by the Danish Environmental Protection Agency.

(2) The Danish Environmental Protection Agency shall be entitled at any time to order changes in the plan.

4. In case of pollution of the sea, it shall rest with the owner or user of the installation to start fighting the pollution without delay and at the same time notify the Danish Environmental Protection Agency thereof. The use of fighting methods other than mechanical shall be subject to permit by the afore-mentioned Agency.

(2) On request, the owner or user of the installation shall give the Danish Environmental Protection Agency all information which is important in order to prevent or fight pollution of the sea so that the fighting measures can be coordinated with the governmental emergency response measures if the aforementioned Agency considers it necessary.

(3) The Danish Environmental Protection Agency shall be entitled to decide which fighting measures the owner or the user of the installation shall implement, including to give directions as to the use of the equipment and personnel comprised by the emergency response plan in the further fighting of the pollution. In case the committee to take action is convened, the decision by the Danish Environmental Protection Agency shall when necessary be taken in co-ordination with that committee.

Part 2

Recovery

5. The owner or user of an offshore installation shall have at his disposal equipment for mechanical and chemical fighting of oil pollution.

(2) The equipment for mechanical fighting of the oil shall comply with the following requirements:

1) The amount of equipment shall be dimensioned in such a way that the owner or user is able to fight an oil spill equivalent to the oil discharge from a production well or a pipeline in consideration of the evaporation and emulsification of the oil.

2) Oil skimmers, oil floating booms and transportation equipment shall be designed in such a way that they can work under the existing wave heights and current conditions in the respective water areas, the maximum, however, being 2.5 metres significant wave height and/or current of 1 knot. Moreover, the equipment shall function at air temperatures from +50°C to -20°C and water temperatures from +40°C to -1°C.

3) The equipment shall be placed in such a way that the total emergency response measures can be put into operation within a time limit set by the Danish Environmental Protection Agency in consideration of the geographical location of the installation.

(3) The equipment for chemical fighting of the oil shall comply with the following requirements:

1) The equipment and anti-pollution measures shall be dimensioned in such a way that the owner or user is able within a period laid down by the Danish Environmental Protection Agency to fight an oil spill equivalent to the oil discharge from a production well or a pipeline in consideration of the evaporation and emulsification of the oil.

2) The equipment shall be placed in such a way that anti-pollution measures can be implemented within a time limit set by the Danish Environmental Protection Agency in consideration of the geographical location of the offshore installation.

(4) The Danish Environmental Protection Agency shall be entitled to permit that the emergency response plan is based on methods of fighting other than those mentioned in (2) and (3).

Part 3

Exploration

6. The owner or user of an offshore installation shall have equipment for mechanical and chemical fighting of oil pollution at his disposal.

(2) The equipment for mechanical fighting of the oil shall comply with the following requirements:

1) The amount of equipment shall be dimensioned in such a way that the owner or user is able to fight an oil spill equivalent to the probable discharge of oil from a well in consideration of the geological conditions of the place of drilling, geographical location, and the evaporation and emulsification of the oil.

2) Oil skimmers, oil floating booms, and transportation equipment shall be designed in such a way that they can work under the existing wave heights and current conditions in the water area, the maximum, however, being 2.3 metres significant wave height and/or current of 1 knot. Moreover, the equipment shall function at air temperatures from +50°C to -20°C and water temperatures from +40°C to -1°C.

3) The equipment shall be placed in such a way that the total emergency response measures can be put into operation within a time limit set by the Danish Environmental Protection Agency in consideration of the geographical location of the installation.

(3) The equipment for chemical fighting of the oil shall comply with the following requirements:

1) The equipment and anti-pollution measures shall be dimensioned in such a way that the owner or user is able within a period laid down by the Danish Environmental Protection Agency to fight an oil spill equivalent to the probable discharge of oil from a well in consideration of geological conditions of the place of drilling, the geographical location, and the evaporation and emulsification of the oil.

2) The equipment shall be placed in such a way that anti-pollution measures can be implemented within a time limit set by the Danish Environmental Protection Agency in consideration of the geographical location of the offshore installation.

(4) The Danish Environmental Protection Agency shall be entitled to permit that the emergency response plan is based on methods of fighting other than those mentioned in (2) and (3).

Part 4

Fighting of other injurious substances

7. The owner or user shall have at his disposal equipment for fighting pollution by injurious substances other than oil if considerable quantities of such substances are used.

(2) The amount and type of equipment shall be dimensioned in such a way that the owner or user is able to measure and report the extent and position of the pollution as well as being able to limit the escape of the substance. When the pollution remains floating on the surface of the water and is only slightly water-soluble, the owner or user shall be able to perform containment, taking-up, and transportation of the pollution under weather conditions as indicated in Paragraph 2 of Section 5 (2). In the instances mentioned, the equipment shall be sufficient for fighting the quantity of substance existing at any time. The equipment shall be placed in such a way that fighting can be started immediately.

Part 5

Operation of the equipment

8. The crew shall be trained in the operation of the equipment mentioned in Sections 5, 6 and 7, and drills in the use of the equipment shall be held regularly. The Danish Environmental Protection Agency shall be notified well in advance of comprehensive drills and shall on request be entitled to participate in those drills.

Part 6

Supervision and appeal

9. The Danish Environmental Protection Agency shall supervise that the provisions of this Order are complied with.

10. The owner or user of an offshore installation shall be under an obligation to notify the Danish Environmental Protection Agency of the date of termination of exploration and recovery.

11. Decisions made by the Danish Environmental Protection Agency pursuant to this Order can be appealed to the Minister of the Environment with the exception of decisions made in pursuance of Section 4.

(2) Complaints must be submitted within 4 weeks from the day on which the person in question was informed of the decision.

Part 7

Punishment and coming into force

12. Unless more severe punishment applies pursuant to the rest of legislation, the person shall be fined or punished with simple detention or ordinary imprisonment of up to 1 year who

- 1) omits to draw up an emergency response plan according to Section 2,
- 2) puts an offshore installation into operation before the emergency response plan has been approved or disregards conditions attached to approval according to Section 2 (4),
- 3) omits to comply with an order according to Section 3 (2) or according to Section 4 (3).

(2) For infringements committed by limited liability companies, co-operative societies, private companies (anpartsselskaber) or the like, such a fine may be imposed on the company.

13. The Order shall come into force on 1 September 1984.

The Ministry of the Environment, 17 July 1984

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