

**Miljøministeriet**  
Departementet  
Vester Voldgade 123  
1552 København V  
Danmark

Deres ref.:  
J.nr. 2022-8837

11.04.2023

**AECO høringssvar til udkast til forslag til lov om ændring af lov om beskyttelse af havmiljøet i den eksklusive økonomiske zone ved Grønland.**

AECO takker indledningsvist for fremsendelse af udkastet til lovforslag samt bilag i høring og muligheden for at komme med kommentarer.

AECO er en international medlemssammenslutning for ekspeditions krydstogtsoperatører med operationer i Arktis. AECO har som formål at arbejde for at turisme i Arktis foregår ansvarligt, med størst muligt hensyn til miljø, sikkerhed og lokalsamfund. AECO stræber efter at sætte højest mulige operationelle standarder for vores medlemmer.

AECO støtter et generelt forbud mod anvendelse og transport af tung olie (HFO) i Arktis og derunder Grønlands eksklusive økonomiske zone og har underskrevet ”The Arctic Commitment”, der er en generel opfordring til udfasning af tung olie i Arktisk shipping.

AECO støtter derfor det fremlagte udkast, der skal sikre en lovmæssig hjemmel til at implementere vedtaget om forbud mod brug og transport af HFO som skibsbrændstof i Arktis i den eksklusive økonomiske zone ved Grønland.

AECO har ikke yderligere kommentarer.

Venlig hilsen

Anders U. la Cour Vahl  
vice direktør



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11. maj 2023

**Høring vedrørende forslag til lov om ændring af lov om beskyttelse af havmiljøet i den eksklusive økonomiske zone ved Grønland, sagsnummer 2022-8837**

Grønlands Erhverv har den 30. marts 2023 modtaget høring af Høring vedrørende forslag til lov om ændring af lov om beskyttelse af havmiljøet i den eksklusive økonomiske zone ved Grønland, sagsnummer 2022-8837, høringsfristen er sat til den 11. maj 2023.

I høringen ligger til grund for at der kommer forbud mod anvendelse af Heavy Fuel Oil (HFO) som brændstof i sejlads i Arktis – og implementeringsfristen er den 1. juli 2024. Grønlands Erhverv er klar over at forbuddet efterhånden var været undervejs et stykke tid.

Grønlands Erhverv støtter forebyggelse af forurening af havet omkring os, og siden fiskeriet har store betydning for vores samfundsøkonomi, så skal havet omkring Grønland også beskyttes. Dermed kan vi forsætte med at udnytte vores havressourcer til størst gavn for landet som muligt. Derfor har vi ikke yderligere kommentar til fremsendte høringskrivelse.

Med venlig hilsen

Bent Sørensen | Grønlands Erhverv



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Dato: 26-04-2023

### **Høring over lovforslag om ændring af lov om beskyttelse af havmiljøet i den eksklusive økonomiske zone ved Grønland, sagsnummer 2022-8837**

The proposed amendment to the Act on marine environment protection in the Danish Exclusive Economic Zone (EEZ) off the coast of Greenland responds to an obligation to adequately implement amendments to MARPOL as adopted at IMO in 2021 per Resolution MEPC.329(76). The current lack of authority of the Ministry of the Environment in this respect appears to be the sole motivation to justify this public hearing. From our perspective, there is nothing to object to the proposed amendment, insofar as it merely attributes the Danish Environmental Agency with competence to implement the global prohibition on the use and carriage for use as fuel of heavy fuel oil by ships in the Arctic waters into the Danish legal order. That notwithstanding, it is important to further highlight the provision of adequate powers to enforcement authorities, namely port state control officers.

Although coastal state authorities – namely the Ministry of Defence – has the competence to enforce the ban within the Danish EEZ, it is rather more likely that most relevant enforcement actions will be undertaken at port rather than at sea, namely for reasons of safety and expediency. Denmark may to this effect exercise departure state jurisdiction at its ports over any vessel planning to call at a Greenlandic port or planning to navigate through Arctic waters – including calling at other ports within the Arctic Ocean – and thus pre-emptively verify compliance with the ban. Greenlandic authorities play a special role in this approach; in their assertion of port state control of MARPOL Annex I, they may both prevent such vessels from leaving the port and they may establish conditions of entry, denying port services and imposing adequate penalties as a deterrent. In both scenarios, jurisdiction would be asserted regardless of the vessel's destination or origin, since Greenlandic ports are located within what the IMO defines as 'Arctic waters', and a presumption that navigation takes place therein can be established. This approach does however require inspectors in Danish ports to have up to date training and knowledge on the Polar Code and to prioritize inspections on ships navigating in the area where the ban is in place.

Further to that enforcement strategy, it must be noted that acting as a port state also grants Denmark a wide margin to assert unilateral jurisdiction. A state is not barred under international law from adopting stricter environmental standards on vessels, provided that the enforcement of such prescriptions happens upon a voluntary call to port and not at sea. The proposed amendment on the Act should thus be seen as an opportunity for Denmark to not only implement MARPOL's amendments, but also to guarantee the adequate level of legal protection to its national interest with respect to marine pollution in waters under its jurisdiction. The Association of Arctic Expedition Cruise Operators had already pledged to self-impose this ban even prior to the entry into force of MARPOL amendments, thus demonstrating that some stakeholders are indeed capable of voluntarily acting ahead of the IMO's deadlines. It is therefore proposed that the Ministry of the Environment also consider the potential of resorting to unilateral port state jurisdiction as a means to fulfil the objectives of this IMO Resolution even before the minimum threshold of 1 July 2029 now set in MARPOL Annex I Regulation 43A(2).

*Nelson F. Coelho*  
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