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I. DENMARK

1. National political development

At the beginning of 2014, the Socialist Party left the centre-left-wing minority government that had come into power during the fall 2011. The withdrawal was due to disagreements within the government on capital investments in the primarily state owned energy company, Dong Energy, coming from new investors such as Goldman Sachs. After the sale the Danish State still holds 58.8 percent of the shares. The departure resulted in the establishment of a new minority government consisting of the remaining government parties, the Social Democrats and the Social Liberal Party.

Accordingly, some organisational changes have taken place. In early February 2014 Kirsten Brosbøl became new Minister for the Environment. She was previously Spokesperson for the Socialist People's Party on issues of research and higher education and issues of food, agriculture and animal welfare. At the same time Rasmus Helveg Petersen became the new Minister for Climate, Energy and Building. He was previously Development Minister. The former Minister for Climate Energy and Building, Martin Lidegaard, was appointed Minister of Foreign Affairs.

Within the Ministry of the Environment and the Ministry of Transport an organisational restructuring has resulted in a transfer of the Danish Coastal Authority from the Ministry of Transport to the Ministry of the Environment as of February 2014. Thus, coastal protection and the authority of interventions in Danish territorial waters, such as power cable installations, dam constructions etc., has become part of the portfolio of the Ministry of the Environment.

2. Climate change

The Danish Climate Policy Plan and Climate Change Act

In August 2013, the Government adopted a Climate Policy Action Plan, 'Towards a low carbon society' (På vej mod et samfund uden drivhusgasser), in which it outlined the policy principles for reducing greenhouse gas emissions by 40 per cent by 2020 in comparison to 1990 levels. The plan aims to contribute to the European Union's target of an 80 to 95 per cent reduction of greenhouse gas emissions by 2050. In connection with the work on the climate plan, an inter-ministerial working group created a catalogue of climate initiatives, which described about 80 possible climate measures.

A major goal of the plan is to ensure that all energy consumption is based on renewables by 2050. This goal is to be achieved by ensuring that all electricity and heating is powered by renewables by 2035. If this goal is realised, total Danish greenhouse gas emissions in 2035 will be 50 per cent less than those emitted in 1990. With regards to transport and agriculture, only moderate reductions are anticipated in the absence of new policies. The 2014 baseline projection (The Danish Energy Agency: Danmarks Energi- og klimafremskrivning 2014) shows that with the initiatives already taken, emissions will be reduced by 37 per cent by 2020. The shortfall has been calculated at 2.0 million tonnes of CO₂ equivalents.

The implementation of the Climate Policy Action Plan will be assisted by a new Climate Change Act, which was adopted in Parliament in June 2014 (Act No. 716 of 25 June 2014). The Act was passed by a majority of the Danish Parliament comprising the government, the Danish Socialist People's Party, the Red-Green Alliance, and the Conservative People's Party.

The Act lays down the overall strategic framework for a national climate policy. This includes the establishment of an independent, academically based Climate Council. The

Council will be appointed for a 4-year period at a time and will comprise a chairman and six expert members. The objective of the Climate Council is to promote transparency and an academically coherent approach to decisions on national climate policy issues. Thus, the Climate Council is to provide independent advice to the Government on the Danish transition to a low carbon society by 2050. Secondly, it includes the preparation of an annual Climate Policy Report. The report which will be prepared by the Minister for Climate, Energy and Building will include an overview of the Danish climate policy and climate actions as well as the Climate Council's recommendations and the Government's position on the subject. The climate policy report will serve as part of the ongoing debate on climate change. Moreover, the Act obliges the incumbent Minister for Climate, Energy and Building to propose national greenhouse gas reduction targets to Parliament once every five years. These greenhouse gas reduction targets will have a ten-year perspective and a level of ambition in alignment with 2050.

3. Biodiversity

In 2012 the Government established a Commission on Nature and Agriculture (Natur- og Landbrugskommissionen) with the purpose to make recommendations on reconciling agricultural interests and environmental interests. The Commission in 2013 finalised its work by presenting a number of recommendations aimed to generate a new path for growth in Danish agriculture and food production, and at the same time provide significant improvements to nature, the environment and climate efforts in Denmark. There has been a political follow-up on some of the recommendations. In 2014 a new independent Nature Fund was established which on the basis of public funding (500 mio. DKK) and contributions from two private foundations (375 mio. DKK) is expected to boost the protection and management of biodiversity, nature and landscapes. Another recommendation to establish a national network of existing and potential nature and landscape protection areas has also been put into legislation by an amendment to the Danish Planning Act in February 2015.

4. Marine environment

The first national Marine Strategy was published in 2012 in accordance with the EU Marine Strategy Framework Directive (Directive 2008/56/EC, MSFD). The Marine Strategy sets environmental targets as regards the environmental status as well as for different pressures and impacts. The Marine Strategy was followed by the adoption of a monitoring programme in 2014. The monitoring programme aims also to coordinate monitoring requirements under the EU MSFD and international marine conventions, such as OSPAR, HELCOM and the Ballast Water Management Convention. Furthermore, a draft programme of measures was sent out for public consultations in January 2015. The proposed programme of measures includes the designation of 6 marine areas (soft seabed) to be kept free of certain harmful activities in addition to those areas designated as Natura 2000 areas (currently 18 per cent of the Danish marine territory).

5. Aquatic environment

The implementation of the EU Water Framework Directive (Directive 2000/60/EC, WFD) in Denmark has been filled with difficulties and serious delays, resulting in a 2014 ruling by the Court of Justice of the European Union on the failure to meet the WFD deadline for the river basin management plans (RBMPs). Initially, Denmark had steered out of a pending court case by publishing the first Danish RBMPs in December 2011, only two years after the deadline in the WFD. The plans were, however, subject to appeals by both farmers and NGOs. In December 2012 the RBMP's were declared invalid by the Nature and Environment Appeals Board on the grounds that an 8 day public consultation period was inadequate to allow

farmers and others to comment on adjustments made to the RBMPs by the Ministry. The dispute in particular concerned the categorisation of watercourses as natural or ‘artificial and heavily modified’ – the latter resulting in a slight lowering of the environmental objective from good ecological status to good ecological potential. Following a 6 month public consultation period, the Ministry made adjustments concerning about 27 per cent of the watercourses. The Nature and Environment Appeals Board found that while the adjustments were not so significant as to constitute a new plan, landowners and others should have been given an adequate opportunity to comment. A supplementary consultation period of 8 days was insufficient for this purpose. Although a full new consultation was not required, the Ministry nevertheless decided to revise other elements in the plans. In July 2013, the Ministry opened up new draft RBMPs to another 6 month consultation period and the RBMPs were finally adopted in October 2014.

Meanwhile an entirely new legal framework for the RBMP’s was adopted in December 2013 by the new Act on Water Planning (lov nr. 1606/2013 om vandplanlægning). The new Act applies to the second generation RBMPs which are to be published by December 2015. According to the new Act, the new Danish RBMPs will serve information purposes only, whereas the environmental objectives and programmes of measures will be laid down in executive orders. While the first RBMPs were legally binding upon the authorities as regards both environmental objectives and the necessary measures, the legal status of particularly the environmental objectives is less clear under the new legislation. Furthermore, the new legislation effectively curtails the possibilities of administrative appeals to the Nature and Environment Appeals Board, even though appeals can still be made against the RBMPs on procedural grounds.

Not only the planning procedures but also the planned measures to be implemented have been partly revoked. The main focus in the first RBMPs was on agricultural nutrients pollution and three core measures were agreed upon in the political Green Growth Agreement 2009. The three measures were 1) 10 m cultivation free buffer zone along all watercourses (50,000 ha), 2) additional catch crops (140,000 ha), and 3) no or reduced dredging and management of watercourses (7,300 km). These measures have been highly criticized by farmers questioning particularly the interference with private property rights. Furthermore, the implementation of the measures turned out to be quite complicated due to lack of data and other administrative issues. In 2014 a new broad political agreement between the Government and four opposition parties resulted in narrowing down the scope of the cultivation free buffer zones to watercourses protected by existing legislation (25,000 ha) and abandoning the additional catch crop requirement as well as the reduced dredging/management requirement. Nevertheless, agricultural pollution remains the priority issue in the Danish RBMPs.

6. Air

The air pollution plan

In June 2014, the Minister for the Environment launched a new clean air policy plan, ‘Clean Air for the Danes’ (Ren luft til danskerne). The plan comprises the largest single investment to combat air pollution. The plan will be implemented over the next three years. The plan introduces a number of new regulatory initiatives. The first is focusing on cleaner exhaust gas from buses used for public transportation in Copenhagen. The aim is to cut 80 per cent of the NO₂ pollution from buses by replacing existing buses with less emitting ones. Moreover, the plan is targeting some of the largest air pollutants: wood-burning stoves and shipping. The latter initiative derives from international obligations under the Convention for the Prevention of Pollution from Ships (MARPOL Annex VI). The Danish environmental requirements for wood-burning stoves and boilers, which were introduced in 2008 (Statutory Order No. 1432

of 11 December 2007), were tightened with the recent amendment (Statutory Order No. 46 22 January 2015) which lowered the allowed particle emissions from wood-burning stoves and boilers further. The Danish requirements will be supplemented by new general EU-requirements on emission limits for stoves and boilers under the EU Ecodesign Directive (Directive 2009/125/EC).

7. Waste

New waste prevention plans

The overall aim of Danish waste policy continues to be an effort to reduce environmental impact and climate effects from waste. At the same time the policy has a specific focus on resource use and management. In the Waste Prevention Plan from October 2013 'Denmark without waste' (Danmark uden affald) the Danish government sets out a number of waste prevention objectives, the primary objective being a move away from waste incineration and towards waste recycling.

The plan broadly outlines six initiatives for implementing the waste prevention objective. The first initiative requires more recycling of materials from households and the service sector. The goal here is for Danes to be recycling 50 per cent of their household waste by 2022. This goal mirrors the European Union's 2020 target. Its success depends upon Danish households more than doubling their current recycling rate in less than 10 years. This initiative is supported by the second initiative that aims to increase collections of waste electronic equipment from Danish households. The third initiative relates to the exploitation of waste nutrients such as phosphorus and biogas. For example, one strategy goal is to quadruple the use of certain food wastes for biogas by 2018. Another is to promote the horticultural use of phosphorus from incineration sludge. The fourth initiative focuses on construction and demolition waste which by far accounts for the largest percentage of total waste volumes in Denmark. The fifth initiative concerns the need to improve the quality of the recycling, for example through the removal of environmentally harmful materials from waste. The last initiative is to intensify the development of new technologies for the purpose of ensuring better waste management solutions and increasing the export of Danish technology and knowhow.

The new initiatives of the Waste Action Plan have been put into practice in a Resource Management Plan 2013-2018 (Ressourceplan for affaldshåndtering 2013-2018). The Resource Management Plan shows that local municipalities have so far been vested with much of the responsibility for developing waste management solutions. However, at the beginning of 2015 the Minister for the Environment launched a consultation procedure for a follow up on the 2013 waste prevention plan 'Denmark without Waste II' (Danmark uden affald II) focusing on the contribution of businesses and consumers. The plan outlines 72 different initiatives focusing on how Danish businesses and consumers may avoid waste and throw away less. The aim is to improve the environment, save money and enhance the corporate competitiveness. The consultation will run until the beginning of April 2015.

The 'Denmark without waste' plans have been met with some scepticism, especially by the local municipalities and the owners of incineration installations. For example, several municipalities have asked for documentation proving that it makes environmental sense to switch to recycling. The Government intends to conduct an evaluation of the implementation of the plans in 2016.

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