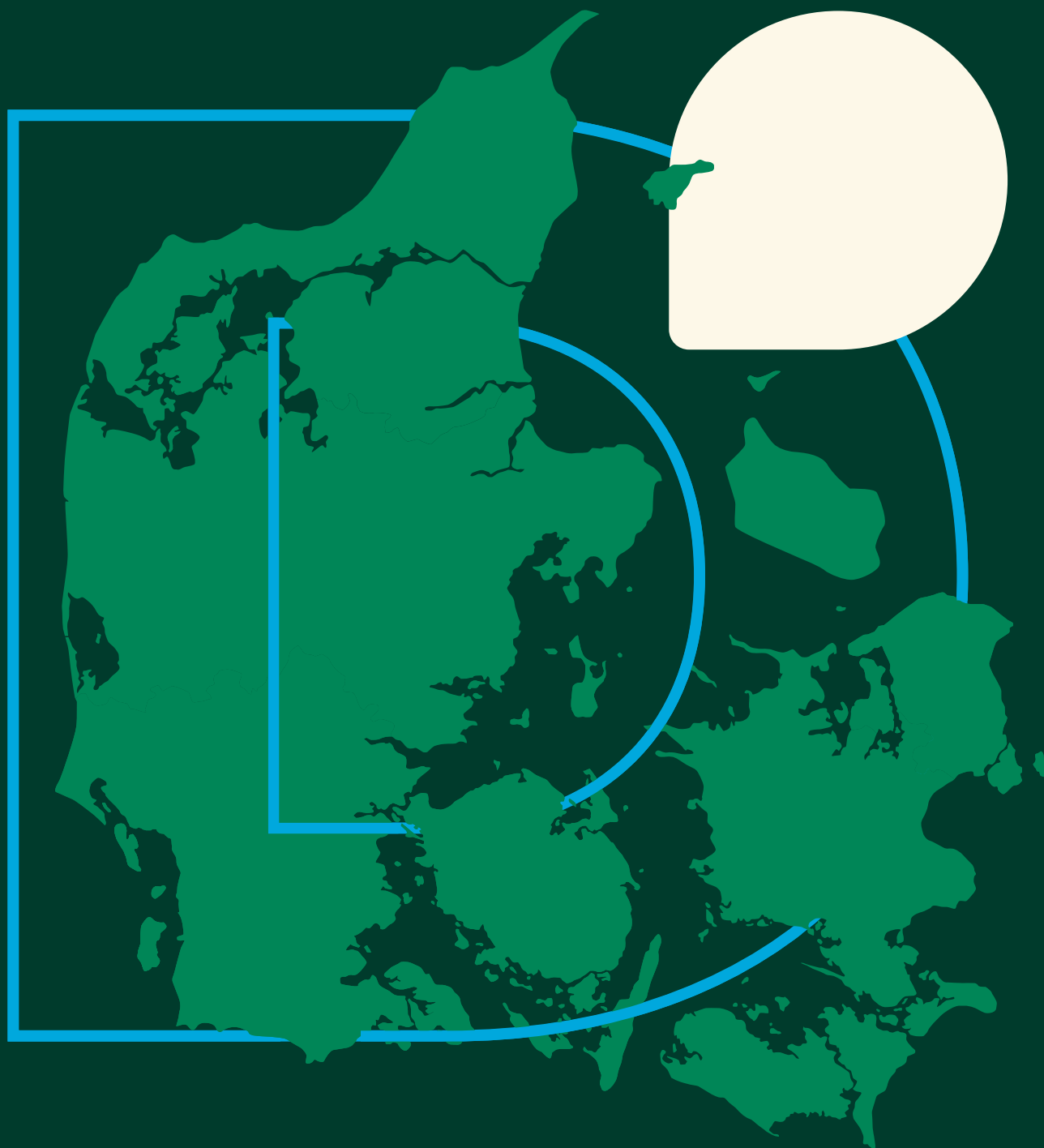


REAL DEAL country profile

Denmark



**REAL
DEAL**

RESHAPING CITIZENS'
DELIBERATION FOR THE
EUROPEAN GREEN DEAL



1

Overview

The Kingdom of Denmark is a constitutional monarchy and parliamentary democracy. The **country is a unitary State organised on a decentralised basis**. It has three levels of governance: central, regional and municipal. Danish territorial organisation consists of the State, **five regions** (*regioner: Nordjylland, Midtjylland, Syddanmark, Sjælland and Hovedstaden*) and 98 municipalities (local authorities). **Besides, Denmark has two special autonomous regions: the Faroe Islands and Greenland** which are not members of the European Union (EU).

In 2007, Denmark experienced a major structural-territorial reform that reduced the number of regional and local authorities and changed their responsibilities and financing. Local and regional authorities are responsible for matters of their interest which are not expressly conferred to the State. The regions and the municipalities do not hold legislative powers and must act within the confines of the applicable law. There is no hierarchy between the regions and the municipalities.

Environmental legislation is primarily administered by the Danish national government. The Environmental Protection Agency, ("EPA") is responsible for legislation and is the authority in charge of major national tasks as well as particularly complex tasks. In this sense, the EPA prepares legislation and guidelines and grants authorisations in several areas. Further duties include the monitoring of chemicals and offshore platforms. The municipalities are responsible for granting permits and inspection of other enterprises and carry out most specific public sector duties. The municipalities are typically the point of contact for the public and for companies wishing to access information on the environment. The Danish Regions are charged with the generation of regional development plans. They undertake special tasks in the areas of soil contamination and raw materials. The Nature Protection and Environmental Board of Appeal deals with complaints within the remit of the Ministry of the Environment of Denmark.

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2

Dimensions of environmental governance

Denmark has a well-functioning environmental governance and management system characterised by high levels of co-operation and consensus. Strengths include an informal system of cross-party political agreements, strong participation of civil society in policy making and high quality independent advisory bodies. The country has a comprehensive risk-based inspection system covering large, medium and small installations and enterprises.

2.1

Transparency (access to information)

The access to information on environmental matters is specifically developed and channelised by the Act on Access to Information Relating to the Environment (Environmental Information Act) supplements the Public Administration Act and the Access to Public Administration Files Act regarding information on the environment. The Access to Public Administration Files Act contains the general regulations on when a public administrative authority is obliged to allow access to documents received or prepared by an administrative authority as part of its administrative case processing. The Act applies for anyone who requests access to specific documents or documents in specific cases. The authority must always consider allowing access to documents to a greater extent than that stipulated in the Public Administration Files Act, unless otherwise provided for in other regulations, such as regulations on the duty of confidentiality etc.

The Ministry of Environment (MIM) is constantly working to ensure citizens access to information on environmental issues in many areas, for example on the Ministry's websites. Printed material is issued when considered appropriate to reach the relevant target groups for a given environmental message. Furthermore, the Ministry has provided the opportunity to take part in the decision-making process by sending bills, proposed statutory orders, guidelines, plans and programs for hearing to a large cross section of interested parties, as well as making proposals available on the Internet.



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In terms of transparency and access to information it is necessary to note the MIM's strategy "Active Environmental Dialogue – Open Ministry". Under the auspices of this strategy, groups of interest are invited to engage actively in a direct dialogue with the ministry as part of the work within the ministry regarding new policies and strategies linked to a specific field of expertise, but also in the ongoing bilateral dialogue with groups of interest.

The Open Administration Act requires national, regional and local authorities to communicate actively about their activities on their websites. Every four years, MEF issues an Environmental Status Report on Denmark's nature and the environment. The latest such report was issued in 2015. In November 2018, Danish authorities said they expected the next Environmental Status Report to be published in 2019. NOVANA makes national monitoring data available to the public on environmental impacts, status and trends with regard to nature and the environment. Aarhus University publishes a yearly summary of these technical documents as a more accessible supplement.

2.2

Participation

Denmark provides for excellent public participation in environmental matters, according to the European Commission (EC, 2017). Across policy areas, the OECD regulatory policy and governance indicator shows Denmark to be slightly above the OECD average in terms of stakeholder engagement in development of legislation (OECD, 2017). Stakeholder engagement is more comprehensive in primary legislation (laws) than in subordinate regulations (statutory orders). This follows the same pattern as EIA, possibly because some statutory orders are simply application decrees of primary laws. The government aims to have four weeks of public consultation on both primary laws and statutory orders, although it is not a legal requirement. The aim is generally respected on primary laws and, when practical, on statutory orders.



The implementation of public participation in decisions on environmental matters guaranteed in 2004 by an act adopted on environmental assessment of plans and programmes. The MIM places priority on public participation in connection with establishing policies, plans and programmes related to the environment. In establishing policies and strategies, preliminary idea meetings and workshops are extensively utilised where the public has an opportunity to have a say in the decision-making process.

Article 6, paragraph 1 of the Convention has been implemented in Denmark via the EIA regulations in the Planning Act. These regulations imply in part a compulsory EIA procedure with advance public participation for a large number of other activities than those listed in annex 1 of the Convention. In part they also mean that a large number of other activities are covered by the so-called screening system in the Planning Act, which means that these activities are also covered by the EIA regulations, if, following a specific assessment, they are deemed to have significant environmental impacts.

Local Agenda 21

Changes are stimulated through, for instance, Local Agenda 21 work, which comprises activities under the auspices of municipalities and counties and activities undertaken in local areas by companies, organisations and citizens. These activities relate to issues such as resource consumption, waste management and environment-friendly behaviour in conjunction with municipal services, corporate production and citizens' everyday lives.

Local Agenda 21 activities take place to some extent in most of Denmark's municipalities and counties. In 2000 the Danish parliament amended the Planning Act and imposed an obligation on counties and municipalities to report on their Local Agenda 21 strategies at least every four years.

The popular commitment is also supported by advice and knowledge on sustainable solutions, for example from green guides, nature guides and environment and energy offices around Denmark. Direct cooperation between NGOs and companies can also contribute to the development of sustainable solutions, for instance environmental management or the use of new biotechnology by companies.

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2.3

Access to Justice

The Environment and Nature Appeal Board was an independent authority examining appeals against administrative decisions on environment, nature and spatial planning. On 1 February 2017, the board's responsibilities were split between a new Environment and Food Appeal Board for environment and nature and a separate body for spatial planning appeals. The structure mirrors the division of responsibilities between MEF and MIBFA. An Energy Appeal Board also exists.

The Environment and Food Appeal Board is now the top administrative appellate body for decisions made under MEF. Its membership consists of a president, judges nominated by courts, experts nominated by relevant non-government organisations and business associations; and lay members nominated by Parliament. The composition of the panel examining a given appeal depends on the nature of the appeal, but the president and judges are members of all panels. The president may decide on behalf of the board in cases that do not raise questions of major importance or precedence. A plaintiff unsatisfied with a board decision may appeal it through the regular court system.

An ombudsman's office was established in 1955 as an independent legal institution under Parliament to which citizens can file complaints against decisions by public authorities. The ombudsman is elected by Parliament and must be a law graduate. The ombudsman may proffer criticism and recommend that authorities reopen cases and consider changing their decisions. Although the ombudsman cannot make decisions as such, public authorities generally act on the office's recommendations. The ombudsman has issued opinions on authorities' application of the Environmental Information Act, sometimes recommending expansion of its application in specific cases.

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2.4

Compliance assurance, accountability, and effectiveness

Denmark is considered to be a front-runner in terms of its environmental policy. According to the 2022 Climate Change Performance Index of the Climate Action Network Europe, Denmark is the highest ranked country. Climate and environmental policies have taken centre stage in recent policy discussions, and a wide range of aspects concerning sustainable living and production have been discussed.

The Scandinavian country is actively promoting environmental protection through the European Union, relevant UN bodies and global conferences, including the Conference of the Parties (COP) under the Kyoto Protocol to the United Nations Framework Convention on Climate Change (UNFCCC). In this sense, Denmark, is at the forefront of sustainable development according to the SDSN and has successfully implemented numerous Sustainable Development Goals.

Denmark is in a strong position in relation to many SDGs, especially in terms of health and well-being, education, sustainable energy, peace, justice and strong institutions. Denmark's key challenges relate to responsible consumption and production as well as climate action, and further attention is needed to improve life in the ocean and life on land. As a nation with an ambitious green agenda, Denmark feels significantly responsible contributing to the green transition as well as assuming global responsibility and collaborate on long-term sustainable solutions with other countries.

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Institutional context

Denmark has a decentralised environmental governance system in which jurisdiction on environment is shared among the national, local and to a lesser extent the regional levels.

In 2007 (when the territorial system was reviewed), a Ministry of Climate and Energy was established. Previously, climate change had been part of the Ministry of Environment. The rationale for a separate climate ministry was mainly the need to prepare for the 15th Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Copenhagen in December 2009.

In 2015, the Ministry of Environment and Ministry of Food and Agriculture were merged into the Ministry of Environment and Food (MEF) to help balance the sometimes-competing interests of the environment and agricultural policy. At the same time, the Ministry of Industry, Business and Financial Affairs (MIBFA) took on responsibility for the Danish Planning Act and national guidelines for spatial planning. Also in 2015, the government set up an EU Implementation Committee. It discusses business-related EU legislation. The aim is to ensure that implementation of EU rules does not put more burdens on Danish companies than EU law requires unless important considerations such as consumer protection justify it.

The Danish Environmental Protection Agency (EPA) is a technical agency in charge of environmental policy implementation, monitoring, permitting and inspections.

- At the subnational level, The Constitution guarantees municipalities the right to decide their own affairs under state supervision. After 2007, local governments are responsible of Most public administration functions under Danish environmental legislation and citizen-related duties
- Preparation of action plans under the Environmental Objectives Act (protected areas), wastewater management plans, water supply plans and municipal waste management plans
- Maintenance of watercourses to allow free passage of water
- Municipal and local spatial planning



4

Role of Civil Society

In Denmark, global environmental protection is broadly perceived as an international issue. Being a front-runner in this regard is also broadly seen as important in inducing global action. Danish civil society is very active in pressuring politicians with regard to environmental protection policy issues. In domestic policy discussions, there is increasing debate about whether current policies are sufficiently ambitious, with particular focus being placed on alternative energy sources and reductions in CO2 emissions.

The global P4G platform, which was initiated by the Danish prime minister, held a summit in Copenhagen in October 2018, with more than 800 participants developing public-private partnerships aimed at achieving the Sustainable Development Goals.

Civil society partners plan and implement activities in cooperation with local partners in developing countries in order to contribute to the implementation of Denmark's development policy strategy and the promotion of the UN Sustainable Development Goals and the Paris Agreement.

Denmark leads the way in establishing innovative partnerships with civil society, the business community and public authorities. Denmark has also been ahead of the game with the establishment of the Danish SDG Investment Fund and Denmark's Green Future Fund.

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