

**Consolidation Act 2009-09-24 no. 932
on environmental objectives etc. for
water bodies and international nature protection areas**

(The Danish Act on Environmental Objectives)

[...]

Title I. Introductory provisions

Part 1. Purpose of the Act

Section 1. The purpose of the Act is (1) to lay down the framework for the protection of surface waters (2) and ground water as well as for planning within the international nature **protection** areas.

[...]

Part 10. Rules on procurement

Section 27a. Prior to the drafting and revision of the river basin management plan, the Minister for the Environment will invite proposals etc. by public notification and at no less than six months' notice. At the same time, a summary of the basic analysis, the agenda including a time schedule and draft list of the most important water management tasks to be solved will be published.

Sub-section 2. The Minister will forward the proposals etc. received to the regional council which will coordinate the proposals etc. from the local councils of the region. The coordinated proposals will be sent to the Minister within eight weeks after receipt.

Sub-section 3. The Minister will forward the published material, cf. sub-section 1, to any governmental, regional and municipal authorities whose interests are affected.

Section 28. The Minister for the Environment will for each water district prepare a basic analysis, cf. section 6, and a status report, cf. section 27, as well as proposals for:

- 1) Designation of drinking water reservoirs, cf. section 8.
- 2) Designation of shellfish waters, cf. section 9.
- 3) Agenda for the procurement of a river basin management plan, cf. section 5, paragraph 2.
- 4) List of the most important water management tasks to be solved, cf. section 5, paragraph 3.
- 5) River basin management plan, cf. section 4.

Sub-section 2. When a proposal has been made according to sub-section 1, paragraph 5, the Minister will forward the proposal to the governmental, regional and municipal authorities affected who may object to the proposed order of priority of measures in the overall action programme. The Minister will fix a deadline for the making of objections.

Sub-section 3. The Minister will adopt a proposal for river basin management plan on the basis of sub-sections 1 and 2.

Consultation of the public

Section 29. Having drafted the proposals mentioned in section 28(1), paragraphs 1)-4), or having adopted a proposal for river basin management plan according to section 28(3), respectively, the Minister for the Environment will arrange for public notification. At the time of notification, the Minister for the Environment will provide a deadline according to sub-section 3. The proposals must be available to the public.

Sub-section 2. The publication must take place within the following deadlines:

- 1) Proposal for agenda: No less than three years prior to the commencement of each planning period.
- 2) Proposal for list of the most important water management tasks: No less than two years prior to the commencement of each planning period.
- 3) Proposal for river basin management plan: No less than one year prior to the commencement of each planning period.

Sub-section 3. The Minister for the Environment will fix a deadline of no less than six months for the making of objections against the proposals mentioned in sub-section 2. A deadline of eight weeks will be fixed in respect of the proposals mentioned in section 28(1), paragraphs 1) and 2).

Sub-section 4. The Minister for the Environment will forward the proposal for river basin management plan to any governmental, regional and municipal authorities whose interests are affected.

Sub-section 5. Upon expiry of the deadline, cf. sub-section 3, the Minister will finally adopt the proposals mentioned in section 28(1), paragraphs 1)-5).

Sub-section 6. The Minister may lay down detailed rules stipulating that the proposals mentioned in section 28(1), paragraphs 1)-5), may be disclosed against payment.

Section 30. If, in connection with the adoption of the final river basin management plan, changes are made to the published proposal which fundamentally affect other authorities or citizens than those who caused the change by way of objection, the river basin management plan may not be adopted until the parties concerned have been given the opportunity to make a statement. The Minister for the Environment will fix a deadline therefor. Where the change is substantial to the extent that it in fact constitutes a new proposal for the river basin management plan, the procedure laid down by sections 28, 29 and 31 must be followed.

Publication of finally adopted documents

Section 31. The Minister for the Environment will arrange for public notification of the finally adopted documents according to section 29(5). Upon publication, a complaints guideline must be provided and a deadline within which complaints must be made must be stated. The finally adopted documents must be available to the public. The publication must take place within the following deadlines:

- 1) Basic analysis: No less than two years prior to the commencement of each planning period, however the first time on 22 December 2004 at the latest.
- 2) Designation of drinking water reservoirs: No less than two years prior to the commencement of each planning period, however the first time on 22 December 2004 at the latest.
- 3) Designation of shellfish waters: No less than two years prior to the commencement of each planning period.
- 4) Agenda: No less than two years prior to the commencement of each planning period.
- 5) List of the most important water management tasks: No less than one year prior to the commencement of each planning period.
- 6) River basin management plan: No later than on 22 December 2009 and, subsequently, every six years.
- 7) Status report: Two years and six months after the commencement of each planning period.

Sub-section 2. The Minister for the Environment will forward the basic analysis, the river basin management plan and the status report to the local councils, regional councils and governmental authorities whose interests are affected.

Sub-section 3. The Minister for the Environment may lay down detailed rules stipulating that the finally adopted documents may be disclosed against payment.

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Part 16. Complaints and legal proceedings

Section 53. Appeals may be lodged against decisions made according to the following provisions with the Danish Nature and Environmental Board of Appeal as composed according to section 5(1), 2nd paragraph, of the Act on the Danish Nature and Environmental Board of Appeal:

- 1) Section 29 in respect of the procurement of the river basin management plan.
- 2) Section 31 c in respect of the contents and procurement of the action plan, cf. sections 31 a-31 e.
- 3) Section 45 in respect of the procurement of the Natura 2000 plan.
- 4) Section 46 c in respect of the contents and procurement of the action plan, cf. sections 46 a-46 e.

Common provisions on complaints

Section 55. The following entities are entitled to file complaints:

- 1) The Minister for the Environment.
- 2) Anyone having an individual, material interest in the outcome of the matter.
- 3) Public authorities.
- 4) Local associations and organisations having a material interest in the decision.

- 5) National associations and organisations whose main objectives are to protect the nature and environment.
- 6) National associations and organisations which, according to their objectives, safeguard material recreational interests when the decision affects such interests.

Sub-section 2. In the event of complaints under section 55(1), paragraphs 5) and 6), the Danish Nature and Environmental Board of Appeal may demand that the associations or organisations prove their *locus standi* by submitting their by-laws.

Section 56. Complaints must be submitted in writing within four weeks after the plan has been publicly announced. If the period allowed for filing complaints expires on a Saturday or a holiday, the deadline is extended to include the following weekday.

Sub-section 2. Complaints must be filed with the authority having announced the decision. The authority will send the complaint to the Danish Nature and Environmental Board of Appeal accompanied by the decision against which a complaint has been filed and the material reviewed in connection with the adjudication of the case.

Section 57. Stay of execution cannot be granted to an appeal unless otherwise prescribed by the Danish Nature and Environmental Board of Appeal.

Sub-section 2. The Danish Nature and Environmental Board of Appeal may decide to derogate from the deadlines stipulated in sections 31 c and 46 c in respect of the whole or parts of the municipal action plan in connection with decisions made according to section 57(1).

Legal proceedings

Section 58. Legal proceedings for the adjudication of decisions on matters subject to this Act must be commenced within six months after the decision has been publicly announced.

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