



Guidance Documents: Key Legislation for Consenting in Denmark

The guidance documents are intended to be available for regulators and advisors as they carry out their decision-making and for developers and their consultants as they prepare consenting and licensing applications. This country-specific document presents an overview of key consenting requirements relevant for marine renewable energy development in Denmark from pre-application, through to application and post-consent and is intended mainly for developers and consultants.¹ It is not intended to replace any formal guidance or prescribe action, but rather provide a starting point for understanding the key requirements of the regulatory framework.

Denmark regulatory context

In Denmark (DK), regulatory responsibility for marine renewable energy (MRE) projects is handled by the Danish Energy Agency only (Table 1). In order to ensure rapid and un-bureaucratic application processing, enterprises or consortia awarded concession contracts will use the Danish Energy Agency as a single point of access for all permitting. The Danish Energy Agency will grant the required permits and coordinate these with other relevant authorities. This means that the permits granted by the Danish Energy Agency also contain terms and conditions from other authorities, such as the Danish Nature Agency, the Danish Maritime Authority, the Danish Coastal Authority, the Danish Agency for Culture, the Ministry of Defence, and Energinet.dk (the Danish Transmission System Operator). It should be noted that the Danish permitting system has only been used to date for oil, gas, and offshore wind projects as well as non-commercial projects for wave and tidal energy.

Table 1. Regulatory jurisdictions in Denmark.

Designation	Location	Agencies with jurisdiction
Exclusive Economic Zone	See Figure 1	Danish Energy Agency ²
Territorial Sea	12 nm zone	
Marine internal waters	Located landward of the territorial sea baseline, including harbors, bays, fjords, and sounds	
Grey zone	See Figure 1	Kingdom of Denmark and the Republic of Poland

¹ This country-specific document should be read in conjunction with the background guidance document, which can be found on *Tethys*: <https://tethys.pnnl.gov/guidance-documents>.

² Danish Energy Agency: <https://ens.dk/en>

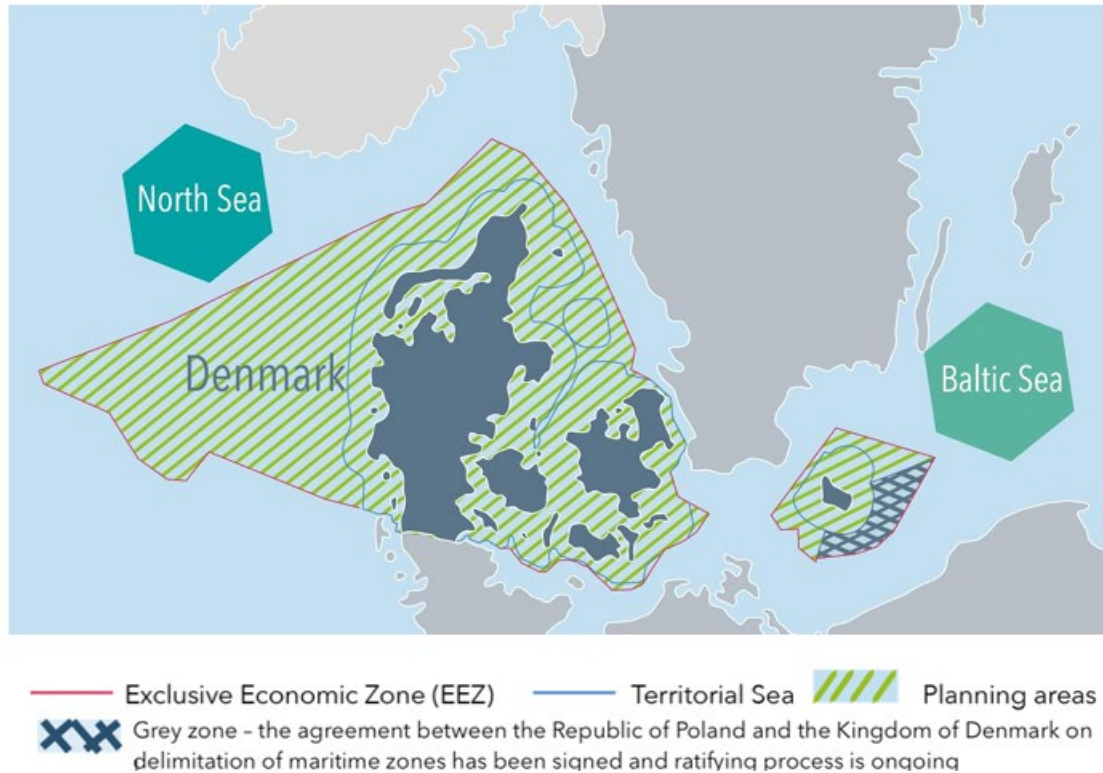


Figure 1. Danish seas and designations.

There are two main approaches taken for initiating a new MRE project, similar to offshore wind or other energy projects³.

1. A government call for tenders:

A government tender is carried out to realise a political decision to establish a new MRE project at the lowest possible cost. In the typical government tender procedure, the Danish Energy Agency announces a tender for a project of a specific size within a specifically defined geographical area. Depending on the nature of the project, the Danish Energy Agency invites applicants to submit a quotation for the price at which the bidders are willing to produce electricity in the form of a fixed feed-in tariff for a certain amount of produced electricity, calculated as number of full-load hours. The winning price will differ from project to project because the result of a tender depends on the project location, the conditions at the site, the competitive situation in the market at the time, etc.

In projects covered by a government tender, Energinet.dk (the Danish Transmission System Operator) typically constructs, owns, and maintains both the transformer station and the underwater cable that carries the electricity to land from the offshore wind farm. Energinet.dk is responsible for the electricity infrastructure in Denmark.

³ Danish Energy Agency (2017). *Danish Experiences from Offshore Wind Development*. Available at https://ens.dk/sites/ens.dk/files/Globalcooperation/offshore_wind_development_0.pdf



2. Open door procedure:

In the open door procedure, the project developer takes the initiative to establish a project of a chosen size in a specific area that is not already designated for tender. This is done by submitting an unsolicited application for a license to carry out preliminary investigations in the given area. The application must as a minimum include a description of the project, the anticipated scope of the preliminary investigations, the size and number of devices, and the limits of the project's geographical siting. Before the Danish Energy Agency begins processing an application, as part of the one-stop shop concept, it initiates a hearing of other government bodies to clarify whether there are other major public interests that could block implementation of the project. On this basis, the Danish Energy Agency decides whether the area in the application can be developed, and in the event of a positive decision it issues an approval for the applicant to carry out preliminary investigations, including an environmental impact assessment (EIA). If the preliminary investigations show that the suggested project can be approved, the project developer can obtain a license to establish the project. However, since 2023 this procedure has been limited for nearshore projects.

Species and/or populations at risk

Table 3. Regulations related to species and/or populations at risk.

Agency	Relevant Statute	Implementation
Danish Coastal Protection Authority / Danish Energy Agency	Act on Environmental Assessment (2023) ⁴	The Act on Environmental Assessment regulates screening and Environmental Impact Assessment requirements. This is the principal Act implementing the European Union Environmental Impact Assessment and Strategic Environmental Assessment Directives.
Ministry of the Environment	Nature Protection Act (2022) ⁵	Protects nature, wild animals, plants, and habitats with a list of protected species in Appendix 3.

Habitat alteration or loss

Table 4. Regulations related to habitat alteration or loss.

Agency	Relevant Statute	Implementation
Ministry of the Environment	Nature Protection Act (2022) ⁶	Protects various terrestrial habitat types, including salt marshes. Relevant if the project includes land-based installations and activities.
Danish Enterprise Agency	Planning Act (2020) ⁷	Relevant if the project includes land-based installations and activities.

⁴ <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC163960/>

⁵ <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC125733/>

⁶ <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC125733/>

⁷ <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC124455/>



Effects on water quality

Table 5. Regulations related to effects on water quality.

Agency	Relevant Statute	Implementation
Danish Coastal Protection Authority / Danish Energy Agency	Act on Environmental Assessment (2023)	Water quality impacts are considered if environmental assessment is required.
Danish Environmental Protection Agency	Environment Protection Act (2023) ⁸	This act sets rules for control of water pollution.
Danish Environmental Protection Agency	Marine Protection Act (2023) ⁹	This act set requirements for discharge into the sea.

Effects on social and economic systems

Table 6. Regulations related to effects on social and economic systems.

Agency	Relevant Statute	Implementation
Danish Coastal Protection Authority / Danish Energy Agency	Act on Environmental Assessment (2023)	Human health and cultural heritage impacts are considered if environmental assessment is required.
Danish Enterprise Agency	Planning Act (2020)	Establishes that open coastlines are an important resource, and aims to involve the public in the planning process.
Danish Energy Agency	Energy Policy Agreement of 21 February 2008 ¹⁰	Requires initiatives to be undertaken to promote local acceptance, including options for public ownership or purchasing shares in new projects.

Additional Information

Marine Spatial Planning

Marine Spatial Planning activities for offshore wind in Denmark have been carried out in 1997, 2007, 2011, and 2012 to establish and update areas for development, and the process is also applicable to MRE. Denmark adopted the Maritime Spatial Planning Act (2016)¹¹ as part of implementation of the EU Directive 2014/89. The latest maritime spatial plan was developed in 2021¹², and is currently under amendment. The plan applies to marine internal waters, the territorial sea, and the exclusive economic zone. More information on marine spatial planning in Denmark is available here: <https://maritime-spatial-planning.ec.europa.eu/countries/denmark>.

⁸ <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC099369/>

⁹ <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC126118/>

¹⁰ <https://www.iea.org/policies/54-danish-energy-agreement-for-2008-2011>

¹¹ Maritime Spatial Planning Act. 8 June 2016. Available in English at <https://dma.dk/Media/63777664177785918/Act%20on%20maritime%20spatial%20planning.pdf>

¹² 2021 Maritime Spatial Plan. <https://dma.dk/growth-and-framework-conditions/maritime-spatial-plan>