

Maritime Spatial Planning Country Profile

Denmark

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Last revision date

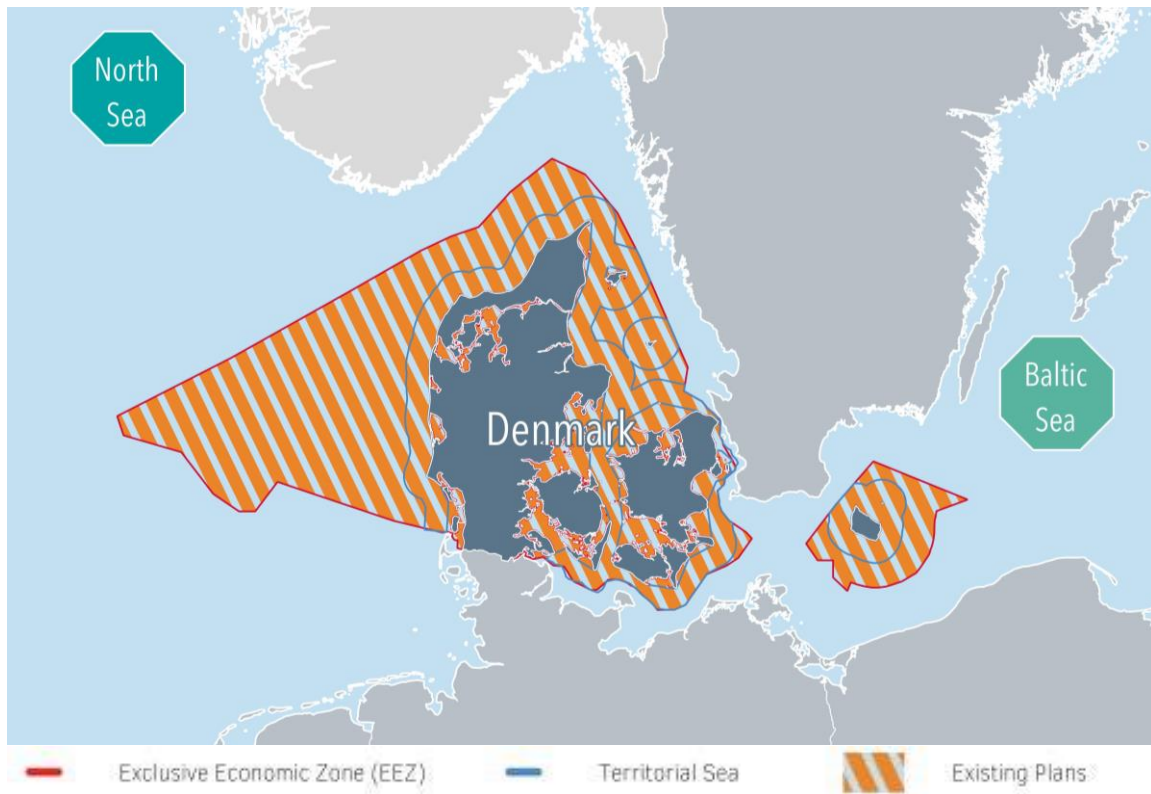
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Background information

Basic facts on Marine Waters



- Total Danish sea area: 105,000 km²
- Marine internal waters: 3,500 km²
- Territorial sea (12 nm zone): 40,000 km²
- Exclusive Economic Zone: 61,500 km²

Overview of Maritime Spatial Planning-related uses and issues

- Current main uses: fisheries, cables and pipelines, mineral extraction, oil and gas exploration, shipping, infrastructure, tourism and recreation, offshore renewable energy production, marine protected areas, aquaculture.
- Issues: Currently being assessed.
- Synergies: Currently being assessed.

Maritime Spatial Plan (MSP) authorities and legislation

General

The Danish Parliament has adopted the ‘Maritime Spatial Planning Act’, which establishes the framework for spatial planning in the Danish marine areas. It is available in an English translation at:

<https://www.dma.dk/Vaekst/Rammevilkaar/Legislation/Acts/Act%20on%20maritime%20spatial%20planning.pdf>

The new maritime spatial plan for 2021 applies to the marine internal waters, the territorial sea and the EEZ. It introduces holistic spatial planning for the entire Danish marine area with the purpose of promoting economic growth, the development of marine areas and the use of marine resources on a sustainable basis. This plan is based on the provisions of the Maritime Spatial Planning Act from 2016.

Planning at national level

- Denmark currently has a “Maritime Spatial Planning Act” in place which contains provisions for implementing Directive 2014/89/EU “Establishing a framework for maritime spatial planning”.
- The new maritime spatial plan (2021) applies to the marine internal waters, the territorial sea and the EEZ, and it is a single plan for the Danish sea area, covering the country’s waters in the North Sea and the Baltic Sea.
- The Danish sea, the EEZ as well as the territorial waters, belong to the public and are managed by the Government. The sea is of major importance to Denmark, and therefore the maritime spatial plan has many stakeholders and affected parties. The Danish Coastal Authority exercises its sovereignty over the territorial sea.

National MSP authority

- The Danish Maritime Authority (DMA), Ministry of Industry, Business and Financial Affairs.

Details

Sea-based activities are currently governed by a large number of sectoral regulations, covering multiple issues including marine environmental protection, raw materials extraction, use of the subsoil and continental shelf, electricity supply, harbours, safety at sea and fisheries.

With the adoption of the Maritime Spatial Planning Act, provisions have been made for establishing an integrated maritime spatial plan for the Danish marine areas. The purpose of the Act is to promote economic growth, the development of marine areas and the use of marine resources on a sustainable basis. The Act aims to contribute to achieving the goals of maritime spatial planning while taking into account land-sea interactions and strengthening cross-border cooperation.

With the Maritime Spatial Planning Act, the Danish Government has recognised the need for greater coordination between activities conducted in the Danish marine space and between the authorities that manage and regulate these activities. These authorities have worked together through formal channels to coordinate their work and to establish new joint initiatives. Implementation of the Maritime Spatial Planning Act will draw on and build upon the established background of interagency collaboration¹.

The sectors that are included in the maritime spatial plan are as follows: the offshore energy sector, maritime transport, transport infrastructure, fisheries and aquaculture, extraction of raw materials at sea, and the preservation, protection and improvement of the quality of the environment, including climate change resilience. Economic growth is a strong focus for the maritime spatial planning of Danish marine waters.

Maritime Spatial Plans

Progress

Denmark has been in the process of developing a plan for the implementation of the Maritime Spatial Planning Act. The Danish maritime spatial plan process was initiated in January 2017 and will continue throughout 2021. At the end of the first quarter of 2021, the new maritime spatial plan was launched [online](#). This new plan covers the entire Danish marine area including the territorial sea and the EEZ, and it introduces holistic spatial planning. The working group on maritime spatial planning consists of representatives of 12 maritime authorities in Denmark. The DMA, in collaboration with this working group, is currently working towards creating a plan that takes all sectors of interest into consideration. A public consultation on the maritime spatial plan and the environmental assessment started on 31 March 2021 for a period of six months and ended on 30 September 2021.



Existing Maritime Spatial Plans & process

Prior to 2021, Denmark did not have an holistic spatial plan for the sea, however, a range of sectoral plans have been in use. These plans have provided key contributions to the MSP planning process in Denmark. The Danish maritime spatial plan for the sea was finalised and launched in March 2021. This new maritime spatial plan introduces holistic spatial planning for the entire Danish marine area, including the marine internal waters, the territorial sea and the EEZ.

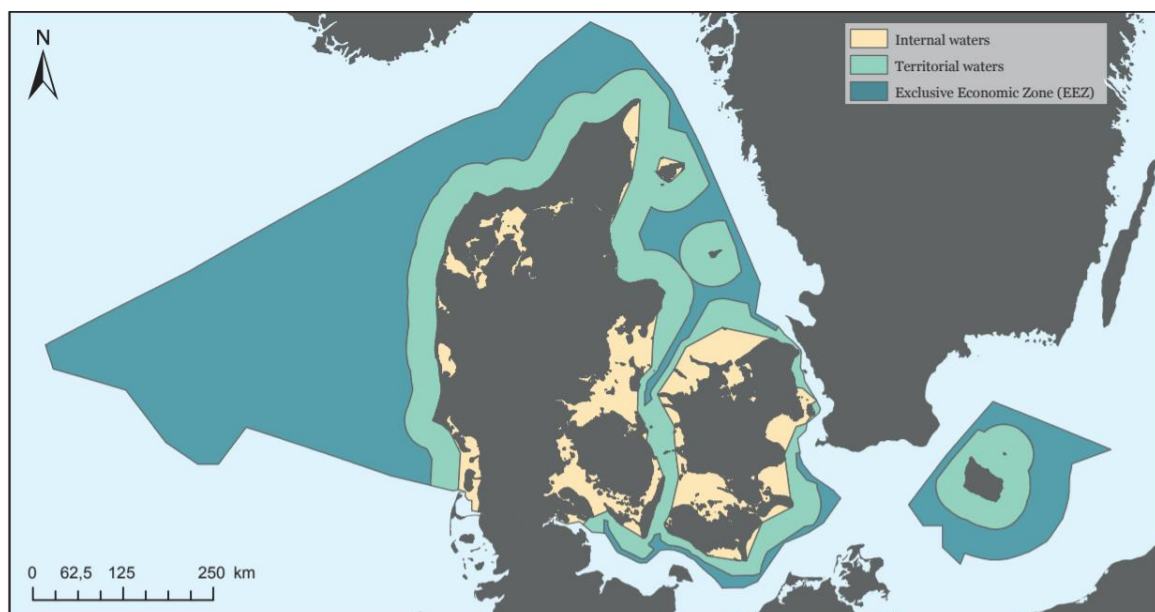


Figure: Chart of maritime boundaries (source: <https://havplan.dk/portalcache/api/v1/file/en/30a6ed4a-e332-4d2e-8389-dd20c13c1494.pdf>)

The objectives of the plan are to promote economic growth, the development of marine areas, and the use of marine resources on a sustainable basis. The maritime spatial plan includes several uses and activities, each of which is subject to different legislation and whose scope varies greatly. The area distribution for the maritime spatial plan is based on zones. The sea areas are divided into four types of zone:

- Development zones
- General use zones
- Nature conservation and environmental protection zones
- Special uses zones

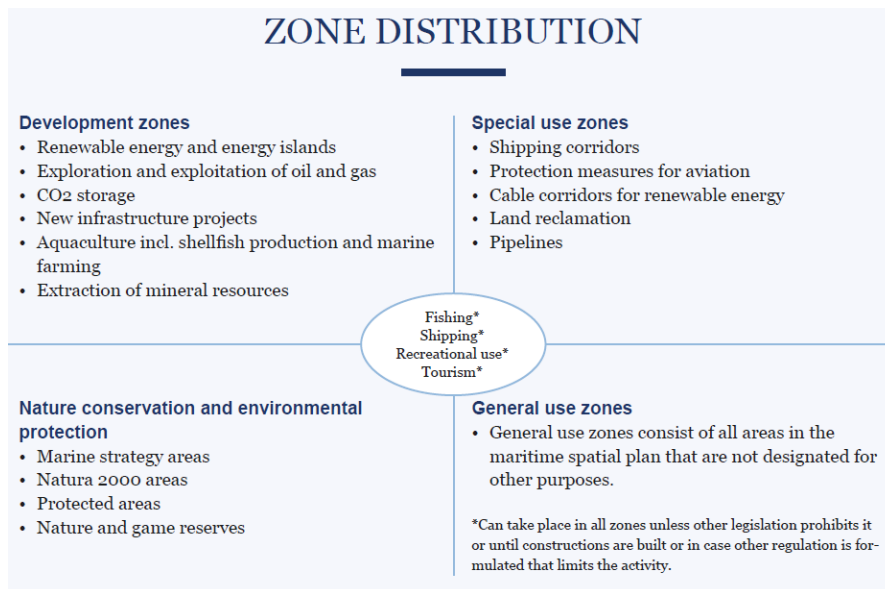


Figure: Zone distribution in the maritime spatial plan in Denmark (source: <https://havplan.dk/en/about/explanatory-notes>)

Each type of zone and use is defined in detail in terms of current and future use, and with specific legislation of relevance to the use.

Development zones contribute to the development and growth of the business community and contribute significantly to the national economy. The allocation of areas for development zones means that licenses can only be issued in future for the purposes in question, within the allocated areas. This frees up the other areas for new facilities, etc., for the activities and uses that have been planned for in the development zones, including mineral resource extraction, transport infrastructure projects, land reclamation of major importance for society, aquaculture and the offshore energy sector.

The general use zone covers all the areas in the maritime spatial plan that have not been allocated for other purposes. This applies especially to many areas which have been allocated for general use in the coastal areas in order to exempt the areas from land allocation for new, large facilities, which could to a significant extent prevent or complicate other activities e.g., sailing, fishing, tourism or recreational use of the sea. The general use zone thereby creates good opportunities for activities and facilities that are not planned for in the maritime spatial plan.

Nature conservation and environmental protection zones: The purpose of protected areas at sea is to conserve and improve nature and biodiversity. Nature and environmental protection areas include marine strategy areas, Natura 2000 sites (habitat areas, bird protection areas and Ramsar sites), protected areas and nature and wildlife reserves (14). The areas cover existing and anticipated nature reserves based on the nature directives, the Marine Strategy Directive, national protected areas and nature and wildlife reserves.

The special use zones: Designating sea areas as special use zones involves pipelines, cable corridors for renewable energy, protection measures for aviation, compensation dredging at the Great Belt Bridge, land reclamation of major importance for society and shipping corridors. Special use zones allocate space for these activities and uses, but do not exclude them from taking place elsewhere.

The maritime spatial plan includes sectors such as the offshore energy sector, maritime transport, transport infrastructure, fisheries and aquaculture, extraction of raw materials at sea, and preserving, protecting and improving

the quality of the environment. The maritime spatial plan may also promote sustainable tourism, recreational activities, outdoor life, land reclamation, and other relevant activities.

Some projects at sea are covered by the Act on environmental impact assessment of plans, programmes and projects, where a screening and/or a mandatory environmental impact assessment (EIA) must be carried out prior to granting a permit. Environmental assessments of sector plans must be carried out if they are covered by the Danish Environmental Assessment Act as well as for plans in international nature conservation areas.

The Danish MSP is the first legally binding digital map of Denmark and the Danish waters. Denmark's maritime spatial plan has been issued as a digital executive order. This means that all relevant information about both the content of the maritime spatial plan and any consultations and historical versions of the maritime spatial plan can be found on the pages: <https://havplan.dk/en/page/info>. The Plan was prepared on the basis of data from a broad group of authorities, which has required a standardisation of data.

The Danish MSP underwent public consultations as well as international ESPOO consultation, together with an SEA and the assessment of impacts. Two assessments were also conducted to determine any potential impacts on Natura 2000 sites and whether the integrity of the Natura 2000 sites can be significantly affected by the maritime spatial plans. More information and reports are available at: <https://havplan.dk/en/about/environmental-assessment>

A public consultation on the maritime spatial plan and the environmental assessment started on 31 March 2021 for a period of six months and ended on 30 September 2021.

Aspects of the MSP process



Ecosystem-based approach (EBA)

The Danish Marine Strategy Act (no. 1203 from 2016) includes references to ecosystems and enables sustainable use of sea resources. One of the goals of this Act is to apply an ecosystem-based approach to the management of human activities, ensuring that the collective pressure of such activities is kept within levels compatible with the achievement of good environmental status and that the capacity of marine ecosystems to respond to human-induced changes is not compromised, while enabling the sustainable use of marine goods and services by present and future generations.

The Danish Maritime Spatial Planning Act explicitly refers to the ecosystem-based approach in Section 5.



Land-sea interaction

Denmark's 98 municipalities have the terrestrial planning authority at local level. Their authority extends to the coastline, e.g. the near-coastal zone, and they also have the authority to plan for certain uses in the coastal waters.

The statutory acts transposing the Water Framework Directive (the Environmental Targets Act, no. 153 from 2015) and the Marine Strategy Framework Directive (the Marine Strategy Act, no. 1582 from 2015) into Danish law cover the sea up to the EEZ. However, the Marine Strategy Act does not apply in the coastal waters with regard to the specific items covered by the Water Framework Directive. Other sectoral regulations also cover and overlap with these areas.



Stakeholder involvement

Both government agencies, coastal municipalities, NGOs and researchers have been involved in the maritime spatial planning process through public meetings and workshops.

Two workshops held in 2018 should be highlighted in particular. During the first workshop, the stakeholders shared their knowledge on the availability of maritime data and discussed data gaps. The second workshop focused on which activities should be included in the MSP and how conflicting interests should be tackled. A final workshop with coastal municipalities was held at the end of February 2020.



Transboundary cooperation

Denmark is, inter alia, party to the Trilateral Cooperation on the Protection of the Wadden Sea, member of the Joint HELCOM-VASAB Maritime Spatial Planning Working Group and member of the Joint HELCOM-VASAB Data subgroup. Denmark also participates as partner or observer in a number of regional projects on MSP covering the North Sea and Baltic Sea regions.



Use of best available data

In 2017, a new Maritime Spatial Data Infrastructure (MSDI) was established. The purpose of the MSDI is to make marine spatial data easily accessible and available for comparison and exchange between maritime authorities. The MSDI includes the best available data from the relevant maritime authorities, and, whenever possible, the data is retrieved using WFS, thereby ensuring that the data is as updated as possible. In addition, the MSDI provides information about the data (metadata), such as when the data were last updated, how they are collected, how you can access the data, quality of data, etc. A separate MSP Platform was also created in parallel to the MSDI, and many of the MSDI's functions are also included in this platform. The MSP Platform forms a key basis for the maritime planning process while the MSDI provides a shared platform for relevant authorities' administration of the sea areas.

Coherence with other processes

Marine Strategy Framework Directive (MSFD)

The Ministry of Environment and Food of Denmark and the Agency for Water and Nature Management are responsible for the implementation of the MSFD. The Danish Marine Strategy is the document through which the MSFD is implemented in Denmark. In 2012, an initial assessment containing a thorough description of the status of the marine environment was published together with a socio-economic analysis, a description of a good environmental status and 52 environmental targets that are to be met in 2020. A programme for monitoring the marine environment was published in 2014.

The programme of measures, designed to achieve good environmental status, entered into operation in 2016. It contained a proposal for 6 protected areas in the Kattegat. In 2019, the first part of a new marine strategy was submitted for public consultation.

A Marine Strategy Forum (Havstrategiforum) was established in 2013 to discuss MSFD-related issues with NGOs, other stakeholders, researchers and public authorities.

In April 2019, the Danish Marine Strategy II was published. The strategy is developed under 11 themes: biological diversity, non-indigenous species, commercially exploited fish stocks, food webs, eutrophication, sea floor integrity, alteration of hydrographic conditions, contaminants, contaminants in seafood for human consumption, marine litter and underwater noise. The Ministry of Environment and Food requested the preparation of a socio-economic analysis to describe the Danish basis for calculating the societal consequences linked to damages to the marine environment. The result of this analysis revealed that socio-economic costs relating to the loss and damage of the environment cannot be quantified.

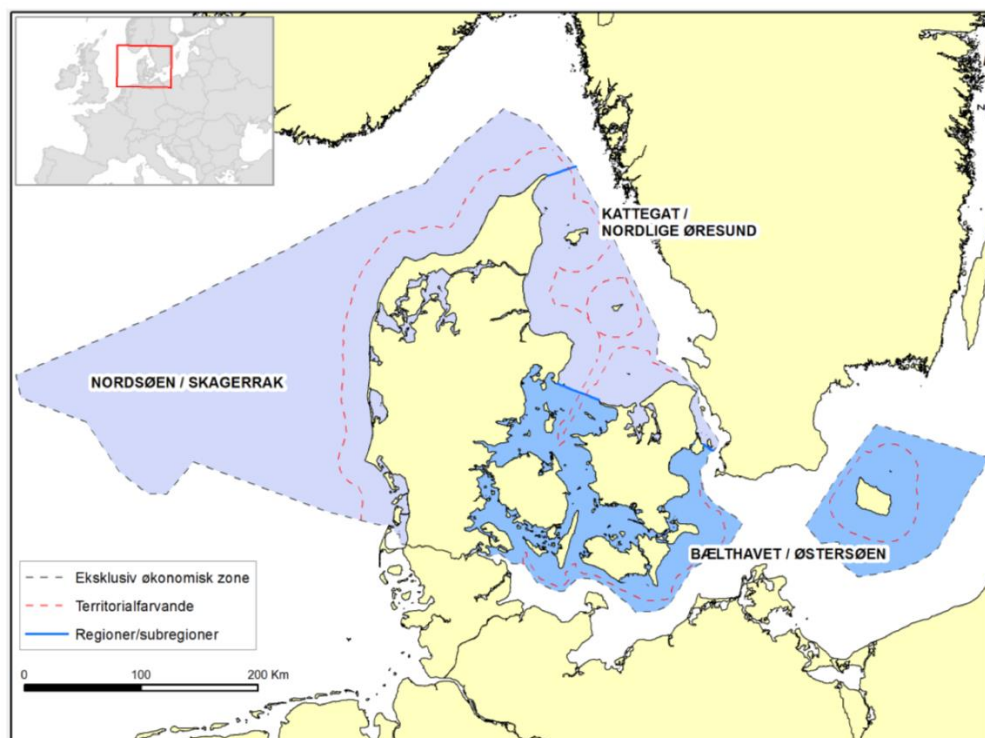


Figure: Marine Strategy legal delimitation

Cooperation with third countries

Denmark is a contracting Party to the HELCOM and OSPAR Regional Sea Conventions.

Sources

Consulted references

Danish Maritime Authorities: <https://havplan.dk/en/about>

<https://havplan.dk/portalcache/api/v1/file/en/30a6ed4a-e332-4d2e-8389-dd20c13c1494.pdf>

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Danish Marine Strategy II, April 2019, Available at: <https://mfvm.dk/natur/hav/>

Specific citations

ⁱ Odma Jóhannesen (DK), Maritime Spatial Planning, Denmark – how do we deal with it? Presentation given in Reykjavik in November 2013.