

Unofficial translation - for information use only

ACT no. 575 of 04/05/2015 (Existing)

Printed on: 7 May 2015

Ministry: The Danish Ministry of Transport

Subsequent amendments to the regulation

Reference number: Danish Ministry of Transport,
ref. no. 2012-1090

None

Act on the construction and operation of a fixed link across the Fehmarnbelt with associated landworks in Denmark¹⁾

BE IT KNOWN THAT the Folketing (the Danish Parliament) has enacted and We, Margrethe the

Second, by the grace of God

Queen of Denmark, have given Our Royal Assent to the following Act:

Part 1

Construction and operation of a fixed link across the Fehmarnbelt with associated landworks

Section 1. Femern A/S is authorised to construct and operate a fixed link across the Fehmarnbelt (the coast-to-coast project) and to take the measures necessary to do this.

Subsection 2. The fixed link across the Fehmarnbelt consists of:

- 1) the establishment of an immersed tunnel between Puttgarden in Germany and Rødbyhavn in Denmark with a combined rail and road link consisting of a dual-track electrified railway and a four-lane motorway with associated structures and
- 2) the establishment of new reclaimed land located in Danish territory off Rødbyhavn.

Subsection 3. Schedule 1 to the Act shows a map of the alignment on land, through Fehmarnbelt and in project areas, cf. subsection 2 (1).

Subsection 4. Schedule 2 to the Act shows a map of the new reclaimed land, cf. subsection 2 (2).

Subsection 5. The Minister for Transport may establish rules for area use of the reclaimed land established in pursuance of subsection 2 (2) that is not used for the permanent structure. Physical planning in pursuance of the Danish Planning Act must comply with rules established under this provision.

Section 2. A/S Femern Landanlæg is authorised to construct and operate the Danish landworks and to take the measures necessary to do this.

Subsection 2. The Danish railway landworks consist of:

- 1) expanding railway installations from Vordingborg to Masnedø and from Orehoved to south of Holeby on Lolland to a dual-track railway with associated structures,
- 2) electrifying and upgrading the railway so that passenger trains can travel at 200 km/h on the section from Ringsted to Masnedø and from Orehoved to south of Holeby,
- 3) establishing a passenger station at Holeby and
- 4) establishing a new railway bridge over Masnedø and a single-track railway bascule bridge over Guldborgsund.

Subsection 3. Schedule 3 to the Act shows the railway section and the structures covered by subsection 2 above.

Subsection 4. The Danish road landworks consist of:

- 1) establishing a new bridge over the motorway (Sydmotorvejen) at Lundegårdsvej and
- 2) implementing environmental improvements to the existing motorway in the section between Sakskøbing and Rødbyhavn.

Subsection 5. The Minister for Transport may decide to close the motorway (Sydmotorvejen) as the main highway in the section between the connection point of the fixed link and Rødbyhavn if an evaluation after the opening of the fixed link shows that the volume of traffic has fallen to a level that is appropriate to a municipal road in terms of traffic and function. If the section is reclassified as a trunk road, it must be converted to a suitable standard.

Subsection 6. Schedule 4 to the Act shows a map of the section mentioned in subsection 5.

Subsection 7. The Minister for Transport is authorised, in connection with the opening of the new upgraded railway, cf. subsection 2, to close the existing section of railway from Rødbyhavn to the point at which the new upgraded railway turns off towards the tunnel mouth.

Part 2

Organisation and financing

Section 3. Femern A/S and A/S Femern Landanlæg are subject to Danish corporate legislation with the exceptions specified in subsections 2 and 3.

Subsection 2. The Articles of Association of Femern A/S and A/S Femern Landanlæg, and any amendments to these Articles of Association, must be approved by the Minister for Transport.

Subsection 3. In matters of material importance, the Minister for Transport may give Femern A/S and A/S Femern Landanlæg general and specific instructions regarding the performance of their activities.

Section 4. Femern A/S and A/S Femern Landanlæg may raise loans and use other financial instruments to finance and refinance planning, construction, operation and other necessary measures in relation to the construction and operation of the structures specified in sections 1 and 2. Loans are raised as specified by the Minister of Finance.

Subsection 2. The Minister of Finance is authorised to issue a Treasury guarantee for the obligations of the companies specified in subsection 1 relating to loans and other financial instruments.

Subsection 3. The Minister of Finance is authorised to meet the financing needs of the companies specified in subsection 1 by granting government relending to the companies. The relending may not be granted on terms that are more favourable than those the central government itself can obtain as a borrower.

Subsection 4. Without specific notification in each case, the Danish central government guarantees the other financial commitments of the companies specified in subsection 1 that the companies have assumed in connection with the construction of the construction project.

Section 5. Femern A/S pays all expenses for planning, construction, operation and other necessary measures in relation to the construction and operation of the structure specified in section 1.

Subsection 2. A/S Femern Landanlæg pays all expenses for planning, construction, operation and other necessary measures in relation to the construction and operation of the structure specified in section 2, subsections 1 and 2. A/S Femern Landanlæg pays all expenses for planning, construction and other necessary measures in relation to the construction of the structure specified in section 2, subsections 4 and 5.

Subsection 3. The Danish Road Directorate pays all expenses for the operation of the structure specified in section 2, subsections 4 and 5.

Section 6. The Minister for Transport may authorise Femern A/S and A/S Femern Landanlæg to exercise the Minister's powers in this Act.

Subsection 2. The Minister for Transport may decide that Femern A/S and A/S Femern Landanlæg are to let Banedanmark, the Danish Road Directorate or institutions under the Danish Ministry of the Environment be responsible for tasks in relation to the construction and operation of the structures specified in sections 1 and 2. In such case, the Minister for Transport will stipulate specific provisions to

this effect.

Part 3

Environmental conditions

Environmental assessments

Section 7. The construction project must be implemented within the framework of the project's environmental impact assessments, cf. sections 8 and 9.

Section 8. Any changes or extensions to the construction project that may be harmful to the environment may not be commenced without the permission of the Danish Transport Authority, cf. section 46.

Subsection 2. The Danish Transport Authority decides, on the basis of a notification from Femern A/S or A/S Femern Landanlæg, whether a supplementary EIA report must be prepared before permission is granted under subsection 1. In such case, Femern A/S or A/S Femern Landanlæg prepares the supplementary EIA report. The Danish Transport Authority publishes the EIA report in order to consult the public and the authorities concerned.

Subsection 3. The Minister for Transport may, after negotiation with the Minister for the Environment, stipulate rules on:

- 1) notification of the Danish Transport Authority under subsection 2 of changes or extensions to the construction project,
- 2) the duty of other authorities, Femern A/S and A/S Femern Landanlæg to provide the information necessary for the Danish Transport Authority to assess changes or extensions under subsection 2,
- 3) implementation of the Danish Transport Authority's assessment under subsection 2 and on the content of the EIA report,
- 4) conditions for the consent under subsection 1, and
- 5) publication, including on digital announcement only, of decisions under subsections 1 and 2 and of the supplementary EIA report.

Subsection 4. Provisions in other legislation that stipulate requirements for environmental impact assessment (EIA) do not apply to changes and extensions covered by subsection 1.

Subsection 5. The decisions by the Danish Transport Authority under subsections 1 and 2 and under rules established in pursuance of subsection 3 may not be referred to any other administrative authority.

Section 9. Changes or extensions to the construction project that, in themselves or in connection with other plans and projects, may have a material impact on a Natura 2000 site may not be initiated without the consent of the Danish Transport Authority on the basis of an impact assessment of the change or extension, cf. subsection 2.

Subsection 2. If, on the basis of a notification from Femern A/S or A/S Femern Landanlæg, cf. section 8, subsection 2, the Danish Transport Authority assesses that a change or extension to the construction project may have a material impact on a Natura 2000 site, the Danish Transport Authority makes a detailed assessment of the impact of the change or extension on the Natura 2000 site in relation to the conservation objective for the site in question. If the impact assessment shows that it cannot be ruled out that the change or extension will damage the Natura 2000 site, the Danish Transport Authority may not consent to the change or extension, cf. subsection 3 (7), however.

Subsection 3. The Minister for Transport may, after negotiation with the Minister for the Environment, stipulate rules on:

- 1) notification of the Danish Transport Authority under subsection 2 of changes or extensions to the construction project,
- 2) the duty of other authorities, Femern A/S and A/S Femern Landanlæg to provide the information necessary for the Danish Transport Authority to assess changes or extensions under subsection 2,
- 3) implementation of the assessment under subsection 2, including any consultation of the public,
- 4) conditions for the consent under subsection 1,

- 5) publication, including on digital announcement only, of the decision under subsection 1 and of the impact assessment under subsection 2,
- 6) a coordinated or joint procedure for the supplementary EIA report under section 8, subsection 2, and the impact assessment under subsection 2, and
- 7) the conditions for consenting to changes or extensions to the construction project when the assessment under subsection 2 does not rule out damage to a Natura 2000 site.

Subsection 4. Provisions in other legislation that stipulate requirements for assessment of the impact on Natura 2000 sites do not apply to changes and extensions covered by subsection 1.

Subsection 5. The Minister for Transport may, after negotiation with the Minister for the Environment, establish rules on the protection of animal and plant species in connection with decisions consenting to changes or extensions to the construction project under subsection 2 and to the effect that the rules are to be administered by the Danish Transport Authority.

Subsection 6. The decisions by the Danish Transport Authority under subsections 1 and 2 and under rules established in pursuance of subsections 3 and 5 may not be referred to any other administrative authority.

Section 10. Changes or extensions to the construction project do not require assessments in pursuance of the Danish Act on environmental assessment of plans and programmes.

Mitigating measures - Nature

Section 11. Femern A/S and A/S Femern Landanlæg will carry out mitigating measures in relation to breeding and resting areas for species covered by Schedule 3 to the Danish Nature Protection Act as a consequence of the construction project.

Subsection 2. Femern A/S and A/S Femern Landanlæg will carry out mitigating measures to prevent birds or species covered by Schedule 3 to the Danish Nature Protection Act being disturbed with a harmful impact on the species or population. Femern A/S and A/S Femern Landanlæg will also carry out mitigating measures in relation to birds' eggs and nests.

Subsection 3. Femern A/S and A/S Femern Landanlæg will carry out mitigating measures with a view to nature protection in general.

Derogation from other legislation

Section 12. Performance of works under sections 1, 2 and 11 of this Act does not require exemption or permission under sections 50 and 65, subsections 1-3, cf. part 2, of the Danish Nature Protection Act and section 35, subsection 1, of the Danish Planning Act.

Subsection 2. The rules on urban area development plans and local plans in the Danish Planning Act, sections 20, 22 and 26 a of the Danish Nature Protection Act, part 4 of the Executive Order on the protection of certain animal and plant species and care for injured game, sections 8-13 and 26-28 of the Danish Forests Act, parts 8 and 8 a of the Danish Museums Act, the Danish Farm Properties Act and parts 1 a-4 of the Danish Coastal Protection Act do not apply to the performance of works under sections 1, 2 and 11 of this Act.

Subsection 3. Works to establish an immersed tunnel and a work harbour, cf. section 1, subsection 2, 1), do not require permission under part 4 of the Danish Raw Materials Act.

Section 13. A decision made by a municipal council or a government agency concerning the construction project, cf. sections 1 and 2, that is made under the Danish Construction Act, the Danish Hunting and Game Administration Act, the Danish Nature Protection Act, the Danish Watercourses Act (with the exception of part 13), the Danish Forests Act, the Danish Water Supply Act, the Danish Coastal Protection Act, the Danish Environmental Protection Act and the Danish Raw Materials Act and rules issued in pursuance of these Acts may not be appealed against to any other administrative authority, cf. subsection 2, however.

Subsection 2. Decisions by a municipal council concerning the construction project in pursuance of the

Acts specified in subsection 1 may be appealed against by Femern A/S and A/S Femern Landanlæg to the Minister for Transport.

Subsection 3. The Minister for Transport may decide to assume the powers of the municipal council under the Acts specified in subsection 1 in a specific case concerning the construction project.

Subsection 4. The Minister for Transport's decision in appeal cases under subsection 2 and in cases in which the Minister has assumed the powers of the municipal council under subsection 3 may not be appealed against to any other administrative authority.

Subsection 5. The municipal supervisory authorities do not supervise decisions by a municipal council covered by subsection 1.

Subsection 6. The Minister for Transport may, for the consideration of cases under subsections 2 and 3, establish rules on the municipal council's duty to provide information for use in an assessment of matters that are regulated under the Acts specified in subsection 1 within the municipality in question.

Section 14. The Minister for Transport may establish rules on pollution and nuisance from the construction project. In this connection, the Minister for Transport may establish rules on self-inspection and on supervision and enforcement, including rules to the effect that decisions on supervision and enforcement of rules established under this provision may not be referred to any other administrative authority.

Subsection 2. The Danish Environmental Protection Act and rules issued and decisions made in pursuance of that Act do not apply to pollution and nuisance from the parts of the construction project covered by rules issued under subsection 1.

Section 15. If the Minister for Transport establishes rules in pursuance of section 14, the Minister may also establish rules to the effect that Femern A/S and A/S Femern Landanlæg must offer compensation to residents and owners of holiday homes that are used by the owners as holiday homes and that may be exposed to nuisance as a consequence of rules issued in pursuance of section 14. The Minister for Transport may, in this connection, establish rules on who is entitled to compensation, the size of the compensation, payment, deadlines, interest, etc.

Subsection 2. The Minister for Transport may establish rules to the effect that Femern A/S and A/S Femern Landanlæg must offer residents who are particularly exposed to nuisance as a consequence of the Minister for Transport's regulation of the conditions in pursuance of section 14 the opportunity to be rehoused or to have their homes acquired. The Minister for Transport may, in this connection, decide that the municipal council in the municipality of residence must designate a home in which a resident will be rehoused at the request of the resident. The Minister for Transport may also establish rules on the procedure for rehousing or acquisition, including rules on the terms of agreements for rehousing, costs of rehousing and termination of a rehousing agreement. The Minister for Transport may also decide that the agreement will be terminated if the home where there is nuisance is let or used as a residence or as a holiday home.

Subsection 3. If agreement is not reached between Femern A/S or A/S Femern Landanlæg and a person entitled under subsections 1 and 2, or a dispute arises concerning an agreement made, the Expropriation Commission for Government Expropriation on the Islands (Ekspropriationskommissionen for Statens Ekspropriationer på Øerne) decides on compensation, rehousing and acquisition under the rules issued in pursuance of subsections 1 and 2.

Subsection 4. Cases relating to compensation, rehousing and acquisition are dealt with by the Expropriation Commission for Government Expropriation on the Islands under the rules of the Danish Act on the procedure in connection with expropriation of real property.

Subsection 5. Compensation and amounts paid in connection with rehousing under the rules in subsections 1 and 2 are not included in an assessment of whether a person is entitled to social security benefits and do not result in any reduction in such benefits. Nor are compensation and such amounts included in the calculation of the recipient's taxable income.

Subsection 6. If the Minister for Transport has established rules under subsections 1 and 2, including rules on rehousing, the rules in part 9 of the Danish Act on urban renewal and urban development do not

apply to matters relating to health risks in buildings that are used as homes or for temporary residence as a consequence of noise pollution from the construction project.

Section 16. Part 6 of the Danish Environmental Protection Act and rules issued in pursuance of this Act do not apply to non-hazardous seabed spoil that is moved within surface waters with a view to land reclamation in the construction project.

Subsection 2. The Minister for Transport may establish rules on when seabed spoil is safe, cf. subsection 1. The Minister for Transport may also establish rules on sampling, self-inspection, supervision and enforcement of these rules.

Section 17. The provisions in sections 10-16 apply accordingly to changes to or extensions of the construction project that are permitted under section 8, subsection 1, or section 9, subsection 1.

Part 4

Pipes, cables and roads

Section 18. The provisions in section 106, subsection 1, of the Danish Public Roads Act and in section 70, subsection 1, of the Danish Private Shared Roads Act apply to pipe and cable works in or above road areas in connection with the construction project specified in sections 1 and 2.

Section 19. If it is not possible to reach agreement with owners of pipes or cables covered by section 18 on the organisation of planned construction works in the areas in which or above which the pipes or cables are installed, the Minister for Transport may, after having notified the owner of the pipes or cables that the planned construction works in the area are commencing, implement the work and require that specific pipe or cable works be carried out by the owner of the pipes or cables.

Subsection 2. The Minister for Transport may, in special cases, have the pipe or cable works specified in subsection 1 carried out at the expense of Femern A/S, A/S Femern Landanlæg or the owner of the pipes or cables, cf. section 18.

Section 20. For pipes or cables and other supply installations that are installed in properties belonging to Femern A/S or A/S Femern Landanlæg in connection with the construction or operation of the construction project specified in sections 1 and 2, the Minister for Transport specifies the terms that will apply to the installation of the pipes, cables or supply installations on the property and their continued presence there.

Subsection 2. The Minister for Transport may, out of consideration for the construction and operation of the construction project specified in sections 1 and 2, specify amended terms for pipes, cables and other supply installations that are located on properties belonging to Femern A/S or A/S Femern Landanlæg.

Section 21. Compensation as a consequence of pipe and cable works or terms specified for pipes and cables in pursuance of sections 18-20 is determined, in the absence of agreement on this matter, by the expropriation and valuation authorities in accordance with the rules in the Danish Act on the procedure in connection with expropriation of real property.

Subsection 2. The rules in section 51, subsections 1 and 2, of the Danish Public Roads Act apply to the determination of compensation. Femern A/S or A/S Femern Landanlæg pays all costs associated with this.

Section 22. Femern A/S or A/S Femern Landanlæg may construct new roads and make changes to existing roads or pay the costs of doing so where necessary for the construction and operation of the construction project specified in sections 1 and 2 without a decision to this effect under the Danish Public Roads Act and the Danish Private Shared Roads Act.

Section 23. The Minister for Transport may order the municipal council to recognise a private shared road as a public road if the private shared road is important to the construction or operation of the construction project specified in sections 1 and 2.

Subsection 2. Compensation as a consequence of a decision in pursuance of subsection 1 is to be determined, in the absence of agreement on this matter, by the expropriation and valuation authorities in

accordance with the Danish Act on the procedure in connection with expropriation of real property. Femern A/S or A/S Femern Landanlæg pays all costs associated with this.

Subsection 3. The rules in section 51, subsections 1 and 2, of the Danish Public Roads Act apply to the determination of compensation.

Section 24. Femern A/S or A/S Femern Landanlæg may transfer land, buildings, installations, etc. owned by them to another public authority when they are no longer necessary for the construction or operation of the construction project specified in sections 1 and 2.

Section 25. The road link belonging to the coast-to-coast project specified in section 1 is a public road that is to be administered under the Danish Public Roads Act. Femern A/S is the road authority.

Subsection 2. Femern A/S may authorise the Danish Road Directorate or another agency established under the Ministry of Transport to exercise the powers granted to Femern A/S under subsection 1.

Subsection 3. The Danish Public Administration Act applies to Femern A/S where the company carries out tasks as a road authority, cf. subsection 1.

Part 5

Danish Ports Act

Section 26. The work harbour constructed as part of the coast-to-coast project specified in section 1 is subject to section 14 a, subsections 2 and 3, and the rules issued in pursuance of section 14 a, subsection 1, of the Danish Ports Act.

Part 6

Expropriation and right to make studies without a court order, etc.

Section 27. The Minister for Transport is authorised to acquire, by means of expropriation, the areas and rights that are necessary for the construction and operation of the construction project specified in sections 1 and 2 or changes to it, plus the establishment of climate-related mitigation measures.

Subsection 2. In special cases, the Minister for Transport may, at the request of the owner, expropriate a property that is particularly seriously affected by the construction project specified in sections 1 and 2 before the time of the ordinary expropriations.

Subsection 3. The Minister for Transport is authorised, in connection with expropriation, to assign properties along the construction project specified in sections 1 and 2 easements relating to electrical operations or other easements with consequent restrictions that are necessary for the construction and operation of the construction project specified in sections 1 and 2.

Subsection 4. Expropriation under this provision takes place under the rules in the Danish Act on the procedure in connection with expropriation of real property.

Section 28. The Minister for Transport is entitled at any time, with proper identification and without a court order, to undertake soil studies, surveys, marking and other studies of outdoor areas with a view to the construction and operation of the construction project specified in sections 1 and 2 or changes to it, and the establishment of climate-related mitigation measures, if they are considered to be necessary.

Subsection 2. The Minister for Transport may, under the same conditions as those specified in subsection 1, have preliminary archaeological investigations carried out.

Subsection 3. Owners and users of areas covered by subsection 1 must be notified in writing no later than 14 days before the implementation of the study, etc.

Subsection 4. Owners and users of areas covered by subsection 2 must be notified in writing no later than 28 days before the implementation of preliminary archaeological investigations.

Subsection 5. If it is not possible to notify owners and users of areas in writing under subsections 3 and 4, the information must be published in the local media or similar.

Section 29. The Minister for Transport has access to all of title number 244ed and the part of title numbers 244k and 244ø Rød

by Markjorder that is marked in Schedule 6 to the Act.

Subsection 2. All rights to or via the area are cancelled with final effect in connection with expropriation under subsection 1.

Subsection 3. Rights via title number 244b Rødby Markjorder to building numbers 1 and 3 on rented land are cancelled with final effect.

Section 30. Until 31 December 2023, the Minister for Transport is entitled to control the part of title numbers 244l, 244o, 244al, 244as, 244at, 244av, 244az, 244aæ, 244ba, 244dy, 244eu, 244ey, 244ez, 244eæ, 244eø and 244fc Rødby Markjorder that is marked in Schedule 7 to the Act.

Subsection 2. Rights via title number 244eø Rødby Markjorder to building number 1 on rented land are cancelled with final effect. The Minister for Transport's right of control under subsection 1 must be respected by holders of all other rights via the areas specified in subsection 1.

Subsection 3. An owner of an area covered by subsection 1 may, at any time, request that the Minister for Transport acquire the area against full compensation. A request for acquisition must be submitted to the Minister for Transport by 31 December 2023.

Subsection 4. All rights to or via the area are cancelled with final effect in connection with acquisition under subsection 3.

Section 31. Until 31 December 2023, the Minister for Transport is entitled to control the part of title numbers 244k, 244x, 244y, 244æ, 244ø, 244bo, 244fa, 244fe, 253, 546a, 549r, 549u and 549x Rødby Markjorder that is marked in Schedules 5, 6 and 7 to the Act.

Subsection 2. The Minister for Transport's right of control under subsection 1 must be respected by holders of all other rights via the areas specified in subsection 1.

Section 32. The Minister for Transport is entitled to control the roads marked in Schedules 5 and 6 to the Act until 31 December 2023.

Subsection 2. The Minister for Transport's right of control under subsection 1 must be respected by holders of all other rights via the roads specified in subsection 1.

Section 33. The Minister for Transport is entitled to construct a watercourse in title numbers 244l, 244o, 244at, 244av, 244az, 244aæ, 244ba, 244dy and 244fc Rødby Markjorder, which is marked in Schedule 7 to the Act.

Subsection 2. The Minister for Transport is entitled to make changes to the dike in title numbers 244k, 244bo and 244fa Rødby Markjorder, which is marked in Schedules 5, 6 and 7 to the Act.

Subsection 3. The Minister for Transport is entitled to make changes to the bridges marked in Schedule 6 to the Act until 31 December 2023.

Subsection 4. The Minister for Transport is entitled to establish nature areas in title numbers 1a and 1r Lungholm Inddæmning, Olstrup, and 244o and 549r Rødby Markjorder, which are marked in Schedules 6 and 7 to the Act.

Subsection 5. The Minister for Transport is entitled to construct roads in title numbers 1eq, 1ez, 1fq, 1fu, 244bc, 244fa and 271k Rødby Markjorder, which are marked in Schedule 5 to the Act.

Subsection 6. The Minister for Transport is entitled to install a drainage pipe in title number 244k Rødby Markjorder, which is marked in Schedule 6 to the Act, and the property is assigned an easement concerning the drainage pipe.

Subsection 7. Until 31 December 2023, the Minister for Transport is entitled to establish and maintain a water pipe in title numbers 12a, 12d, 12h, 15c, 15d, 244al, 244at and 244bc Rødby Markjorder, which is marked in Schedule 6 to the Act. The title numbers specified are assigned an easement concerning the water pipe until 31 December 2023.

Subsection 8. Until 31 December 2023, the Minister for Transport is entitled to enlarge the roads in title numbers 12a, 12h, 85b, 112b, 271h, 271i, 271k, 271l and 271n Rødby Markjorder, which are marked in Schedule 6 to the Act.

Subsection 9. With a view to the implementation of the works specified in subsections 1-8, the Minister for Transport may have temporary control over the areas marked in Schedules 5, 6 and 7 to the Act.

Subsection 10. The Minister for Transport's right of control under subsections 1-9 must be respected by holders of all other rights via the areas specified in subsections 1-9.

Section 34. Owners of structures and areas covered by section 29, subsections 1 and 3, section 30, subsections 1 and 2, first sentence, section 31, subsection 1, section 32, subsection 1, and section 33, subsections 1-9, must be notified in writing no later than 14 days before commencement of use.

Subsection 2. If it is not possible to notify owners in writing in accordance with subsection 1, information on the commencement of use must be published in the local media or similar.

Subsection 3. After commencement of use (cf. subsection 1), the Minister for Transport may, without further notice, remove structures, installations, plants, etc. in the areas covered by section 29, subsections 1 and 3, section 30, subsections 1 and 2, first sentence, section 31, subsection 1, section 32, subsection 1, and section 33, subsections 1-9.

Section 35. The Minister for Transport's title under section 29 and right of control under sections 30-33 is registered on the properties concerned. The holder of the title and rights is Femern A/S.

Section 36. Compensation for intervention in pursuance of sections 27-33 is determined, in the absence of agreement on this matter, by the expropriation and valuation authorities in accordance with the rules in the Danish Act on the procedure in connection with expropriation of real property.

Subsection 2. The rules in section 51, subsections 1 and 2, of the Danish Public Roads Act apply to the determination of compensation. Femern A/S and A/S Femern Landanlæg pay the costs associated with this.

Part 7

Emergency preparedness

Section 37. The competent Danish authorities are responsible for public safety and order, as well as emergency preparedness during the construction and operation of the Fehmarnbelt Fixed Link. The competent Danish authorities must, to the extent necessary, collaborate with the competent German authorities.

Subsection 2. Before the Fehmarnbelt Fixed Link is opened, Femern A/S must prepare a safety concept for performing the task under subsection 1. This must include collaboration between the company and the competent Danish and German authorities and plans for possible emergency situations.

Subsection 3. The Minister for Transport may, after negotiation with relevant authorities, establish rules on the maintenance of public safety and order, and emergency preparedness, cf. subsection 1.

Subsection 4. The Minister for Transport may decide that Femern A/S must pay costs that are necessary for the competent authorities to perform the tasks under subsections 1 and 2 and rules issued in pursuance of subsection 3.

Part 8

Ownership and use of the fixed link across the Fehmarnbelt with associated landworks

Section 38. Femern A/S owns the fixed link across the Fehmarnbelt, cf. section 1.

Section 39. A/S Femern Landanlæg and the State each owns a share of the landworks specified in section 2.

Subsection 2. The Minister for Transport undertakes the division of ownership of the existing railway and road installations owned by the State and the landworks specified in section 2 and specifies the time at which the ownership of the landworks passes to each party specified in this provision.

Section 40. Femern A/S is the infrastructure manager of the rail link in the fixed link across the Fehmarnbelt.

Subsection 2. The Minister for Transport may decide that Banedanmark is to be responsible for capacity allocation in the rail link in the fixed link across the Fehmarnbelt.

Section 41. The Minister for Transport stipulates regulations on the level of and principles for the

regulation of railway companies' payment to Femern A/S for the railway companies' use of the rail link in the fixed link across the Fehmarnbelt specified in section 1.

Subsection 2. The Minister for Transport stipulates regulations on the level of and principles for the regulation of railway companies' payment to the State and A/S Femern Landanlæg for the railway companies' use of the Danish railway landworks specified in section 2.

Section 42. Femern A/S collects payment from users for use of the road link in the fixed link across the Fehmarnbelt.

Subsection 2. The Minister for Transport determines the level of payment and the principles for adjustment of payment, cf. subsection 3, however.

Subsection 3. Notwithstanding the provision in subsection 2, Femern A/S may change existing general discount schemes and introduce new discount schemes to the extent that this does not affect the level of payment materially.

Subsection 4. The driver of a vehicle must pay a supplement to the existing charges if the road link is used without payment being made. The registered owner (user) is also liable for payment of this supplement unless it can be proved that the driver was not entitled to be in possession of the vehicle. The supplement is determined by the Minister for Transport.

Subsection 5. If the supplement specified in subsection 4 and the normal payment, cf. subsection 1, are not paid on time, interest is added in pursuance of section 5, subsections 1 and 2, of the Danish Interest Act. Interest must be paid from the due date, which is 30 days after the date on which Femern A/S sent or made a request for payment. The debtor is not required to pay interest for the period of time prior to receipt of the request. Femern A/S may also charge recovery costs and reminder and collection charges in pursuance of sections 9 a and 9 b of the Danish Interest Act.

Subsection 6. The payments specified in subsections 1-5 are published on Femern A/S' website.

Subsection 7. Vehicles used in connection with construction or operation of the fixed link across the Fehmarnbelt or for the safeguarding of public safety and order and emergency preparedness in relation to the coast-to-coast project are exempt from charges in pursuance of subsection 1.

Part 9

CCTV monitoring, etc.

Section 43. Femern A/S may use CCTV to monitor the fixed link across the Fehmarnbelt, including the toll plaza, and record images from this monitoring. Signs or another clear method must be used to provide information on this.

Subsection 2. The Minister for Transport may decide that Femern A/S may give German police and emergency services access to the CCTV monitoring and recording of the fixed link across the Fehmarnbelt specified in subsection 1.

Subsection 3. Femern A/S may record number plates automatically in order to facilitate collection of payment.

Subsection 4. Information in the Danish Vehicle Register about the registered owner (user) of a vehicle may be disclosed to Femern A/S.

Section 44. During the construction phase, Femern A/S may carry out CCTV monitoring of the areas used for the construction of the coast-to-coast project and of roads in the local area. Signs or another clear method must be used to provide information that the areas used for the construction of the coast-to-coast project are subject to CCTV monitoring.

Part 10

Other provisions

Section 45. The water areas and the seabed over which the State has sovereignty and which are necessary for the construction and operation of the fixed link across the Fehmarnbelt are made available

to Femern A/S and A/S Femern Landanlæg by the State free of charge.

Part 11

Competence, judicial review, etc.

Tasks of the Danish Transport Authority

Section 46. The Danish Transport Authority performs the tasks specified in sections 8 and 9.

Subsection 2. In the performance of the tasks specified in sections 8 and 9, the Danish Transport Authority is not dependent on instructions on the consideration and settlement of individual cases.

Judicial review, etc.

Section 47. Proceedings to review decisions under this Act or the rules issued in pursuance of the Act must be initiated within 6 months after the addressee was notified of the ruling or decision or it was published.

Subsection 2. In the case of proceedings on matters concerning the environment that are covered by this Act, the court must ensure that the costs of the case are not insurmountably high for the parties concerned.

Part 12

Penalty

Section 48. Unless a higher penalty is due under other legislation, non-compliance with sections 8 and 9 is punishable by a fine.

Subsection 2. In regulations issued under the Act, it is possible to specify punishment by fines for non-compliance with the provisions in the regulations.

Subsection 3. Companies, etc. (legal entities) may be held criminally liable under the rules in part 5 of the Danish Penal Code.

Part 13

Commencement, etc.

Section 49. The Act enters into force on the day after publication in the Danish Law Gazette.

Enacted at Christiansborg Palace, 4 May 2015

Under Our Royal Hand and Seal

MARGRETHE R.

/ Magnus Heunicke

¹⁾ The Act contains provisions that implement parts of Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (Official Journal 2011, no. L 26, page 1) as amended by Directive 2014/52/EU of the European Parliament and of the Council (Official Journal 2014, no. L 124, page 1), parts of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (Official Journal 2008 no. L 312, page 3), parts of Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (Official Journal 2009, no. L 20, page 7) and parts of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Official Journal 1992, no. L 206, page 7), most recently amended by Council Directive 2006/105/EC of 20 November 2006 (Official Journal 2006, no. L 363, page 368).

Unofficial translation for information use only

	Schedule 13
	RØDBYHAVN
	DENMARK
	Danish EEZ
	German EEZ
	GERMANY
	PUTTGARDEN
	National border
	Railway
	Motorway
	Areas acquired permanently
	Areas acquired temporarily
	New reclaimed land, including portal building
	Easement area
	New nature area

Unofficial translation for information use only

	Schedule 2
	Beach (west)
	Bindernæsvej
	Common land (west)
	Sandholmvej
	Lalandia
	Darketvej
	RECLAIMED LAND WEST
	Lagoon beach
	Inner lagoon
	Paddling beach
	RØDBYHAVN
	Færgevej
	Humlegårdsvej
	Gl. Badevej
	Strandholmsvej
	Færgevej
	Fælledvej
	Portal area
	Wetland
	Cliff
	Hyldebofte Østersøbad
	RECLAIMED LAND EAST
	Beach
	Dunes
	Green
	nature areas
	Nature areas and wetlands
	Grazing area
	Cycle path and footpath
	Existing cycle path and footpath
	New road to car park
	Public car park
	0 m
	1500 m

Unofficial translation for information use only

	Schedule 3
	Ringsted
	Glumsø
	Næstved
	Lundby
	Vordingborg
	Storstrøm Bridge
	New bridge over Masnedsund
	Orehoved
	Nørre Alslev
	Eskilstrup
	Guldborgsund
	Nykøbing Falster
	New bascule bridge over Guldborgsund
	Holeby
	Rødbyhavn
	New station at Holeby
	New dual track
	Electrification
	Existing railway

Unofficial translation for information use only

	Schedule 4
	Rødby
	Lundegårdsvej
	Rødbyhavn
	Færgevej

Unofficial translation for information use only

	Schedule 5
	Legend:
	Washed-up area (unregistered)
	Access via areas (permanent acquisition), cf. section 29, subsection 1
	Right of use (temporary intervention), cf. section 30, subsection 1
	Right of use (temporary intervention), cf. section 31, subsection 1
	Right to change dike, cf. section 33, subsections 2 and 9
	Right to use roads, cf. section 32, subsection 1
	Right to construct watercourse (permanent intervention), cf. section 33, subsections 1 and 9
	Right to change bridges, cf. section 33, subsections 3 and 9
	Right to establish natural areas, cf. section 33, subsections 4 and 9
	Right to construct roads, cf. section 33, subsections 5 and 9
	Right to install a drainage pipe and assign an easement, cf. section 33, subsections 6 and 9
	Right to install a water pipe, cf. section 33, subsections 7 and 9
	Right to enlarge roads (temporary intervention), cf. section 33, subsections 8 and 9
	Work area (temporary intervention), cf. section 33, subsection 9

Unofficial translation for information only

	Schedule 6
	Legend:
	Washed-up area (unregistered)
	Access via areas (permanent acquisition), cf. section 29, subsection 1
	Right of use (temporary intervention), cf. section 30, subsection 1
	Right of use (temporary intervention), cf. section 31, subsection 1
	Right to change dike, cf. section 33, subsections 2 and 9
	Right to use roads, cf. section 32, subsection 1
	Right to construct watercourses (permanent intervention), cf. section 33, subsections 1 and 9
	Right to change bridges, cf. section 33, subsections 3 and 9
	Right to establish natural areas, cf. section 33, subsections 4 and 9
	Right to construct roads, cf. section 33, subsections 5 and 9
	Right to install a drainage pipe and assign an easement, cf. section 33, subsections 6 and 9
	Right to install a water pipe, cf. section 33, subsections 7 and 9
	Right to enlarge roads (temporary intervention), cf. section 33, subsections 8 and 9
	Work area (temporary intervention), cf. section 33, subsection 9

Unofficial translation for information only

	Schedule 7
	Legend:
	Washed-up area (unregistered)
	Access via areas (permanent acquisition), cf. section 29, subsection 1
	Right of use (temporary intervention), cf. section 30, subsection 1
	Right of use (temporary intervention), cf. section 31, subsection 1
	Right to change dike, cf. section 33, subsections 2 and 9
	Right to use roads, cf. section 32, subsection 1
	Right to construct watercourse (permanent intervention), cf. section 33, subsections 1 and 9
	Right to change bridges, cf. section 33, subsections 3 and 9
	Right to establish natural areas, cf. section 33, subsections 4 and 9
	Right to construct roads, cf. section 33, subsections 5 and 9
	Right to install a drainage pipe and assign an easement, cf. section 33, subsections 6 and 9
	Right to install a water pipe, cf. section 33, subsections 7 and 9
	Right to enlarge roads (temporary intervention), cf. section 33, subsections 8 and 9
	Work area (temporary intervention), cf. section 33, subsection 9
	Copyright

Unofficial translation for