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Espoo announcement of the tender over CO₂ storage areas in Denmark

The Danish Energy Agency announces the Executive Order regarding certain onshore areas in Denmark that are open for awarding of licenses for the exploration and storage of carbon dioxide.

Background

In a letter dated on 30.09.2022, Denmark in accordance with the Espoo convention, the protocol and Danish legislation¹ on strategic environmental assessments, notified Norway and Germany on the initiation of the SEAs.

Norway, Germany and Slesvig-Holstein asked to participate in the consultation on the reports.

On 02.11.2022 Denmark initiated 1st public hearing on the demarcation. Denmark did not receive any further remarks from Norway, Germany or Slesvig-Holstein. In Denmark the 2nd public hearing has been initiated on 31.05.2023 and will end by 08.08.2023.

On 31.05.2023 Denmark notified Norway, Germany and Slesvig-Holstein that the Espoo consultation on the 2nd public hearing would be delayed due to a delay in the translation.

On 15.08.2023 the Espoo hearing was concluded. Denmark received 8 consultation responses from German authorities and organisations.

The plan and the program

The SEAs include 5 onshore areas included in the tender for CO₂ storage exploration licenses.

The 5 areas included in the plan and tender are Rødby, Havnsø, Stenlille, Gassum and Thorning.

The 3 nearshore areas, Jammerbugt, Lisa and Inez also included in the SEA are expected to be included in a tender within Q1-Q2 of 2024.

¹ The Danish Environmental Assessment Act, LBK no. 4 of 03/01/2023

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The plan takes into account that some areas on the surface are protected in respect to the habitat directive. Therefore a differentiated plan has been decided, with a vertical distinction between the geographical extent of the subsoil reservoir and the geographical extent on the surface, has been made. The proposed planned areas on the surface exempts Natura 2000 areas.

The environmental impact from the activities enabled by the plan, will depend on where and how the injection and storage activities takes place.

The parameters of the coming projects are not described in the strategic environmental assessment. The evaluation takes place on a general level and shows that there is a risk of a non-essential environmental impact as the consequence from for example biodiversity, the public.

The intention of enabling CO₂ storage in Denmark is not to enhance the possibility of oil & gas extraction (EOR), and the plan does not include CO₂ injection for the purpose of EOR.

Possible crossborder environmental impact

In the SEAs it has been evaluated that there is no significant transboundary environmental impact from implementing the plan.

The consultation responses from Germany have been taken into consideration, and have not lead to any changes in the Strategic Environmental Assessment or the plan as proposed in the public hearing.

It is not possible at the current level to make conclusions in regards to the specific environmental assessments of the specific projects. The safety and environmental cautionary perspective which has been consistent in the consultation responses will be addressed in the Environmental Impact Assessments, which is a requirement to admit along with the storage applications.

Notification

Denmark hereby notifies Germany of the the executive order regarding certain onshore areas in Denmark that are open for awarding of licenses for the exploration and storage of carbon dioxide. The executive order will come in to effect on December 13th 2023. The Danish Energy Agency will gladly provide a German translation of the executive order upon demand.

Legal framework and complaint guidance

The strategic environmental assessment has been carried out in accordance with the Environmental Assessment Act section 8 and in accordance with section 12



and 13, subsection 2, any significant environmental impact by the implementation of the plan, has been addressed in a report together with a summarizing report describing how the Danish Energy Agency has taken into account the consultation responses.

The plan in the executive order has been issued in accordance with the Danish Subsoil Act, which does not include the possibility of appeal. Therefore, any appeal in regards to the strategic environmental report can be made specifically on legal matters in the report, in accordance with the Environmental Assessment Act § 48, 4.

The minister for the environment, anyone with a legal interest in the outcome as well as nationwide organisations with an environmental protection purpose or the promotion of significant interests in regards to planning and with articles or laws which document the organizational purpose and which is represented by a minimum of 100 members, can appeal the strategic environmental assessment to Miljø- og Fødevareklagenævnet (EIA section 50, subsection 1).

The deadline for any appeal is 4 weeks from the date of publication (December 13th 2023). The appeal is to be submitted in writing through “klageportalen”, Nævnenes Hus on email: nmkn@naevneneshus.dk

An appeal is considered received when it is accessible for Miljø- og Fødevareklagenævnet,

Submitting an appeal requires a payment of a fee. The fee is returned if the result of the appeal is in favour of the complainant

Best regards

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