

Act on Project Planning for a Fixed Link over the Fehmarn Belt, with Associated Land Facilities in Denmark

We, MARGRETHE THE SECOND, by the Grace of God Queen of Denmark, hereby make known:

Folketinget has passed and We have provided the following Act with Our Royal Assent:

Ratification

§ 1. The treaty signed on 3 September 2008 between the Kingdom of Denmark and the Federal Republic of Germany on a fixed link over the Fehmarn Belt can be ratified on Denmark's behalf.

Project planning

§ 2. The Minister of Transport is authorised to undertake the preparation, investigation and project planning and other dispositions necessary with regard to the building of a fixed link over the Fehmarn Belt, plus associated land facilities in Denmark.

§ 3. The fixed link over the Fehmarn Belt is to be planned as a combined railway and road link consisting of a twin-track electrified railway line and a four-lane motorway. Project planning shall, in all other respects, comply with the other conditions stated in this treaty, referred to in § 1. The fixed link over the Fehmarn Belt will be built between Puttgarden in Germany and Rødbyhavn with associated land facilities located in Denmark, plus miscellaneous support facilities.

Art. 2. In relation to the fixed link referred to in art. 1 project planning of an extension to the existing land railway facilities in Denmark is to be performed, consisting of

- 1) a widening of the railway to become twin track on the stretch from Vordingborg to Storstrøm Bridge and from Orehoved to Rødbyhavn and
- 2) the electrification of the railway on the stretch between Ringsted and Rødbyhavn.

Art. 3. Furthermore, and in connection with the fixed link referred to in § 3, art. 1, the Minister of Transport can undertake project planning of the necessary upgrades and environmental preparations of the existing motorway on the stretch between Sakskøbing and Rødbyhavn.

§ 4. The Minister of Transport shall draft an EIA report (environmental impact analysis) by agreement with the Minister of the Environment for both the fixed link and the associated land facilities in Denmark,

including public consultation and all other necessary environmental considerations for the project.

Organisation

§ 5. The Minister of Transport is authorised to organise the preparation, investigation and project planning, and to make the necessary dispositions concerning the facilities referred to in § 3, and the environmental analyses referred to in § 4, including the setting up of companies directly or indirectly wholly owned by the state, and to outsource work to these or with existing companies which are directly or indirectly wholly owned by the state.

§ 6. Companies referred to in § 5 shall be subject to the Public Limited Companies Act with the exceptions according arts. 2-4.

Art. 2. The Articles of association for the companies referred to in § 5 and changes to such articles shall be approved by the Minister of Transport.

Art. 3. On issues of major importance, the Minister of Transport can give the companies referred to in § 5 general or special instructions for the execution of their activities.

Art. 4. The Act on Public Limited Companies § 49, art. 2, third sentence, and art. 3, first sentence, shall not apply to the election of employee representatives on the board of directors and substitutes for the same.

§ 7. In accordance with § 5, the companies can borrow money and use other financial instruments for the financing of preparation, investigation, project planning and other necessary dispositions concerning the fixed link over the Fehmarn Belt and land facilities in Denmark. Borrowing shall comply with the terms to be laid down by the Minister of Finance.

Art. 2. The Minister of Transport can invest share capital of up to DKK 500M in companies wholly owned by the state outsourced work in accordance with § 5. Should any company outsourced work in accordance with § 5 be the subsidiary of an existing wholly state-owned company, that existing company can also invest up to DKK 500M in such subsidiaries.

Art. 3. The Minister of Finance is authorised to provide a guarantee from state funds for the payment of interest and instalments.

Art. 4. The Minister of Finance is authorised to cover the financing needs of the companies by issuing state loans to such companies in accordance with § 5. Such loans may not be given on better terms than those the state can obtain as a borrower.

Art. 5. The State of Denmark will stand as guarantor for any financial obligations arising from the activities referred to in § 7, art. 1, which are to be performed by the companies, in accordance with § 5.

§ 8. A company which has borrowed in pursuance of § 7, can lend and transfer, without cost in whole or part, the loans to the other companies, which have been outsourced work in accordance with § 5. Loans including accrued interest, commissions or the like made to or by the companies outsourced work in accordance with § 5, or the transfer of loans taken out between the companies shall not be taxed in accordance with taxation law.

§ 9. If the taxable earnings declared for a fiscal year for the companies in accordance with § 5 show a deficit, such deficits can be deducted from the companies' taxable income for the following fiscal year. Deductions cannot however be transferred to a later fiscal year, if they cannot be covered by a previous year's earnings.

Building lines, bans and acquisition of land etc.

§ 10. The Minister of Transport can apply mandatory building lines when they are necessary to ensure execution of the facilities referred to in § 3. Building lines can apply for a period of max. 15 years. Building line orders can be extended by up to a further 10 years in the event of a new order.

Art. 2. No new buildings may be erected on land inside the building line without the permission of the Minister of Transport, including building extensions or the re-erection of buildings destroyed by fire or demolition, and neither may major modifications be made to existing buildings without the permission of the Minister of Transport. Permanent structures cannot be erected on such areas.

§ 11. As a temporary measure prior to the definition of building lines, the Minister of Transport can issue a ban on the measures referred to in § 10, art. 2 on properties affected by the facilities referred to in § 3. Such a ban can only be applied for a period of 1 year, and cannot be applied more than once.

Art. 2. The municipality in question shall inform the Minister of Transport before issuing permits for building on property not subject to building lines, but affected by project planning. If the Minister of Transport does not apply a ban in accordance with

§ 11, art. 1 within two months of having received such notification, building permission can be granted.

§ 12. The Minister of Transport shall publish building line orders in accordance with § 10 in local news media, and shall provide notification to owners and users of properties directly affected by the order, and whose claim is stated in the Land Registry.

Art. 2. Objections to building line orders shall be made within four weeks after notification has been received.

Art. 3. When the objection deadline has expired, and a decision has been made in the event of any objections, the building line order will be registered in the Land Registry with reference to its warrant.

Art. 4. Objections to a ruling on a building line order shall not relieve the objector from complying with the order. The Minister of Transport can however rule that the objection can have a delaying effect.

Art. 5. Building line orders shall be respected by property owners, users, mortgage holders and other rights owners on the property from the date of publication, regardless of when such rights were acquired.

Art. 6. Prior to building work starting on a property subject to a building line order according to § 10, the builder shall obtain all details from the Minister of Transport on whether execution of the work will contravene the building line order.

§ 13. If the owner of land subject to a building line order in accordance with § 10 is prevented from use of the site, and if financially reasonable and responsible with regard to the location of the site and other conditions and equal to the use occurring in adjacent or nearby sites, the owner can, at any time, demand that the Minister of Transport acquires the site with payment of compensation.

Art. 2. The owner of a site which is affected to a significant extent by a building line in accordance with § 10 can, at any time, demand that the Minister of Transport takes over the site with payment of compensation, when the building lines prevent sale of the site on normal terms, and the owner wants to dispose of the site for special personal reasons before the date on which expropriation can be performed.

Art. 3. If a site subject to a building line in accordance with § 10 is only part of a property, the owner can demand that the entire property is acquired, if the remaining portion of the property will be so small or in such a condition that the property cannot be deemed to be a self-contained property or used in a reasonable manner. The same applies if the building line prevents sale of a whole property on normal terms in the situations referred to in § 13, art. 2.

Art. 4. If the Minister of Transport rejects the owner's demand for acquisition in accordance with § 13, arts. 1-3, or cannot reach an agreement on size of

compensation, the owner can refer the Minister's ruling to the assessment authorities stated in §§ 57 and 58 of the Act on Public Roads. The assessment authorities will decide whether the owner's demand according to § 13, arts. 1-3 shall be met, and if so, will set compensation for the acquisition of the site in accordance with § 51, art 1 and 2 of the Act on Public Roads. In the event of the involvement of the assessment authorities, §§ 58 a-62 of the Act on Public Roads shall correspondingly apply.

Art 5. Rulings that can be applied according to § 13, art 4, cannot be referred to the courts before the objection facility has been used. Appeals shall be lodged within 6 months of the ruling reaching the plaintiff.

§ 14. The Minister of Transport can acquire a property that will be significantly affected by project planning in advance upon the request of the owner, if the owner wants to dispose of the property for special personal reasons before the date on which expropriation would occur, and the property cannot be sold on normal terms.

Art. 2. The acquisition price will be determined by the expropriation and assessment authorities in accordance with the Act on the Procedure for Expropriation Concerning Real Estate.

Access to surveys

§ 15. If deemed necessary, the Minister of Transport has the right to perform soil surveys, measurement surveys, marking and other surveys of outdoor sites at any time with the appropriate legitimation and without a court order, with a view to performing studies and project planning of the facilities referred to in § 3.

Art 2. The owner of the site shall be informed in writing no later than 8 days prior to execution of the survey in accordance with § 15, art 1.

Art. 3. Compensation for damage suffered by the owner under the circumstances referred to in § 15, art 1 will be determined by assessment in accordance with the rules in accordance with the Act on the Procedure for Expropriation Concerning Real Estate, if no agreement can be reached with the owner on the same.

Other provisions

§ 16. The state shall make available and at no cost those areas of water and the seabed over which the state has sovereignty and which are necessary for the preparation, surveying and project planning of the fixed link over the Fehmarn Belt to the companies, in accordance with § 5.

§ 17. The companies shall pay all costs related to the work which, in accordance with §5, will be outsourced to those companies by agreement with the Minister for Transport, including such costs related to the ordering and publishing of building lines, and the acquisition of sites in pursuance of this Act.

§1 8. The Minister of Transport can authorise the companies in accordance with § 5 to exercise the Minister's authority under this Act.

Art. 2. In accordance with § 5, the companies will be able to outsource work related to surveys and project planning related to railway land facilities within Denmark, in accordance with § 3, art. 2, including EIA surveys and other relevant work, to the Public Transport Authority and Rail Net Denmark.

Art. 3. In accordance with § 5, the companies will be able to outsource work related to surveys and project planning related to associated land road facilities within Denmark, in accordance with § 3, art. 3, including EIA surveys and other relevant work, to the Danish Road Directorate.

Art. 4. In accordance with § 5, the companies will be able to outsource work related to surveys and project planning concerning the fixed link with associated land facilities in Denmark, including EIA surveys and other relevant work, to institutions under the Ministry of Environment.

Art. 5. The Minister of Transport can stipulate rules on granting leave to object to rulings made in accordance with this Act, as long as such provisions are not a part of the Act, including deadlines for objections, and whether the ruling cannot be referred to the Minister of Transport.

§ 19. The Act will become effective the day after publication in the Danish Law Gazette.

DONE at Christiansborg Castle, this 15th day of April 2009.

Under Our Royal Hand and Seal

Margrethe R.

/Lars Barfoed