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Version 1.0

Den Demokratiske Klima- og Naturlov

Purpose

A law to require the Prime Minister (Statsminister) to achieve climate and ecology objectives; to give the Minister for the Environment a duty to create and implement a strategy to achieve those objectives; to establish a Citizens' Assembly to work with the Minister for the Environment in creating that strategy; to give duties to the Danish Council on Climate Change regarding the objectives and strategy; and for connected purposes.

Chapter 1.

Duties of the Prime Minister (Statsminister): climate and ecological emergency objectives

§ 1. The Prime Minister (Statsminister) must—

Stk. 2. declare a climate and ecological emergency; and

Stk. 3. achieve the objectives in § 2 ('the objectives') to tackle that emergency.

§ 2. The objectives in tackling the climate and ecological emergency are to ensure that Denmark—

Stk. 2. reduces its anthropogenic greenhouse gas emissions ('emissions') at a rate that would be consistent with keeping the global average temperature increase to 1.5 degrees Celsius compared to pre-industrial levels, in accordance with the provisions of the UNFCCC and the Paris Agreement, taking into account—

- 1) Denmark's greenhouse gas footprint, and
- 2) Denmark's and other countries' common but differentiated responsibilities, and respective capabilities, given national circumstances;

Stk. 3. restores and regenerates biodiverse habitats, natural and human- modified ecosystems and their soils;

Stk. 4. expands natural ecosystems, wherever possible, and enhances agroecosystems for the purposes of safeguarding their carbon sink capacity and their resilience to global heating;

Stk. 5. actively conserves biodiversity and safeguards ecosystem services; and reduces its overall anthropogenic impact on the variety, abundance and health of soils and biodiversity.

§ 3. In seeking to achieve the objectives the Prime Minister (Statsminister) must consult—

Stk. 2. the Danish Council on Climate Change

Stk. 3. any other public body or other body charged with protecting the environment .

Stk. 4. any other public body or other body deemed appropriate by the Prime Minister (Statsminister).

Chapter 2.

Duties of the Minister for the Environment: Climate and Ecological Emergency Strategy

§ 1. The Climate and Ecological Emergency Strategy (‘the strategy’) is a document that sets out the measures intended to achieve the objectives.

§ 2. The Minister for the Environment must—

Stk. 2. prepare a draft strategy that—

- 1) in his or her opinion will achieve the objectives
- 2) adheres to the principles in Chapter 3, and
- 3) takes into account recommendations of the Citizens’ Assembly under Chapter 4, in accordance with Chapter 5;

Stk. 3. lay the first draft strategy before Parliament (Folketinget) no later than three months after the Citizens’ Assembly publishes its first report under Chapter 4 § 7; and

Stk. 4. lay before the Parliament (Folketinget) a report containing proposals for revisions to the strategy if he or she thinks such revisions are necessary for the objectives to be achieved.

§ 3. The draft strategy is subject to approval by the Parliament (Folketinget), in accordance with Chapter 6.

§ 4. The Minister for the Environment must take all reasonable steps to implement the measures in a strategy or revised strategy approved by the Parliament (Folketinget).

Chapter 3.

Principles for the draft strategy

§ 1. The draft strategy—

Stk. 2. must set out the steps the Minister for the Environment will take to reduce Denmark’s emissions in accordance with Chapter 2 § 2 *Stk. 2*, distinguishing between emissions reductions to be achieved—

- 1) primarily by reducing the anthropogenic greenhouse gas source, and
- 2) by actively restoring and enhancing natural climate solutions within Denmark, including both natural and human-modified ecosystems as resilient carbon sinks;

Stk. 3. may count the use of carbon sequestration via negative emissions technologies towards achieving the emissions reduction required under section Chapter 2 § 2 Stk. 2 only insofar as it—

- 1) offsets emissions that cannot be eliminated in the cement, steel and agriculture sectors,
- 2) compensates for Denmark's cumulative historical emissions, or
- 3) mitigates any overshoot above the global average temperature increase of 1.5 degrees Celsius compared to pre-industrial levels;

Stk. 4. may only propose the use of negative emissions technologies for carbon sequestration when the deployment of these would not lead to critical impacts in Denmark and abroad, including—

- 1) critical impacts on biodiverse habitats, natural and human-modified ecosystems and their soils,
- 2) critical impacts on food production or water availability, or
- 3) any other critical social or ecological impact;

Stk. 5. must contain measures to ensure that the variety, abundance and health of Denmark's ecosystems, and the ecosystem services they generate, are enhanced by—

- 1) active restoration, and
- 2) the minimising of adverse impacts of domestic consumption and production on those systems;

Stk. 6. must ensure that all necessary steps are taken so that domestic Danish supply chains and the supply chains of Danish imports—

- 1) minimise adverse impacts on ecological systems, including inter alia soils and bio-diverse habitats overseas, and
- 2) implement conditions to protect the health and resilience of those systems;

Stk. 7. must—

- 1) take into consideration Denmark's present and historical role in global emissions, and comparative economic situation as indicated by the Paris Agreement, and
- 2) apply the principles of international equity and inter-generational equity;

Stk. 8. must not disproportionately detrimentally affect—

- 1) deprived communities (udsatte områder); or
- 2) people with protected characteristics under chapter 1 of the Consolidation Act on Prohibition of Discrimination on the Labour Market;

Stk. 9. must include proposals for—

- 1) financial support and retraining for people who work in emissions-intensive sectors and industries which will be adversely affected by other proposed measures, and
- 2) financial and technological support for developing countries.

§ 2. Each measure in the draft strategy must include time frames within which all necessary actions are to commence and be completed.

Chapter 4.

Citizens' Assembly on the Climate and Ecological Emergency

§ 1. There shall be a Citizens' Assembly comprising a representative cross-section of the Danish population to work in cooperation with Minister for the Environment and to recommend measures to be included in, and revisions to, the draft strategy.

§ 2. That Citizens' Assembly shall be known as the Citizens' Assembly on the Climate and Ecological Emergency ('the Assembly').

§ 3. The Minister for the Environment must—

Stk. 2. within one week of this Act coming into force, issue a call for tenders for a reputable independent body ('the independent body') to carry out the functions in § 4;

Stk. 3. within eight weeks of this Act coming into force, appoint the selected independent body.

§ 4. The functions of the independent body are to establish, convene and run the Assembly.

§ 5. The independent body must—

Stk. 2. commence its work in accordance with § 4 immediately upon appointment; and

Stk. 3. convene the first meeting of the Assembly within five months of this Act coming into force.

§ 6. The functions of the Assembly are to—

Stk. 2. consider information provided by experts, and by any other persons who have submitted evidence to the Assembly;

Stk. 3. deliberate as to how the objectives can be achieved in ways consistent with the principles in Chapter 3;

Stk. 4. vote on measures proposed for inclusion in the strategy;

Stk. 5. seek agreement with the Minister for the Environment on the content of the strategy;

Stk. 6. propose revisions to the strategy; and

Stk. 7. report to the Minister for the Environment in accordance with § 7 and § 8.

§ 7. The first report by the Assembly must—

Stk. 2. contain recommendations for measures to be included in the strategy consistent with the principles in Chapter 3 and agreed by at least sixty-six per cent of the members of the Assembly;

Stk. 3. set out the reasons for each such recommendation; and

Stk. 4. be published within six months of the first meeting of the Assembly.

§ 8. The Assembly may make further reports containing proposed amendments to the strategy in order for the objectives to be met, which—

Stk. 2. must contain recommendations for amendments to the strategy consistent with the principles in Chapter 3 and agreed by at least sixty-six per cent of the members of the Assembly; and

Stk. 3. must set out the reasons for each such recommendation.

§ 9. Minister for the Environment may by regulations made by statutory instrument make provision about—

Stk. 2. the establishment and governance of the Assembly; and

Stk. 3. the remuneration and expenses of—

- 1) members of the Assembly, and
- 2) witnesses and other persons involved with the Assembly.

§ 10. Regulations under this section may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of the Parliament (Folketinget).

Chapter 5.

Content of the draft strategy and proposed revisions

§ 1. Minister for the Environment must—

Stk. 2. include in the draft strategy laid under Chapter 2 § 2 Stk. 3 any recommendation under Chapter 4 § 7 Stk. 2 that is a qualifying recommendation; and

Stk. 3. propose any recommendation under Chapter 4 § 8 Stk. 2 that is a qualifying recommendation as a revision to the strategy.

§ 2. A “qualifying recommendation” is one which—

Stk. 2. was agreed by more than eighty per cent of the members of the Assembly; and

Stk. 3. is not in the category in § 5.

§ 3. Minister for the Environment must consider, and seek agreement with the Assembly with a view to including in the strategy, any recommendation of the Assembly under section Chapter 4 § 7 Stk. 2 or Chapter 4 § 8 Stk. 2 that—

Stk. 2. was agreed by more than eighty per cent of the members of the Assembly; and

Stk. 3. is in the category in § 5.

§ 4. Minister for the Environment must consider any other recommendation of the Assembly for inclusion in the strategy and lay before the Parliament (Folketinget) a report explaining his or her reasons for agreeing or disagreeing with it—

Stk. 2. in the case of a recommendation under Chapter 4 § 7 Stk. 2, no later than the day on which the draft strategy is so laid; and

Stk. 3. in the case of a recommendation under Chapter 4 § 8 Stk. 2, no later than one week after that recommendation is made.

§ 5. The category in this section is a recommendation that has as its main object—

Stk. 2. disbursing public funds; or

Stk. 3. imposing charges upon the people;

Chapter 6.

Approval and amendment of the strategy by the Parliament (Folketinget)

§ 1. A measure forms part of the strategy if a motion containing it of the form in § 2 is agreed by the Parliament (Folketinget).

§ 2. The form of the motion is “That this House approves [text of measure(s)] to be included in the Climate and Ecological Emergency Strategy.

§ 3. Minister for the Environment must move a motion of the form in § 2 containing the text of any recommendation under Chapter 4 § 7 Stk. 2 that is a qualifying recommendation as soon as reasonably practicable after laying the draft strategy under Chapter 2 § 2 Stk. 3.

§ 4. The strategy may be amended if a motion of the form in § 5 is agreed by the Parliament (Folketinget).

§ 5. The form of the motion is “That this House amends the Climate and Ecological Emergency Strategy as follows—[text of amendment(s)]”.

§ 6. Minister for the Environment must move a motion of the form in § 5 containing the text of any recommendation under Chapter 4 § 8 Stk. 2 that is a qualifying recommendation as soon as reasonably practicable after that recommendation is made.

Chapter 7.

Interpretation

In this Act—

“agroecosystems” means the set of relationships and interactions between soils, climates, cultivated plants, organisms of different trophic levels, and human groups in areas of agricultural production;

“anthropogenic greenhouse gas source” means any human activities that lead to a release of any greenhouse gas into the atmosphere;

“anthropogenic impact” means the direct and indirect negative influences of human action on water, soil and biodiversity;

“biodiverse habitats” means land and water habitats that are abundant in the number of living species;

“carbon sequestration” means the process by which carbon sinks remove carbon dioxide from the atmosphere;

“carbon sink capacity” means the ability of natural reservoirs including (without prejudice to the generality) woodlands, wetlands, peatlands and soils to absorb more carbon than they emit;

“deprived community” (udsatte område) is a community with a high rating of deprivation, according to government indices of deprivation;

“ecosystems” includes both natural and human-modified land and water ecosystems, such as agroecosystems and urban ecosystems;

“greenhouse gases” means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride and any other gas designated as “a greenhouse gas” by the Danish Council on Climate Change;

“natural climate solutions” means the active restoring and enhancing of both natural and human-modified ecosystems as resilient carbon sinks which include, but are not restricted to, reforestation, sustainable land management, and the restoration of wetlands, peat bogs and coastal ecosystems;

“negative emissions technologies” include, but are not limited to, bioenergy with carbon capture and storage and direct air capture of carbon dioxide and storage that have been independently assessed against standards of quality;

“the Paris Agreement” is the agreement within the United Nations Framework Convention on Climate Change adopted on 12 December 2015;

“pre-industrial levels” is the global mean temperature over the period 1850-1900; “the UNFCCC” is the United Nations Framework Convention on Climate Change adopted on 9 May 1992;

“Denmark’s greenhouse gas footprint” is the sum of —

- 1) all Danish territorial emissions except those generated in the production of goods and services exported from Denmark,
- 2) all consumption emissions generated abroad in the production and distribution of goods and services imported to Denmark, and
- 3) all emissions generated from Danish passenger transportation demands related to both personal and commercial passenger travel outside of Danish territory including international aviation, passenger shipping and land-based transport.

Chapter 8.

Financial provisions

§ 1. There is to be paid out of money provided by the Parliament (Folketinget) —

Stk. 2. any expenditure incurred under or by virtue of this Act; and

Stk. 3. any increase attributable to this Act in the sums payable under any other Act out of money so provided.

§ 2. There is to be paid into the government budget (Statsbudget) any increase attributable to this Act in the sums payable into that Fund under any other Act.

Chapter 9.

Extent, commencement and short title

§ 1. This Act extends to all of Denmark.

§ 2. This Act comes into force on the day on which it is passed.

§ 3. This Act may be cited as the DKN law (DKN lov).

Draft