

Draft

# Order on zero-emission zones in limited urban areas<sup>1</sup>

Pursuant to Section 15f(6), Section 15h(2), (4) and (5), and Section 80(1) and (2) of the Danish Environmental Protection Act (*lov om miljøbeskyttelse*), cf. Consolidation Act No 1093 of 11 October 2024, as amended by Act No x of x December 2024, Section 1, the following is laid down:

## Chapter 1

### *Objectives and definitions*

**Section 1.** The purpose of this Order is to lay down rules governing a municipal council's right to decide on the establishment, extension, limitation or termination of zero-emission zones, cf. Section 15f(1) and (2) of the Environmental Protection Act.

*Paragraph 2.* The purpose of the Order is also to lay down rules for derogations and exemptions from the zero-emission zone requirements.

**Section 2.** The following definitions apply for the purposes of this Order:

- 1) Urban zone: An area defined as an urban zone pursuant to Section 34(2) of the Danish Planning Act (*lov om planlægning*), cf. Consolidation Act No 1157 of 1 July 2020, as amended.
- 2) Company car: Vehicle for which the resident is either taxed on the value of the car themselves or, pursuant to the tax legislation, a day certificate for private driving is purchased.
- 3) Vehicle for disabled people: Vehicle for which financial support has been granted for its purchase pursuant to Section 114 of the Danish Social Services Act (*lov om social service*), a vehicle registered with the permit for vehicles for disabled people in the vehicle register or a vehicle driven by a person with a parking card for disabled people, or where the holder of the parking card for disabled people is a passenger.
- 4) Zero-emission vehicle: A vehicle that does not emit exhaust air pollutant emissions and emits 0 grams of CO<sub>2</sub> per kilometre driven.
- 5) The strategic road network: Roads classified by the Danish Road Directorate as:
  - sections linking and distributing traffic throughout the country and which, irrespective of the level of congestion, are considered to be significant for overall road accessibility;

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<sup>1</sup> A draft of this Order has been notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification).

- sections connecting the regional or local road network with high or medium traffic load;
- sections designated as alternative routes to the above-mentioned sections and which, for periods of time, therefore serve as connecting or distribution routes.

6) Medical transport: Vehicles used for patient transport and either registered for patient transport or ambulance transport in the vehicle register, or the transport is covered by the rules laid down in the Order on Transport and Transport Allowance in accordance with the Health Act (*bekendtgørelse om befordring og befordringsgodtgørelse efter sundhedsloven*).

7) Taxis with lift: Vehicle with taxi license and built-in lift.

8) Contiguous area: Naturally contiguous settlements with at least 200 inhabitants, where the distance between the houses does not normally exceed 200 metres unless the interruption is due to major through roads (without direct access roads between the settlements), cemeteries, sports grounds, parking and park facilities, railway and storage areas, land under subdivision and similar. Scattered settlements along a country road are not considered to belong to a city - even if the distance between them is less than 200 metres. At the same time, the area must not be traversed by a continuous transit route.

10) Limited urban area: A small area which constitutes a continuous area in an urban zone pursuant to Section 34(2) of the Planning Act.

## Chapter 2

### *Establishment, geographical extension, limitation or termination of a zero-emission zone*

#### *Zero-emission zone design requirements*

**Section 3.** The municipal council must take the following into account when defining a zero-emission zone:

- 1) The zone must constitute a limited contiguous urban area.
- 2) The zone must not contain roads that are part of the strategic road network.
- 3) The zone must not include enterprises that are directly dependent on fossil fuel vehicle traffic.
- 4) The zone must not include facilities where a large number of citizens usually arrive by car, unless parking can be provided immediately outside the zone.

#### *Public consultation*

**Section 4.** In order to give the public the opportunity to express its opinion, the municipal council must make public announcements of draft decisions on the establishment, geographical expansion, limitation or termination of a zero-emission zone for a minimum of four weeks. This announcement may be solely digital on the municipality's website.

*Paragraph 2.* The announcement of the draft decision must contain at least the following information:

- 1) The content of the draft.

- 2) Legal effects of the draft on citizens and businesses.
- 3) Where comments on the draft can be submitted.
- 4) Deadline for submission of comments on the draft.
- 5) Where any further information about the draft can be obtained.
- 6) The decision of the municipal council cannot be brought before another administrative authority.

*Paragraph 3.* Public announcement of proposals for decisions on the establishment or geographical expansion of a zero-emission zone must also contain the information specified in Section 7.

*Paragraph 4.* Public announcement of proposals for decisions on geographical limitation or termination of a zero-emission zone must also contain the information specified in Section 8.

*Paragraph 5.* The municipal council's decision on the establishment, geographical expansion, geographical limitation or termination of a zero-emission zone must, as a minimum, be published at the place where the draft was announced in accordance with paragraph 1.

*Paragraph 6.* After the publication of the municipal council's decision on the establishment, extension or limitation of a zero-emission zone, the municipality's website must contain the necessary information about the zero-emission zone, including details on limitation, maps of the zone and legal effects, cf. the order on the active dissemination of environmental information.

#### *Consultation of the Danish Environmental Protection Agency*

**Section 5.** At the same time as the publication under Section 4(1), the municipal council shall send proposals for decisions on establishment, geographical expansion, limitation or termination as well as the information basis, cf. Section 7, to the Environmental Protection Agency.

*Paragraph 2.* The Environmental Protection Agency may object to the municipal council's draft decision within two months of having received consultation responses and the municipal council's possible comments on these, if the Agency considers that the establishment is contrary to the overriding public interest, does not comply with the requirements of Section 3 or the information basis, cf. Section 7, is deemed insufficient.

*Paragraph 3.* By notice from the Environmental Protection Agency or after the expiry of the time limit referred to in paragraph 2, the municipal council, cf. Section 9, may finally adopt the proposal, cf. paragraph 4.

*Paragraph 4.* A proposal for the establishment, geographical expansion, geographical limitation or termination of a zero-emission zone may not be finally adopted if the Environmental Protection Agency, in accordance with the rules laid down in paragraph 2, has made a written objection to the municipal council before the expiry of the time limit referred to in paragraph 2. In the event of an objection, the proposal shall not be adopted until agreement has been reached between the parties on the necessary amendments.

*Paragraph 5.* If, after the public consultation pursuant to Section 4, a geographical expansion of a zero-emission zone is carried out, the mu-

nicipal council must send a renewed consultation to the Environmental Protection Agency, cf. paragraphs 1 to 4. In case of geographical limitation, the information shall be sent to the Environmental Protection Agency.

*Consultation of other authorities*

**Section 6.** At the same time as the publication under Section 4, the municipal council must send the draft decision and the information basis, cf. Section 7, to state, regional and municipal authorities whose interests are affected by the proposal.

*Information basis for the establishment or geographical extension of a zero-emission zone*

**Section 7.** The municipal council must provide an information basis to be included in the consultation of the draft decision on the establishment or geographical expansion of a zero-emission zone. The information basis must include the following:

- 1) Description and illustration of the geographical limitation of the intended zone, including the geographical extent.
- 2) Information on the number of residents in the intended zone.
- 3) Information on the number of residents in the intended zone who own or are registered users of a fossil fuel vehicle.
- 4) Traffic counts from the intended zone for the vehicle types covered.
- 5) Information on the number of public parking spaces and recharging points for electric vehicles in the zone and in close proximity to the zone.
- 6) Information on public transport options in the intended zone and in close proximity to the zone.
- 7) Impact assessment of the intended zone not leading to disproportionately increased detours for fossil fuel vehicles.
- 8) Impact assessment for the existing businesses in the intended zone.
- 9) Where applicable, description of the environmental benefit and the noise and climate impact of the establishment or geographical extension of a zero-emission zone.

*Information basis in case of geographical limitation or termination of a zero-emission zone*

**Section 8.** The municipal council must provide a basis for information to be included

in the public consultation on the draft decision on the geographical limitation or termination of a zero-emission zone. The information basis must include the following:

- 1) Impact assessment for the existing businesses in the zone due to the termination or limitation of a zero-emission zone.
- 2) Information on the justification for the limitation or termination of a zero-emission zone.
- 3) Traffic counts from the area to be limited or terminated, broken down between fossil fuel vehicles and zero-emission vehicles.

*Municipal decision on the establishment, geographical extension, limitation or termination of a zero-emission zone*

**Section 9.** The municipal council may, after consultation, cf. Sections 4, 5 and 6, decide to establish a zero-emission zone. The municipal council may establish either a zero-emission zone for passenger traffic, cf. Section 15g(1) of the Environmental Protection Act, or a zero-emission zone for all traffic, cf. Section 15g(2) of the Environmental Protection Act.

*Paragraph 2.* The municipal council may, after consultation, cf. Sections 4, 5 and 6, decide on the geographical extension or limitation of an existing zero-emission zone or on the termination of a zero-emission zone.

*Paragraph 3.* The municipal council's final decisions on the establishment or geographical expansion of a zero-emission zone can take effect at the earliest for private vehicles six months after the decision is published and for business-owned vehicles 12 months after the decision is published, see Section 4(5).

Chapter 3  
*Exemption*  
*Exemption for business-use vehicles*

**Section 10.** The municipal council may, at the request of the owner or user of a fossil fuel business-use vehicle, grant a time-limited exemption from the requirements of Section 15g(1) or (2) of the Environmental Protection Act in special cases, including if it is assessed that a task cannot be performed with a zero-emission vehicle, and it is deemed necessary that the task is carried out in the zero-emission zone.

*Paragraph 2.* The municipal council may lay down conditions for exemptions in accordance with paragraph 1, including a time limit.

*Exemption for private-use vehicles*

**Section 11.** The municipal council may, at the request of the owner or user of a fossil fuel private-use vehicle, in exceptional cases grant a time-limited exemption from the requirements of Section 15g(1) or (2) of the Environmental Protection Act.

*Paragraph 2.* The municipal council may, at the request of a long-term resident in a zero-emission zone, grant an exemption for a business-use vehicle to be used in connection with the performance of tasks at the applicant's place of residence.

*Paragraph 3.* Exemptions pursuant to paragraphs 1 and 2 may be granted for a period of up to three months at a time.

*Paragraph 4.* The municipal council may lay down conditions for exemptions in accordance with paragraphs 1 and 2, including on time limitation, see, however, paragraph 3.

*Exemption in case of expropriation*

**Section 12.** The municipal council must, at the request of the owner or user of a fossil fuel vehicle, grant an exemption from the requirements of Section 15g(1) or (2) of the Environmental Protection Act, if the requirements affect the applicant in such a way that compliance with the requirements could be of the nature of expropriation.

*Paragraph 3.* Exemptions pursuant to paragraph 1 may be granted for a period of up to 18 months at a time.

#### *Decision on exemption*

**Section 13.** The municipal council shall notify the owner or user of the vehicle of refusal or approval of exemption.

*Paragraph 2.* The municipal council shall ensure that the owner or user receives a digital decision or a copy thereof, which can be used as evidence of the obtained exemption.

### Chapter 4

#### *Exemptions from the zero-emission zone requirements*

**Section 14.** The following vehicles shall be exempt from the zero-emission zone requirements set out in Section 15g(1) and (2) of the Environmental Protection Act in zero-emission zones established pursuant to Section 15f(1) of the Environmental Protection Act and the provisions of this Order:

- 1) Vehicle for disabled people:
- 2) Taxis with built-in lift.
- 3) Vehicles used for patient transport.
- 4) Vehicles used for municipal or regional eligible transport.
- 5) Vehicles where the registered owner or user of the vehicle is a natural person with long-term residence in the relevant zero-emission zone.
- 6) Vehicles where the vehicle is a company car used privately by a long-term resident of the relevant zero-emission zone.

*Paragraph 2.* The exception referred to in paragraph 1, point (4), shall apply only in the municipality or municipalities in which the person is eligible for transport.

*Paragraph 3.* The exceptions in paragraph 1, point (5) shall apply only in the zero-emission zone where the person has long-term residence.

### Chapter 5

#### *Appeals*

**Section 15.** Decisions taken by the Environmental Protection Agency pursuant to Section 4(2) may not be appealed to any other administrative authority.

### Chapter 6

#### *Entry into force*

**Section 16.** This Order shall enter into force on 01 March 2025.

*Ministry of the Environment, x xxx 2025*