

**Aktionsbündnis
gegen eine feste
Fehmarnbeltquerung e.V.**



Folketingets Trafikudvalg,
Udvalgssekretæren
Christiansborg
DK-1240 København K

Attn.: Mr. Benny Engelbrecht

Committee Chairman

Fehmarn, 09-09-2013

Fehmarn Belt Fixed Link Project

Transboundary EIA procedure in accordance with the Espoo Convention

Unsatisfactory response by pertinent Danish ministries on our complaints and request for complete documentation

Dear Mr. Engelbrecht,

The German public likely affected by the above referenced project has been invited by the Danish Ministry of Transport and the Ministry of the Environment to review the respective EIA findings and conclusions and to hand in its representations.

Yet, given the poor quality of documentation for the Danish Espoo Procedure put on display at Kiel and Burg/Fehmarn, the majority of the German public cannot effectively participate in the procedure. This is in breach of Article 2 (6) of the Espoo Convention and of Article 6 (5) Directive 2011/92/EU.

Our respective complaint to the Minister for Transport dated 7th August 2013, and the subsequently repeated complaint to the Minister for Transport dated 20th of August remained without responses.

By letter dated 27th of August, we requested the Environment Agency to provide us with information on the Danish legal framework applicable for the transboundary EIA procedure. At the EIA hearing at Rødby on 29th of August, we raised this request with Ms Laila Wieth-Knudsen of the Environment Agency. Yet, our request remained without response to this day.

Furthermore, during the EIA hearing at Rødby, we handed over a large number of letters signed by more than 400 German citizens who complained about the inadequate EIA documentation on display in Germany for them and requested an interruption of the Espoo procedure until a full documentation including all background reports were made available to them in German language.

The above mentioned letters are enclosed for your reference.



Given the fact that the deadline for submission of German representations is 4th of October, we request your Committee's kind support for our demands, viz

- to provide the German public with a German translation of the full Danish EIA report (of total 1.655 pages) as required by Article 2 (6) of the Espoo Convention
- to interrupt the Espoo procedure until the documentation required has been translated and put on display in Germany
- to provide us with all Danish laws and ordinances applicable for the EIA process.

Only by fulfilling the above demands a breach of Article 7 (5) of Directive 2011/92/EU by Denmark can be avoided.

Last but not least, we enclose our enquiry of 30th of August directed to the Minister for Transport about an update of the macro-economic project evaluations prepared by COWI –Danmarks Transportforskning in 2004.

Your kind advice to us and follow-up on these issues would be appreciated, at your earliest convenience.

With kind regards

Hendrick Kerlen

Chairman

Encl.

Letter to the Ministry of Transport of 07-08-2013

Letter to the Ministry of Transport of 20-08-2013

Letter to the Environment Agency of the Ministry of the Environment of 27-08-2013

Letter to the Ministry of Transport of 30-08-2013

Letters to the Ministry of Transport and Ministry of the Environment of 27-08-2013 and 29-08-2013 (same text)

Aktionsbündnis gegen eine feste Fehmarnbeltquerung e.V.

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Ministry of Transport
The Minister
Frederiksholms Kanal 27 F
1220 Kopenhagen
Denmark

Fehmarn, den 7. August 2013

Feste Fehmarnbeltquerung

Grenzüberschreitende Öffentlichkeitsbeteiligung zur Umweltverträglichkeitsprüfung (UVP) für den dänischen Vorhabensabschnitt

Sehr geehrter Herr Minister,

seit dem 5. August darf auch die von der Feste Fehmarnbeltquerung betroffene deutsche Öffentlichkeit die in Burg a. Fehmarn und beim Landesbetrieb für Straßenbau und Verkehr, Kiel, ausgelegten Projektunterlagen prüfen und sich zu dem Vorhaben äußern. Wie wir feststellen mussten, bestehen die ausgelegten Unterlagen aus einer deutschen Zusammenfassung (66 Seiten) und einer zusätzlichen englischen Zusammenfassung (366 Seiten). Die grundlegenden Fachgutachten zur UVP und Pläne sind nicht verfügbar gemacht worden. Folglich kann die betroffene deutsche Öffentlichkeit die in den beiden Zusammenfassungen enthaltenen Behauptungen über die geringfügigen Umweltauswirkungen des vom Vorhabenträger bevorzugten Absenktunnels nicht verifizieren.

Hierzu stellen wir fest:

1. Die Auslegung einer relativ kurzen deutschen Zusammenfassung der grenzüberschreitenden Projektauswirkungen lässt eine fundierte Beurteilung letzterer seitens der deutschen Öffentlichkeit nicht zu.
2. Die zusätzliche Auslegung einer zwar umfangreicheren Zusammenfassung auf Englisch grenzt wegen nicht vorhandener Englischkenntnisse die Mehrzahl der deutschen Öffentlichkeit vom Beteiligungsverfahren aus.
3. Das Verfahren zur Beteiligung der deutschen Öffentlichkeit, in seiner jetzigen Form, verstößt gegen den Geist internationaler Abkommen
 - den Espoo-Vertrag, hier insbesondere gegen Artikel 2, Absatz 6, wonach Dänemark als „Ursprungspartei“ die betroffene deutsche Öffentlichkeit in gleicher Weise am Verfahren beteiligen muss wie die eigene.
 - die UVP-Richtlinie, 2011/92/EU hier insbesondere Artikel 7, Absatz 5, wonach Dänemark der betroffenen deutschen Bevölkerung die Möglichkeit geben muss, sich effektiv an den dänischen Entscheidungsverfahren zum Projekt zu beteiligen.



Da der überwiegende Teil der betroffenen deutschen Öffentlichkeit die auf Englisch zur Verfügung gestellte Zusammenfassung wegen mangelnder Sprachkenntnisse nicht überprüfen kann, sind die oben angeführten rechtlichen Voraussetzungen für ihre wirksame Teilnahme am angelaufenen Beteiligungsverfahren nicht erfüllt. Ferner fehlen die für eine Beurteilung der UVP erforderlichen Fachgutachten.

Wir fordern Sie hiermit dazu auf, das Beteiligungsverfahren für die betroffene deutsche Öffentlichkeit so lange auszusetzen bis die in Deutschland beizubringenden Unterlagen in deutscher Sprache verfügbar gemacht werden können. Dazu gehören auch die Fachgutachten, denn nur anhand derer lassen sich die in der Zusammenfassung enthaltenen Behauptungen zu den grenzüberschreitenden Auswirkungen eingehend überprüfen.

Hinzu kommt, dass die Anhörung in Dänemark auf Dänisch stattfinden soll. Wir können dies mit unserem grundsätzlichen Eindruck von Dänemark als einem weltoffenen und demokratischen Staat schlecht vereinbaren.

Angesichts der aufgezeigten rechtlichen Problematik, wären wir Ihnen für eine zeitnahe Antwort sehr verbunden.

Mit freundlichen Grüßen

Hendrick Kerlen

Vorsitzender

Nachrichtlich per Email an:

Umweltministerium Kopenhagen

Ministerpräsident des Landes Schleswig-Holstein,

Landesbetrieb für Straßenbau und Verkehr, Kiel

Bundesminister für Verkehr, Bau und Stadtentwicklung

Landrat des Kreises Ostholstein

BMU, Espoo-Kontaktstelle

Bürgermeister der Stadt Fehmarn

Aktionsbündnis gegen eine feste Fehmarnbeltquerung e.V.

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Ministry of Transport
The Minister
Frederiksholms Kanal 27 F
1220 Copenhagen
Denmark

Registered Letter with return receipt

Fehmarn, 20-08-2013

**Fehmarn Belt Fixed Link Crossing (the Project)
Transboundary Participation in the Environmental Impact Assessment (EIA) for
the Danish Tunnel Project**

Dear Minister,

Since August 5th the German citizens affected by the Project are allowed to examine and comment upon the project documents displayed in Burg/Fehmarn and also at the State Authority for Road Construction and Transport in Kiel. As we noted, the displayed documents consist of a German summary of 62 pages and an additional English summary of 366 pages. The specialist reports forming the basis for the EIA and plans have not been made available.

Consequently, the German public affected will be unable to verify the assertions contained in both summaries about the allegedly negligible environmental impact of the immersed tunnel, favoured by the executive agency.

In this context we should like to emphasize:

- 1 The display of a relatively short German summary on the impact of the transboundary project does not allow a sound review on the part of the German public.
- 2 Despite the additional display of a more comprehensive summary in English a majority of the German public will be excluded from participating due to an insufficient command of English.
- 3 In its present form, the procedure for participation of the German public contravenes the spirit of international agreements, viz,
 - The Espoo Convention, in particular Article 2, Paragraph 6, whereby Denmark as „party of origin“ is obliged to involve the affected citizens, both German and Danish, in the EIA procedure in an equal manner;
 - The EIA Directive 2011/92/EU, especially Article 7, Paragraph 5, whereby Denmark is obliged to enable the affected German public to participate effectively in the Danish decision making procedure concerning the Project.

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As the majority of the affected German public does not possess a sufficient knowledge of English, it will not be able to review the available summary in English. Therefore the above legal preconditions for an effective participation in the current EIA procedure have not been fulfilled.

Furthermore, the specialist reports necessary for scrutinizing the EIA are missing.

We request that you should suspend the participatory procedure for the affected German public until all documents necessary for an in-depth EIA review and to be displayed in Germany can be made available in German. This includes also the specialist reports, only by means of which the assertions contained in the summary concerning the transboundary impact can be checked.

In addition, an EIA hearing is to take place in Rødby, on August 29th. Please ensure that German participants can follow all discussions through simultaneous translation.

In view of the above mentioned legal problems, we should be grateful for your kind reply, at your earliest convenience.

Yours sincerely

Hendrick Kerlen

Chairman

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www.beltquerung.info

E-mail: kontakt@beltquerung.info



Danish Ministry of the Environment
Nature Agency
Attn. Ms. Laila Wieth-Knudsen
Haraldsgade 53
DK-2100 Copenhagen Ø
Denmark

Registered by return receipt

**Fehmarn Belt Fixed Link Project (the Project)
EIA on Transboundary Effects**

Fehmarn, 27-08-2013

Dear Madam,

We are aware of the Danish hearings on the project's environmental impact which are required for the final decision on the implementation of the Project.

In these hearings, the German public affected by the Project has been invited to participate in accordance with the Espoo Convention and the EIA Directive 2011/92/EU. To this end, respective EIA documents have been put on display, for the German public, at Burg/Fehmarn and Kiel.

While reviewing said documents, we noted that they provide hardly any reference to the legal Danish framework of the environmental legislation as relevant for scrutinizing the project impact. We assume that the Danish EIA hearings are certainly performed in accordance with pertinent Danish laws and executive orders.

Herewith, we kindly request you to provide us with translations of all Danish legislation, preferably in German language, at least in English, as relevant for commenting on the EIA findings. In this connection, we stress our interest in all legislation by which the Espoo Convention (especially Article 2 (6)) and the EIA Directive (especially Art 7 (5)) have been incorporated in Danish legislation.

Given the relatively short timeframe for the hearings, your response to this our request, at your earliest convenience, would be highly appreciated.

With kind regards

Hendrick Kerlen
Chairman

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Fehmarn, 29-08-2013

Ministry of Transport
The Minister
Frederiksholms Kanal 27 F
1220 Copenhagen

Ministry of the Environment
The Minister
Børsegade 4
1215 Copenhagen

Fehmarn Belt Fixed Link Crossing (the Project)

Transboundary Participation in the Environmental Impact Assessment (EIA) for the Danish Tunnel Project

Complaint

Dear Ministers,

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Consequently, the German public affected will be unable to verify the assertions contained in both summaries about the allegedly negligible environmental impact of the immersed tunnel, favoured by the executive agency.

In this context we should like to emphasize:

- 1 The display of a relatively short German summary on the impact of the transboundary project does not allow a sound review on the part of the German public.
- 2 Despite the additional display of a more comprehensive summary in English a majority of the German public will be excluded from participating due to an insufficient command of English.
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 - The EIA Directive 2011/92/EU, especially Article 7, Paragraph 5, whereby Denmark is obliged to enable the affected German public to participate effectively in the Danish decision making procedure concerning the Project.

As the majority of the affected German public does not possess sufficient knowledge of English, it will not be able to review the available summary in English. Therefore the above legal preconditions for an effective participation in the current EIA procedure have not been fulfilled.

Furthermore, the specialist reports necessary for scrutinizing the EIA are missing.

We request that you should suspend the participatory procedure for the affected German public until all documents necessary for an in-depth EIA review and to be displayed in Germany can be made available in German. This includes also the specialist reports, only by means of which the assertions contained in the German summary concerning the transboundary impact can be checked.

In view of the above mentioned legal problems, we should be grateful for your kind reply, at your earliest convenience.

Yours sincerely

Signed by more than 260 German complainers
as evidenced by attached list of signatures

Answer requested to:

Received at Rödby, 29-08-2013

Mrs Susanne Brelowski

by:

Chairwoman

.Allianz gegen eine feste

Dorthe Grøngård

Fehmarnbeltquerung

Hof Altona 1

23730 Sierksdorf

Germany

In fact more than 400 signatures



Ministry of Transport

registered letter by return receipt

The Minister

Frederiksholms Kanal 27 F

1220 Copenhagen

Denmark

Fehmarn, 30/08/2013

Fehmarn Belt Fixed Link (the Project) - Update of Project Evaluation

Dear Madam,

at the yesterday public EIA hearing at Lalandia / Rødby, the question was raised by us of whether an update of the macro-economic evaluation of the Project will be carried out in connection with the envisaged promulgation of the Building Act for the Project.

In his reply, Mr. Claus Dynesen of Femern A/S, stated that such update would not be necessary. He reasoned, that the studies of COWI – Danmarks Transportforskning and of Copenhagen Economics - Prognos AG, both submitted in 2004, were accepted by Folketing when passing the Planning Act for the Project in 2009. Thus, there is no reason to repeat these project evaluations.

As the representative of your Ministry, Mr. Carsten V. Madsen, who participated at the hearing, saw no reason to correct Mr. Dynesen's statement, we should be grateful for your kind clarification on this issue. Therefore, we should like to get your official confirmation for Mr. Dynesen's statement that no updating of the above mentioned project evaluations is envisaged by the Danish Government.

Looking forward to your kind reply, at your earliest convenience,

Yours sincerely

Hendrick Kerlen

Chairman

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