

European Commission
Directorate-General for Environment (DG ENV)
B-1049 Brussels
Belgium

Date: September 16, 2026

Subject: Formal Complaint against the Kingdom of Denmark concerning the incorrect implementation of the Water Framework Directive (2000/60/EC) and the Nitrates Directive (91/676/EEC) through the newly enacted Legislation 'L 5'.

Dear Sir/Madam,

On behalf of the Danish national association **Landsforeningen Fair Spildevand**, we hereby submit a formal complaint regarding a severe and systematic breach of EU environmental law by the Danish government.

On September 3, 2026, the Danish Parliament (Folketinget) enacted the *Act on Sustainable Management of Nutrients and Greenhouse Gases in Agriculture and Forestry* (commonly referred to as **L 5**). It is our firm legal and scientific assessment that this act turns the fundamental structure of both the **Water Framework Directive (WFD)** and the **Nitrates Directive** upside down.

Core Infringements of EU Law:

1. **Models Overriding Empirical Data (WFD Annex V):** Contrary to the WFD's strict requirement that ecological status must be determined through localized, physical monitoring, the new Danish legislation enforces blanket restrictions based entirely on theoretical computer models (calculating total annual tons of nitrogen). According to established case law of the Court of Justice of the EU—notably **Case C-461/13 (Weser)** and **Case C-127/02 (Waddenzee)**—mathematical models are merely administrative tools and can never legally override actual empirical observations. Official Danish monitoring data (the NOVANA report) clearly proves that water discharging from agricultural lands is, on average, four times cleaner than EU drinking water standards, yet the models ignore this reality.
2. **Violation of the "Polluter Pays" and Proportionality Principles:** By regulating through "Total Nitrogen" (Total-N) models rather than specific nitrate concentrations, the Danish state forces the agricultural sector to collectively pay for and compensate for pollution caused by urban wastewater, sewer overflows, and historical municipal failures. This undermines the core EU principle that pollution must be combated at the source.
3. **Lack of Harmonization:** As documented by a comprehensive COWI study, Denmark stands entirely alone in the EU by using absolute load targets (tons) instead of localized nutrient concentrations to dictate binding reduction requirements.

We have repeatedly raised these critical legal conflicts with the Danish Ministry for Environment and Nature and the parliamentary committee during the legislative process. However, the Ministry has consistently refused to provide a scientific or legal justification, hiding behind domestic political agreements.

Since the national legislative process concluded with the adoption of the law 12 days ago, we have exhausted all preventive domestic remedies. We therefore respectfully urge the European Commission to open an infringement procedure against Denmark to ensure that EU environmental law is upheld, and that environmental regulations are guided by actual measurement data rather than flawed desktop models.

Please find attached our detailed complaint form and supporting scientific and legal appendices. We remain at your full disposal for any further information or technical clarification.

Appendix 1: Danish National Monitoring Program (NOVANA), "Vandmiljø og Natur 2024", Aarhus University (December 2025).

Documentation showing that the average nitrate concentration from open land is 2.2–2.6 mg nitrate-N/L, which is well below the drinking water limit of 11.3 mg/L.:

https://dce.au.dk/fileadmin/dce.au.dk/Udgivelser/Videnskabelige_rapporter_600-699/SR681.pdf ,
see page 72

Appendix 2: COWI Report, "Nabotjek af vandrammedirektiv" (2018).

Evidence that Denmark is unique within the EU in using theoretical load figures (tonnes) rather than actual concentrations in the river basin management plans:

<https://fairspildevand.dk/wp-content/uploads/Nabotjek-af-vandrammedirektiv-COWI-side-142-143-DK-EN.pdf>

Appendix 3: Measurement Data, "Målinger af N og P fra Vejle og Avnø fjord fra 1990-2018".

Evidence regarding the scientific paradox where Avnø Fjord thrives despite nitrogen loading three times higher than that of the collapsed Vejle Fjord:

<https://fairspildevand.dk/wp-content/uploads/Maalinger-af-N-og-P-fra-Vejle-og-Avnoe-fjord-fra-1990-2018.pdf>

Appendix 4: Parliamentary Documents for Act L 5 (Bilag 6, 7 & 11), The Environment and Food Committee of the Danish Parliament (Miljø- og Fødevareudvalget 2025-26, 2. samling).

Evidence that domestic legal remedies have been exhausted and that the Danish Ministry of Nature and Animal Welfare has refused to address the legal conflicts with EU law prior to the enactment of the legislation on 3 September 2026.

<https://fairspildevand.dk/wp-content/uploads/L-5-Goedskningsloven-foelgeton-17-sider-DK-EN.pdf>

Yours sincerely,

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