

Mads U. Østergaard

Director, Advokat (Aarhus)



Mads U. Østergaard advises enterprises and public authorities on all aspects of environmental law, planning law, and public law.

Mads has many years' experience advising on public law matters, notably matters pertaining to environmental law, planning law, nature, municipal law, and general administrative law. Often, his advice is sought in relation to industrial activities or real estate.

A specialist on matters of environmental administrative law, enforcement and legalisation, regulation of industrial activities, nature protection, habitat regulation (and Natura 2000), soil pollution, physical planning, environmental impact assessment and the Danish Environmental Assessment Act, he also advises on a range of special areas such as mining and quarrying, water and wastewater, waste, and expropriation.

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Practice areas

[Energy](#)

[Real Estate](#)

[Environment](#)

[Public law](#)

[ESG - Environmental, Social
and Governance](#)

Mads is also greatly experienced in the handling of environmental and planning law aspects of company and property transactions, including in connection with due diligence, assessment and handling of risks, and the drafting of transaction documents.

He routinely aids businesses and public authorities conducting appeals, lawsuits and valuation cases. Adding further to his skill set, Mads has been involved in a number of large, independent legal investigations.

High-profile cases

Among the clients Mads is advising and the cases he is advising on are:

- An Eastern High Court case raising questions of legal principle, in which we represent the Danish Aquaculture Association (acting as agent of a mariculture enterprise). The case concerns the interpretation of the Habitats Directive in respect of environmental permits for mariculture. The High Court has decided to refer the questions of legal principle regarding the Habitats Directive and environmental permit for an existing establishment to the CJEU for preliminary ruling (from 2018 onwards).
- A major utility in the first landmark cases over the validity and assessment of damages in connection with a ban on the use of pesticides in protection zones near borings under s. 24 of the Danish Environmental Protection Act. We represent the utility both in the legal proceedings and in the related valuation processes (from 2016 onwards).
- A Danish municipality in an action against a State agency and a property company over the lawfulness of the specific use of a number of buildings in relation to the local development plan (from 2019 onwards).
- A large utility in a landmark Supreme Court action over cable law issues and the applicability of the "guest pays" principle (2021).
- The majority of Danish mariculture businesses and the Danish Aquaculture Association in the actions currently pending as a result of the Ministry of the Environment's investigation and legalisation of all Danish mariculture facilities, including their placing permits. These actions concern extremely complex questions over legalisation, protection of nature, Natura 2000 rules, and the legal framework of mariculture (from 2019 onwards).

- A large oil storage business seeking an environmental permit for its Danish activities (2019).

Background

Career

- Kromann Reumert, 2014-
- Senior Attorney, Kromann Reumert, 2021-

Education

- Master of Laws (*cand. jur.*), Aarhus University, 2016
- Admitted to practise law 2019

Languages

- The Scandinavian languages
- English

Activities

- Member of the Association of Danish Environmental Lawyers
- Member of the Danish Environmental Law Association (Dansk Selskab for Miljøret)

Publications

- "Compliance for praktikere" (in English: Compliance for practitioners), published by Djøf Forlag, 2021, the chapter on environment law
- "Interpretation of Article 6(3) of the Habitats Directive in Light of Recent ECJ Case Law" – published in Comparative Law Yearbook of International Business (2021)
- "Status efter de første afgørelser om boringsnære beskyttelsesområder" (Status after the first decisions on protection zones near borings) – published in Tidsskrift for Miljø (2018)
- "Domstolsprøvelse af taksationsmyndighedens skøn efter VE-loven" (Judicial review of valuation authority's estimate under the Danish Renewable Energy Act) – published in Miljøretlige afgørelser og domme (2016)

- "Arktis: Maritime grænser, overlappende krav og afgrænsningstvister" (The Arctic: Maritime borders, overlapping claims and disputes over delimitation), Werlauff Publishing (2015)
- A wealth of articles and submissions to vocational magazines, etc., on matters of environmental and planning law