

**The following report is submitted on behalf of Sweden in accordance with decisions I/8, II/10 and IV/4.**

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Name of officer responsible for submitting the national report:

Signature:

Date: 30 August 2021

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## **Implementation report**

**Please provide the following details on the origin of this report**

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## I. Process by which the report has been prepared

*Provide a brief summary of the process by which this report has been prepared, including information on the type of public authorities that were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account, as well as on the material that was used as a basis for preparing the report.*

*Answer:*

This report has been prepared by the Ministry of the Environment in cooperation with other relevant Swedish ministries. The comments of the public have been an important part of this work. In March 2021 a draft report was published on the government website, where the public were able to make comments. A referral for comment procedure has also been held on the draft, giving a large number of public authorities and organisations the opportunity to present their comments. As a result of the comments received, the report has been updated, supplemented and modified. Out-of-date, old and redundant information has been deleted. Due to the length limit the English edition of the report is shorter than the Swedish. The annex with comments received and response to the comments has been excluded.

## II. Particular circumstances relevant for understanding the report

*Report any particular circumstances that are relevant for understanding the report, e.g., whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).*

*Answer:*

International conventions do not have direct effect so they must be incorporated in Swedish law to be applicable. However, by ratifying a convention Sweden becomes bound by the convention in terms of international law and national regulations can be interpreted in the light of the convention. To a great extent, the rights that the Convention gives the public were already guaranteed in Swedish law when Sweden became a party to the Convention in 2005, after the Riksdag (the Swedish Parliament) had approved accession and adopted certain legislative measures considered necessary for its provisions to have binding effect over and above their effect under international law (Govt Bill 2004/05:65, Committee report 2004/05: MJU11, Parliamentary communication 2004/05:193). For example, since the Swedish concept “public authority” does not align fully with the concept in the Convention, an Act (2005:181) on Environmental Information Held by Certain Private-sector Bodies was adopted. This Act supplements the fundamental principle of public access to official documents held by public authorities and guarantees that the public also has access to environmental information held by private-sector bodies that have public administrative functions but that are not covered by the fundamental principle of public access to official documents. In addition, amendments were made to the Secrecy Act (1980:100) including the introduction of a new secrecy-override rule for information on emissions to the environment. The Secrecy Act has now been replaced by the Public Access to Information and Secrecy Act (2009:400). The Convention’s provisions on the right of environmental NGOs to appeal also required measures.

The actions of Swedish public authorities are examined by the Parliamentary Ombudsmen (JO), [www.jo.se](http://www.jo.se), and the Chancellor of Justice (JK), [www.jk.se](http://www.jk.se), on their own initiative or following a complaint, for example, from the public. The Parliamentary Ombudsmen

exercise supervision of the application of acts and other statutes in public activities on behalf of the Riksdag. Their supervision covers the courts and other authorities as well as the officials employed by them. The starting point for their activities is the interest of the individual in being treated by public authorities according to the law and in an otherwise correct manner. The Office of the Parliamentary Ombudsmen is part of the constitutional protection of the fundamental rights and freedoms of the individual. The Chancellor of Justice also exercises supervision of public authorities and their officials in order to check that acts and other statutes are followed. This supervision focuses mainly on discovering systematic faults and errors in public activities. Both the Parliamentary Ombudsmen and the Chancellor of Justice have the right to bring charges as special prosecutors against officials for offences committed when performing their duties. However, they are not able to order a public authority to act. But their decisions are generally followed by public authorities.

When amendments are made to acts of law and government ordinances that affect the state of the environment, an assessment is generally made of the possibilities of further improving implementation of the Convention.

### III. Legislative, regulatory and other measures implementing the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8

**List legislative, regulatory and other measures that implement the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8, of the Convention.**

Explain how these paragraphs have been implemented. In particular, describe:

- (a) With respect to **paragraph 2**, measures taken to ensure that officials and authorities assist and provide the required guidance;

*Answer:*

The Administrative Procedure Act (2017:900) contains fundamental requirements that must be sought in all activities with regard to public authorities' contacts with and treatment of individuals, as well as with regard to accessibility. According to section 6 of the act the public authority is obliged to ensure that the contact with individuals are smooth and easy and that the public authority shall provide the individual with such assistance that he or she can take care of his or her interests. The assistance shall be provided to the extent that is appropriate with regard to the nature of the issue, the individual's need for assistance and the authority's activities. The assistance shall be given without undue delay. According to section 7 of the act public authorities shall be accessible for contact with individuals and inform the public about how and when such contact can be taken.

All public authorities are obliged under the Act (2018:1937) on accessibility to digital public service to ensure that the digital services provided by a public actor meets the requirements for accessibility, accessibility reporting and the right to request available versions of content for which the actor has invoked exemption.

- (b) With respect to **paragraph 3**, measures taken to promote education and environmental awareness;

*Answer:*

Work to promote environmental education and awareness is under way both in the school system and in other contexts. Public authorities and private bodies hold great quantities of

information and work is underway all the time to provide information about environmental issues, partly through environmental information on the internet, see under article 5.

As part of Sweden's work on Agenda 2030 and the global goals for sustainable development the National Agency for Education is working specifically on Goal 4, Quality education for all. The Swedish Schools Inspectorate has also begun an examination that aim to find out with what quality the schools work for sustainable development to characterize the education as a whole. The examination has been put on hold due the Covid 19 pandemic.

Under the pre-school curriculum everyone working in pre-schools has to promote respect for our common environment and pre-schools have to place great weight on environmental and nature conservation issues. An ecological approach and a positive belief in the future should characterise the activities of preschools. Preschools should contribute to ensuring that children acquire a caring attitude to nature and the environment, and understand that they are a part of cycles in nature. Preschools should help children understand how everyday life and work can be organised so as to contribute to a better environment, both now and in the future.

According to the Curriculum for compulsory schools, pre-school classes and out-of-school centres, schools have the task of giving pupils opportunities through an environmental perspective both of taking responsibility for the environment they themselves can influence directly and also of forming a personal approach with respect to overarching and global environmental issues. Teaching has to shed light on how the functions of society and the way we live and work can be adapted to bring about sustainable development. One of the overall goals for schools is for each pupil to show respect and care for both their local environment, and the environment from a broader perspective. Schools are responsible for ensuring that, on completing compulsory school, every pupil both has knowledge of what is required for a sound environment and sustainable development and has obtained knowledge about and an understanding of the importance of their own lifestyle for health, the environment and society. The teaching in pre-school classes and the before and after school care centres shall give the pupils the possibility to develop their knowledge as to how the different choices the human beings make can contribute to sustainable development.

According to the Curriculum for upper secondary school, upper secondary special school and adult education, the environmental perspective in their instruction has to give pupils insights that enable them to help to prevent harmful effects on the environment and to acquire a personal approach to general and global environmental issues. Instruction has to shed light on how the functions of society and the way we live and work can be adapted to bring about sustainable development. Action is also being taken to improve teachers' knowledge of environmental issues [and] as part of [courses and] study programmes in higher education.

Under the Higher Education Act (1992:1434) higher education institutions shall, in the course of their activities, promote sustainable development that ensures a sound and healthy environment, economic and social welfare and justice for present and future generations.

Most universities and other higher education institutions integrate sustainable development in a number of their courses and also provide courses focusing directly on environmental issues.

The Swedish University of Agricultural Sciences (SLU) conducts extensive research in the area of the environment and take sustainability aspects into account in its entire study program. The University also has the task of continuously conducting environmental analysis.

The Official Statistics Act (2001:99) requires there to be official statistics for public information, investigative activities and research. The statistics shall be objective and

publicly available. Statistics Sweden (SCB) is responsible for coordinating the system of official statistics and presenting a selection of statistics about Sweden in texts, infographics and interactive diagrams on [www.sverigeisiffror.scb.se](http://www.sverigeisiffror.scb.se) ([Sweden in Figures]). Sweden in Figures contains a part regarding land, environment and energy ([www.sverigeisiffror.scb.se/hitta-statistik/sverige-i-siffror/miljo](http://www.sverigeisiffror.scb.se/hitta-statistik/sverige-i-siffror/miljo)), which i.a. accounts for statistics regarding greenhouse gas emissions.

The Swedish Research Council for Environment, Agricultural Sciences and Spatial Planning (Formas) is responsible for communication on research and research results and for popularization of research financed by Formas in the areas of environment, agricultural sciences and spatial planning. At [www.formas.se](http://www.formas.se) information is available about the research projects supported by the Council and about current and coming research initiatives. There are also webcasts of seminars, information meetings and debates. Formas publishes an online magazine called *Extrakt* that provides broad coverage of environmental and sustainability issues. The content of [formas.se](http://formas.se) and the *Extrakt* magazine is shared on Formas' twitter and Facebook accounts. Formas also supports other organisations that communicate with the public, for example the magazine *Forskning och framsteg* [Research and progress], which provides popular science journalism for a public interested in research. Formas is a member of the association Vetenskap och allmänhet (Public & Science). Along with the Swedish Research Council and other bodies, Formas runs [www.forskning.se](http://www.forskning.se), which is aimed at the public, teachers and journalists, and [www.expertsvar.se](http://www.expertsvar.se), which is a digital service for journalists and editorial offices that want to contact relevant researchers and research institutions.

The Swedish Museum of Natural History has the task of promoting interest in, and knowledge of, and research on the origins and development of the universe and Earth and life; biological diversity, human biology; and the environment and landscape. Its work includes exhibitions, programme activities and educational activities for all levels of education from pre-school to postgraduate programmes. The authority conducts screening of environmentally harmful substances and is in charge for bird ringing in Sweden. The authority conducts research in areas including biological systematics, taxonomy, and environmental toxins and publishes information and educational material about nature and the environment on [www.nrm.se](http://www.nrm.se), [www.naturforskaren.se](http://www.naturforskaren.se), [www.fishbase.se](http://www.fishbase.se) and [www.gbif.se](http://www.gbif.se).

The Swedish National Heritage Board is responsible for issues related to cultural heritage, including cultural landscape and cultural environment. Cultural heritage protection and management in Sweden aims to i.a. empower cultural heritage as a force in the evolution of a democratic, sustainable society. With the national cultural policy goals and the national cultural environment goals as a starting point the authority shall i.a. in particular aim for a sustainable society with a great diversity of cultural heritage sites which are preserved, used and developed, work for cultural heritage to be taken advantage of in community planning and construction, and follow and support the regional work on cultural environment. The authority shall also work to increase knowledge and promote knowledge provision and methods development and provide information and guidance within its field of activity. The Keep Sweden Tidy Foundation teaches children and young people about environmental issues, primarily through the Green Flag school network – Sweden's largest network for sustainable development. The Foundation works to reduce litter, increase recycling and promote the environmental responsibility of individuals and organisations. The Foundation provides information about its work on [www.hsr.se](http://www.hsr.se).

In cooperation with the Keep Sweden Tidy Foundation the Swedish Chemicals Agency has produced a lesson plan to increase children and young people's knowledge of the risks of hazardous substances. In cooperation with Denmark, Finland, Iceland and Norway the Agency has also launched [hannashus.se](http://hannashus.se), which is an online teaching material aimed at pupils aged 8-12 years old and intended to be a tool for teachers to use in instruction about chemicals and about important warning signs. It is hoped that this tool will increase

awareness among both children and adults and reduce the number of accidents linked to the use of chemicals in everyday life.

Everyone who hunts in Sweden has to pay a game management fee (Section 49 of the Hunting Ordinance (1987:905)). These fees are gathered in a game management fund which after a Government decision can be used to promote game management or other similar goals compatible with the aims of the Game Act (1987:259). Part of the fund is used to finance research on game according to a special research programme. The purpose of the research is to contribute knowledge about sustainable game management.

- (c) With respect to **paragraph 4**, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection;

*Answer:*

The right of environmental NGOs to operate freely without penalty, persecution or harassment is secured by the constitutional rules on freedom of information, freedom of association, freedom of assembly, freedom to demonstrate and freedom of expression in Chapter 2 of the Instrument of Government and through Sweden's obligations under the European Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention) and other international agreements. The European Convention has been Swedish law since 1995 through the Act on the European Convention for the Protection of Human Rights and Fundamental Freedoms (1994:1219).

Most organisations in the non-profit sector have the form of a non-profit association. It is easy to start a non-profit association in Sweden. A non-profit association does not have to be registered with any public authority and public benefit non-profit associations have certain tax relief. Associations that intend to conduct some kind of business activity can register with the Swedish Companies Registration Office. An association that wants to have a registration number has to contact the Swedish Tax Agency, which registers non-profit associations.

The knowledge possessed by these organisations is drawn on through, for example, referral for comment procedures and other forms of consultations, including the statutory forms of consultation under the Environmental Code (SFS 1998:808).

There are also a number of formalised forums for collaboration and dialogue between the Government Offices and representatives of different types of associations and popular movements, see under article 7.

Environmental NGOs in Sweden receive financial support. The Swedish Environmental Protection Agency distributes funds to organisations in the environmental area each year. In 2020 the Agency awarded some SEK 51 million to the non-profit association and umbrella organisation Swedish Society for Nature Conservation, which has since 2011 had the task of distributing grants to various outdoor activity organisations under the Ordinance (2010:2008) on government grants to outdoor activity organisations. The Agency has also distributed grants of about SEK 35 million to different non-profit environmental organisations whose work contributes to meeting the environmental quality objectives or one of the priority areas in the EU's Seventh Environmental Action Programme.

Each year the water authorities distribute grants to water councils, which are local bodies for collaboration on water matters that have representatives from business, municipalities, non-profit organisations and even private persons can be present.

Each year the Government, and as of 2021 onwards even the Swedish Environmental Protection Agency, awards grants from the game management fund to various

organisations, including hunting organisations, to enable them to i.a. contribute to making objective, knowledge-based and readily accessible information about game management and game research available to individuals.

The Swedish Transport Administration also gives grants to non-profit organisations for work in the area of environment and road safety.

Each year the Swedish Consumer Agency allocates grants (approximately SEK 13 million) to organisations working on consumer issues. Grants can be allocated to organisations in order to support consumer interests within different areas of activity. A substantial part of these grants go to organisations and activities to do with sustainable consumption.

Every year the National Heritage Board allocates grants to non-governmental organisations active in the cultural field which through their activities promotes the preservation, use and development of a diversity of cultural heritage sites. The National Heritage Board also gives grants to non-profit organisations to be used in their cultural heritage work.

The Act on financial measures for dealing with waste products from nuclear activities (2006:647) and the Ordinance on financial measures for dealing with waste products from nuclear activities (2008:715) contain provisions on financial grants to non-profit organisations. The purpose of this support is to improve the prospects of making a comprehensive assessment of the environmental consequences of plants for the management and final storage of spent nuclear fuel. It is also intended to enhance the influence of the public in this process.

(d) With respect to **paragraph 7**, measures taken to promote the principles of the Convention internationally; including:

(i) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines, indicating whether the coordination measures are ongoing;

*Answer:*

Officials in the ministries and government agencies responsible generally inform one another about ongoing international processes concerning the environment and the importance of spreading the principles of the Convention. Questionnaires and information material from the Convention Secretariat are spread to the officials affected.

(ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided;

*Answer:*

Information on international forums is, for instance, available via the Government website, [www.regeringen.se](http://www.regeringen.se). Examples of this information include information about Conferences of the Parties under the UN Climate Convention, meetings in the IMF, the World Bank and UNEP, the UN Environment Programme.

(iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g., inviting non-governmental organization (NGO) members to participate in the Party's delegation in international environmental negotiations, or involving NGOs in forming the Party's official position for such negotiations), including the stages at which access to information was provided;

*Answer:*

There are various forms of consultation with respect to ongoing work in international forums dealing with environmental matters. For example, consultations at national level are generally held ahead of meetings of parties and negotiations in international environmental conventions and other forums. They normally take the form of meetings between representatives of the Government and of stakeholders such as NGOs, sectoral organisations, researchers and relevant agencies. A youth delegate accompanies the UN Climate Change Conference of the Parties (COP) and the UN High-level Political Forum on Sustainable Development (HLPF).

The Ministry of the Environment invites representatives of business, public authorities and environmental NGOs to a meeting at the beginning of a new presidency of the Council of the EU. This is done for informational purposes and to exchange knowledge and experience on relevant topics. In 2019 the Ministry of the Environment also invited representatives of the civil society to an EU consultative meeting to discuss the European Commission's Communication "A Clean Planet for All". Through EU consultative meetings the Swedish Government has the ambition to strengthen participation, knowledge, and engagement in EU issues in Sweden. EU consultative meetings contributes to deepen and widen the Government's perspectives in EU issues by adding views and experiences from different organisations.

(iv) Measures taken to promote the principles of the Convention in the procedures of other international forums;'

*Answer:*

See under (v)

(v) Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums;

*Answer:*

The provisions of the Convention on also working to promote the application of the principles of the Convention in other international processes are well in line with Swedish endeavours to bring about greater transparency in the European Union (EU) and in international contexts. Sweden participated actively in work on drafting the guidelines for public participation in international forums. Sweden actively supported the process within the United Nations Environment Programme (UNEP) that led to the adoption of the Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters in 2010. Although these guidelines are intended to support the development of national legislation in the area by countries, the process that led to their adoption was an international one. In combination with the wider dissemination of the Convention's principles at national level resulting from the guidelines, this increases the prospects that these principles will be able to mould work in international forums and organisations to a greater extent in the future.

In the UNECE Sweden has advocated the transparency and accessibility of environmental information according to the Shared Environmental Information System (SEIS). Sweden also contributes to the initiative to develop a global environmental data strategy according to the ministerial declaration of the Fourth session of the UN Environment Assembly of the UN Environment Programme (UNEA 4).

Sweden has worked to ensure that the principles of the Convention will inform working processes within the framework in the global chemicals strategy Strategic Approach to International Chemicals Management (SAICM). In the SAICM Sweden and the EU have particularly advocated the question of international information on chemicals in products. Work on the programme adopted in 2015 has been led by UNEP and is called CiP (Chemicals in Products).



(e) With respect to **paragraph 8**, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed

*Answer:*

Under Sweden's Constitution, everyone is guaranteed freedom of expression, freedom of information, freedom of assembly, freedom to demonstrate and freedom of association in their relations with the public institutions (chapter 2, section 1 of the Instrument of Government). The European Convention also protects these fundamental rights.

The Act on special protection for employees who blow the whistle on serious irregularities (2016:749) applies as of 2017. It means that an employer must not subject an employee to reprisals because the employee blows the whistle on serious irregularities in the employer's activities. One example of serious irregularities can be when an employer does not follow the regulations that apply to its activities, e.g. on the handling of chemical products. The protection from reprisals can also cover whistleblowing about conditions that involve risks for life, safety, health and environmental damage.

The Directive (EU) 2019/1947 of the European Parliament and of the Council on the protection of persons who report breaches of Union law provides strengthened protection for whistle-blowers. There is an ongoing legislative work to implement the directive in Sweden.

#### **IV. Obstacles encountered in the implementation of article 3**

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 3 listed above.*

*Answer:*

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#### **V. Further information on the practical application of the general provisions of article 3**

*Provide further information on the **practical application of the general provisions of article 3.***

*Answer:*

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#### **VI. Website addresses relevant to the implementation of article 3**

*Give relevant website addresses, if available:*

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## VII. Legislative, regulatory and other measures implementing the provisions on access to environmental information in article 4

### **List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.**

Explain how each paragraph of article 4 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

*Answer:*

Sweden has a long tradition of openness and transparency regarding public administration. Under the principle of public access to information, set out in the Constitution, the public and representatives of the media have the right to insight into, and access to information about, the activities of central and local government. Generally, when the principle of public access to information is discussed, what is being referred to in the first place are the rules on the public nature of official documents in chapter 2 of the Freedom of the Press Act (1949:105), which is one of Sweden's four fundamental laws. The right of citizens to access documents held by public authorities was introduced in Sweden for the first time in the Freedom of the Press Act of 1776. The regulations in chapter 2 of the Freedom of the Press Act give the public the right to access documents regarded as public. A document is official if it is being held by a public authority and can, under special rules, be considered to have been received by or drawn up by the public authority. A public authority can only decide that an official document shall be secret pursuant to a secrecy provision in an act of law. In addition, a public authority is required to provide public information from official documents on request.

Official documents that are not covered by secrecy are public irrespective of whether they contain environmental information or any other information.

The provisions of the Freedom of the Press Act on the right to access documents held by a public authority are supplemented by the Act (2005:181) on Environmental Information Held by Certain Private-sector Bodies, which gives the public the right to access documents held by private-sector bodies that perform public administrative tasks. This Act defines environmental information as [information about] the environment and factors that can affect the environment or how people's health, safety and living conditions and cultural environments and construction works can be affected by the environment or by factors that can affect the environment.

In addition to the public nature of documents, the principle of public access to documents also includes a right for public employees to publish information or to communicate it for publication in media protected by the constitution, e.g. newspapers, TV and radio (freedom to publish information). The regulation of the obligation to observe secrecy in the Public Access to Information and Secrecy Act is restricted by the regulation of the freedom to publish information in that an official has a relatively far-reaching right to disclose information covered by secrecy for the purpose of publication. Even though the freedom to publish information does not give the public any right to information, the principle of freedom to publish information gives officials a possibility of informing the media about what is happening in their area. But this does not mean a right to release a secret official document but only a right to release the information in the document concerned. Another expression of the principle of public access to information is public access to court hearings and meetings of decision-making assemblies.

As regards the prohibition of discrimination in article 3, point 9 it can be mentioned in particular that the constitution guarantees everyone staying in the country the freedom to

procure and receive information and otherwise acquaint themselves with the utterances of others, freedom of information (Chapter 2, Article 1, first paragraph, point 2 of the Instrument of Government). It can also be mentioned that, in principle, foreign citizens are equated with Swedish citizens regarding the right to access official documents (Chapter 14, Article 5 of the Freedom of the Press Act).

Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
  - (i) Any person may have access to information without having to state an interest;

*Answer:*

The Constitution gives everyone the right to access to information in official documents held by public authorities that is not covered by secrecy. When an individual asks to access an official document, the public authority must not request more information about the applicant's identity than is needed to examine a question of secrecy. Nor may the public authority inquire about the purpose of the request unless this information is needed to enable the authority to examine whether there is an impediment to releasing the document (Chapter 2, Article 18 of the Freedom of the Press Act). This means that information that is not covered by secrecy as a general rule has to be released without the authority being permitted to find out who is requesting the information and for what purpose.

Under the Act (2005:181) on Environmental Information Held by Certain Private-sector Bodies everyone has a right to access environmental information held or stored by a body covered by the Act without giving their name or saying more about the reasons for their request than is needed to make it possible to examine whether there is an impediment to releasing the information.

Under the Archives Act (1990:782) public authorities' archives shall be preserved, kept in order, and administered in order to provide for the right to access to information in official documents, the administration of justice and the public administration's need for information, and the needs of the research. The National Archives have a statutory role and are primarily the official archive for the Swedish government.

- (ii) Copies of the actual documentation containing or comprising the requested information are supplied;

*Answer:*

Under chapter 2, article 16 of the Freedom of the Press Act, a person who wishes to access an official document is also entitled to obtain a transcript or copy of it. This also follows from the Act on Environmental Information held by Certain Private-sector Bodies. A person who wishes to access an official document also has, for a set charge, a right to obtain a copy of the document or the part of the document that may be released.

- (iii) The information is supplied in the form requested;

*Answer:*

Article 4, point 1(b) of the Convention has been implemented to the letter in the Act on Environmental Information held by Certain Private-sector Bodies. This means that environmental information shall be made available in the form requested except when it is already available in another form or it is reasonable to make it available in another form. If the information is made available in another form than that requested, the reasons for this shall be given. The regulations in the Constitution must also be regarded as consistent with the requirements of the Convention, partly because an official document has to be made available to the person who wishes to access it in such a form that it can be read, listened to

or otherwise comprehended (chapter 2, article 15 of the Freedom of the Press Act). There is an explicit obligation for the public authorities to be accessible to the public (Section 7 of the Administrative Procedure Act (2017:900)). The public authorities have to meet high standards concerning accessibility and assistance, and information technology is a central tool in developing the service provided by the administration.

(b) Measures taken to ensure that the time limits provided for in **paragraph 2** are respected;

*Answer:*

Under chapter 2 of the Freedom of the Press Act a person who has made a request to access an official document that may be released shall be given access to the document immediately or as soon as possible. A request to access a copy of the document has to be dealt with promptly. The Constitution does not specify a timeframe, but according to firmly established case law, the provisions mean that a reply in the matter of releasing a document has to be given the same day, but that a delay of one or a few days can be accepted if it is necessary to enable the authority to determine whether the document can be released. Under the Act on Environmental Information held by Certain Private-sector Bodies, information shall be released as soon as possible, but no later than one month after the information has been requested.

(c) With respect to **paragraphs 3 and 4**, measures taken to:

(i) Provide for exemptions from requests;

*Answer:*

The main rule under Swedish law about access to information held by public authorities is, under chapter 2 of the Freedom of the Press Act, that an official document is public unless otherwise provided. The right to access official documents may only be restricted if this is necessary in view of certain specified interests, and restrictions must be specified with precision in provisions in an act of law (chapter 2, article 2 of the Freedom of the Press Act). The Public Access to Information and Secrecy Act (2009:400) is the act that contains provisions on restrictions in the right to access official documents. The provisions of the Act are in agreement with article 4, paragraphs 3–4 of the Convention (chapter 10, section 5 and chapter 36, section 5 of the Act). The provisions of the Convention have also come to expression in the Act on Environmental Information held by Certain Private-sector Bodies.

(ii) Ensure that the public interest test at the end of paragraph 4 is applied;

*Answer:*

The fundamental idea in the Swedish legal system is that, on its own, the interest of secrecy can never decide the strength of secrecy protection; instead, it must always be weighed against the interest of insight and the weight of the interest of insight can be different in different contexts. The balance between the interest of secrecy and the interest of insight is already made when a secrecy provision is introduced, and is expressed by the provision stating whether a presumption of public nature or a presumption of secrecy shall apply to the information covered by the provision. In addition, a public authority that receives a request for the release of environmental information covered by secrecy regulations (i.e. information for which there is a provision about secrecy) must always consider whether it is apparent that the information is of such importance from an environmental perspective that general awareness of the information has precedence over the interest to be protected by secrecy. Both the Public Access to Information and Secrecy Act and the Act on Environmental Information held by Certain Private-sector Bodies contain a secrecy-override rule for information about emissions to the environment to the effect that information that would otherwise be covered by secrecy may nonetheless be released under certain conditions. Both Acts state explicitly which secrecy provisions do not apply to information about emissions to the environment (chapter 10, section 5 of the Public Access

to Information and Secrecy Act and section 7 of the Act on Environmental Information held by Certain Private-sector Bodies). A decision rejecting a request for environmental information can be appealed, see under article 9 for more information.

- (d) With respect to **paragraph 5**, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;

*Answer:*

If a request to examine a document held by an authority is made to the wrong authority, then, under the law, the authority should help the applicant to find the right authority (section 4 of the Administrative Procedure Act). There is a provision to the same effect in the Act on Environmental Information held by Certain Private-sector Bodies. It also follows from the general duty to provide service that applies to all public authorities, that the public authority has to assist the applicant in the way specified in article 4, paragraph 5.

- (e) With respect to **paragraph 6**, measures taken to ensure that the requirement to separate out and make available information is implemented;

*Answer:*

If the whole of a document cannot be made available without disclosure of a part of it that may not be released, the rest of the document has to be made available to the applicant (Chapter 2, Article 12 of the Freedom of the Press Act). Section 7 of the Act on Environmental Information held by Certain Private-sector Bodies states that “all or part” of the release may be refused. So there is an obligation to release the parts of the requested documents that are not covered by secrecy.

- (f) With respect to **paragraph 7**, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;

*Answer:*

A decision of an administrative authority to refuse to access an official document shall contain the justification, unless it is not obviously unnecessary, for the decision as well as information about how to appeal it (sections 32 and 33 of the Administrative Procedure Act). There are no explicit provisions about a deadline by which refusal decisions must be made. The requirements concerning prompt processing that follow from current regulations and firmly established case law in matters of releasing documents have already been described. In addition, section 9 of the Administrative Procedure Act contains a general requirement that matters have to be handled promptly. Moreover, under chapter 2, article 15 of the Freedom of the Press Act, an appeal against a decision to refuse a request to access an official document always has to be examined promptly.

- (g) With respect to **paragraph 8**, measures taken to ensure that the requirements on charging are met.

*Answer:*

Under chapter 2, article 12 of the Freedom of the Press Act a document that may be released shall be made available free of charge at the place where it is held. A charge may be made for copies (chapter 2, article 13, of the Freedom of the Press Act). The Fees Ordinance (1992:191) applies to central government authorities. Under section 15 an authority shall make a charge if it releases a copy or a transcript of an official document following a special request. The charges that may be made are calculated to fully recover costs and therefore have to cover the authority's costs for paper and use of the copying machine, for example

(see Parliamentary Ombudsmen 6032-10 and RÅ (Yearbook of the Supreme Administrative Court) 1985 2:9). If an order is for ten pages or more a fee of SEK 50 shall be made under the general rule. A charge of SEK 2 is made for every additional page (Section 16). Section 15 does not provide support for charging for digital copies. In case law an authority has been held to have the right to make a charge under Section 4, point 8 for releasing a document in electronic form. (Administrative Court of Appeal in Stockholm, case 4805-14). According to the cost price principle, municipalities are not allowed to make charges that more than cover the costs of the service being provided. The basis for deciding municipal charges is set out in charge schedules adopted by the municipal assembly. The Act on Environmental Information held by Certain Private-sector Bodies contains provisions stating that reasonable reimbursement may be obtained for costs associated with releasing information and that there has, in that case, to be a pre-determined schedule of charges for this. The Act on the re-use of public administration documents (2010:566) contains provisions stating that when documents are re-used a public authority may not make charges that exceed the costs of reproducing, providing and disseminating the documents (section 7). This Act implements Directive 2013/37/EU on the re-use of public sector information.

## VIII. Obstacles encountered in the implementation of article 4

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 4.*

*Answer:*

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## IX. Further information on the practical application of the provisions of article 4

*Provide further information on the **practical application of the provisions on access to information in article 4**, e.g., are there any statistics available on the number of requests made, the number of refusals and the reasons for such refusals?*

*Answer:*

The land and environment courts have a database called the environment book [*miljöboken*] that makes it easier to find rulings concerning permits for certain activities and measures under the Environmental Code (1998:808) or the Act (1998:812) containing Special Provisions concerning Water Operations. The land and environment courts, the Land and Environment Court of Appeal, the Swedish Courts Administration and the country administrative boards are able to search the database. Questions from the public go through these authorities.

## X. Website addresses relevant to the implementation of article 4

*Give relevant website addresses, if available:*

The statutes mentioned are, for instance, available here <http://rkrattsbaser.gov.se/sfsr>.

## XI. Legislative, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information in article 5

### List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.

Explain how each paragraph of article 5 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
  - (i) Public authorities possess and update environmental information;

*Answer:*

Public authorities are required to keep records in the form of [chronological] registers of documents received and drawn up.

- (ii) There is an adequate flow of information to public authorities;

*Answer:*

As a result of a number of reporting provisions a large quantity of environmental information is held by public authorities. One example is the provision in Chapter 26, Section 20 of the Environmental Code (1998:808) that the operator of an environmentally hazardous activity shall present an annual environmental report to the supervisory authority. Another is the provisions about safety reports in the Act (1999:381) on measures to prevent and limit the consequences of serious accidents involving chemicals. A third is the provisions on public insight in sections 19–21 of the Nuclear Activities Act (1984:3). These sections partly implement Council directive 2014/87/Euratom article 8 on transparency. It follows from these sections that a party that holds a licence to operate a nuclear facility is obliged to provide a the local safety board insight into the safety and radiation protection work at the facility. The insight shall enable the board to obtain information about the work performed or planned at the facility and to compile material in order to inform the public about this work. Requirements about the reporting of emissions of radioactive substances from nuclear facilities and certain non-nuclear facilities as well as requirements concerning reporting of the results of local environmental monitoring around nuclear facilities are set out in the regulations of the Swedish Radiation Safety Authority.

Operators can use the Swedish Portal for Environmental Reporting SMP (<https://smp.lansstyrelsen.se/>), to make their reports digitally, which increases the accessibility of the information.

The supervisory authorities gather information about their areas of responsibility all the time. They are also able to order operators to submit information and documents that they need for their supervision.

- (iii) In emergencies, appropriate information is disseminated immediately and without delay;

*Answer:*

Operations that entail a danger that an accident will cause serious damage to people or the environment are covered by special provisions in the Act on Protection against Accidents (2003:778). The owner of the operation or the operator is required to take measures to prevent or limit damage. The operator is required to analyse the risks of such accidents and to inform the County Administrative Board, the Police Authority and the municipality of

emissions of poisonous or harmful substances if the emissions require specific measures to protect the public. The notification shall also be given if there is an imminent risk of such emissions.

If an accident that can cause serious harm to people or the environment does occur or if there is imminent risk of such an accident, the owner of the operation has to notify the municipality where the plant is located and the Swedish Civil Contingencies Agency under the provisions of the Ordinance on Protection against Accidents (2003:789). There are also special provisions in the Ordinance requiring the county administrative board to inform the public in the event of an emergency that involves a risk of radiation. The warning and information system called IPA (important public announcement) is used in the event of accidents and serious incidents and to warn and inform about disturbances to critical functions in society and in connection with extraordinary events. IPA notices are always sent by radio and TV and can be supplemented with the outdoor warning system. IPAs can also be sent as text messages to mobile phones within a specific area. In the event of a nuclear accident RDS receivers are used as a supplement to the IPA system in order to notice the public within the emergency zone. It follows from the Act on Protection against Accidents (2003:778) and appurtenant regulations that the county administrative board is responsible for the rescue service and decontamination in the event of a nuclear accident and for information to the public during and after a nuclear accident.

The Swedish Chemicals Agency participates in a network of information officers for crisis communication in the event of accidents involving chemicals and oil spills. The network is run by the Swedish Civil Contingencies Agency and is intended to coordinate communication by the authorities affected in a crisis situation. The Swedish Chemicals Agency has also set up a procedure for crisis communication.

According to the Air Quality Ordinance (2010:477) the municipalities and the Swedish Environmental Protection Authority respectively are responsible to notice and inform the public, other relevant authorities and institutions in the event that the threshold value for sulphur-, nitrogen dioxide or ozone respectively are exceeded or assumed to be exceeded. The information to the public shall be given through the press, radio, television, the Internet or any other appropriate means.

(b) With respect to **paragraph 2**, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible;

*Answer:*

Under their general duty to provide service, the authorities have a responsibility for making information available about the documents they hold and work is always under way on providing information about environmental issues, including searchable environmental information on the internet.

The Act (2005:181) on Environmental Information held by Certain Private-sector Bodies contains requirements that a person holding or storing environmental information shall arrange the information in a clear way (section 5).

There is no cost for searching in public authority registers or in other registers. Work is under way on making these registers available to the public via the internet.

As part of their duty to provide service, public authorities also have a responsibility for supplying information, guidance, advice and other assistance to individuals. Questions have to be answered as quickly as possible and a person who has contacted the wrong authority has to be helped to find the right one.



The public is given a guide to the information held by public authorities through [www.sverige.se](http://www.sverige.se). Below are examples on how some public authorities make environmental information available. The overview is not exhaustive.

The Swedish Chemicals Agency's information service *Ask the Swedish Chemicals Agency [Fråga Kemikalieinspektionen]* receives written questions both via an online form and via the Agency's senior registry officer. It is also possible to call and ask questions during the service's daily telephone hours. In 2016 the Agency started the *Chemicals Pod [Kemikaliepodden]*, which is intended to spread information about chemicals in everyday life to the public. It is intended to make it easier for consumers to make conscious choices, but it is also aimed at companies that have responsibility for their products being safe.

Under the Ordinance on an information service for consumers (2014:110) the Swedish Consumer Agency is responsible for supplying and coordinating an information service providing impartial information and guidance to consumers in collaboration with the authorities responsible for the information. The information service has to include information intended to make it easier for consumers to make well-considered choices. This includes information about environmentally sustainable consumption related to the generational goal for environmental work and the environmental quality objectives, as well as information about other sustainability aspects when considered appropriate.

The Swedish Agency for Economic and Regional Growth has a commission to work for sustainable solutions that support the development of a competitive business sector from an environmental and climate perspective and has to make information in the area of environmental technology accessible to companies.

The National Post and Telecom Agency is the sectoral and supervisory authority in the areas of electronic communication and email. One of this Agency's responsibilities is to promote the access to secure and efficient electronic communications, including to make sure that services of the society are available.

Under the Language Act (2009:600) the language of the public sector is to be cultivated, simple and comprehensible. The Language Act further states that public authorities have a special responsibility to ensure that Swedish terminology is available, developed and used in their various disciplines. The Ordinance on the responsibility of government agencies for the implementation of disability policy (2001:526) lays down that these authorities shall work to ensure that their information is accessible to people with disabilities. The Discrimination Act (2008:567) states that everyone working in the public administration has an individual responsibility not to discriminate when they assist the public by, for example, providing information, guidance or advice. This means that reasonable measures have to be taken to offer information that is accessible to a person with a disability. What is reasonable to demand may be decided in each individual case but could for example be about reading out a text or saving a document as an available pdf.

For more information about public authorities' environmental information on the internet, see under c).

(c) With respect to **paragraph 3**, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks;

*Answer:*

Both central government authorities and municipalities provide environmental information on their websites. All public authorities in the environmental area have databases accessible via the internet that contain a large number of publications available for free download. Below are some examples of how some authorities make environmental information available. The overview is not exhaustive.

The Agency for Digital Government was established in 2018. One of the agency's tasks is to monitor compliance with the Act (2018:1937) on availability of digital services. The act requires that digital services provided by a public actor meet the requirements for accessibility, accessibility reporting and the right to request available versions of content for which the actor has invoked an exemption. The act also states that anyone who considers that a public actor does not meet one or more of the act's requirements may report this to the Agency for Digital Government.

The public can use the Government's website, [www.regeringen.se](http://www.regeringen.se), to access public publications in the environmental area, the text of statutes, proposed legislation, etc.

The public can use the website [www.domstol.se](http://www.domstol.se) to access case law, including cases regarding access to justice in the environmental area.

The website of the Swedish Environmental Protection Agency, [www.naturvardsverket.se](http://www.naturvardsverket.se), contains information about the Aarhus Convention and relevant external, The Environmental Objectives Portal, [www.sverigesmiljomal.se](http://www.sverigesmiljomal.se), is a website with information about the Swedish environmental work. Eight public authorities with the responsibility for the environmental quality objectives and the county administrative boards are behind the website. The website provides information about the Swedish system of environmental objectives, about the follow-up and evaluation of the Swedish environmental objectives, and inspiration and tools to businesses and municipalities that want to work in a more structured way to contribute to the Swedish environmental objectives. The environmental objectives is an umbrella term for a generational goal, sixteen environmental quality objectives and milestone targets that cut across objectives and are steps on the path to environmental quality objectives and the generational goal. The generational goal and the environmental quality objectives form the basis of Swedish environmental policy and steer Sweden's actions in the EU and in international contexts.

The Swedish Agency for Marine and Water Management regularly gathers a large quantity of data about the state of our seas, lakes and streams and makes it accessible to the public. The data is entered in databases much of which is accessible via [www.havochvatten.se](http://www.havochvatten.se).

Statistics Sweden has expanded the Environment subject area in its Statistics Database ([www.scb.se](http://www.scb.se)) by adding new tables and by making i.a. more environmental data on the amounts of collected and treated electrical equipment and batteries, and on the import and export of waste available. Since 2019 Statistics Sweden even publishes statistics on consumption's environmental impact in the Statistics Database.

The Swedish Environmental Protection Agency has been appointed along with the Swedish Agency for Marine and Water Management [the county administrative boards] and the county administrative boards that have been designated as water authorities to develop a common strategy for environmental data management (<http://www.naturvardsverket.se/strategi-for-miljodatahantering>) in order to jointly increase the efficiency of work on, and the management of environmental data. The responsibility for the strategy was taken over by the Environmental Information Council in 2017. In 2020, the Council agreed on recommendations for metadata management.

The water authorities are responsible along with the county administrative boards for the content of the Swedish Agency for Marine and Water Management's database Water Information in Sweden [*VattenInformationsSystem Sverige*] (VISS), [www.viss.lansstyrelsen.se](http://www.viss.lansstyrelsen.se). This database contains information about all Sweden's large lakes, streams, ground water and coastal water. The information is accessible to the public so that everyone is able to take part in work for better water.

Through the Swedish Forest Agency's map services (<https://www.skogsstyrelsen.se/sjalvservice/karttjanster/skogsdataportalen/>) the public can search for and explore geographical information mainly produced by the Swedish Forest Agency. The map service Pearls of the Forest [*Skogens pärlor*] presents information about key biotopes and objects with natural values, marsh forests, protected areas, ancient and cultural relics and species observations. Protected areas include biotope protection areas, nature conservation agreements, Natura 2000 areas, nature reserves, national parks and water protection areas. The map service Forest basic data includes e.g. maps showing soil moisture, slope, tree height and volume. In the map service Forest basic data, there are also external borders for areas reported for felling and areas where felling has been carried out.

The Swedish Board of Agriculture carries out analyses and investigations concerning agriculture and the environment that are available via [www.jordbruksverket.se](http://www.jordbruksverket.se).

The Swedish University of Agricultural Sciences publishes environmental information via its own website ([www.slu.se](http://www.slu.se)) and special databases and as geographical environmental information via the Geodata Portal.

The Swedish Species Observation System ([www.artportalen.se](http://www.artportalen.se)), which is managed by the Swedish Species Information Centre at the Swedish University of Agricultural Sciences, is an open reporting system for observations of Sweden's plants, animals and fungi. There are about 81 million observations in the system of 36 700 species. The Portal has more than 700 000 unique visitors and about 15 000 reporters (January 2021). The information is a very important input in the Swedish nature conservation work.

The Swedish Species Information Centre at the Swedish University of Agricultural Sciences also manages the portal [www.artfakta.se](http://www.artfakta.se), where names and relationships of approximately 60 000 species can be found. The web application also includes some thirty digital determination keys for almost 700 species and pdf keys from the National Encyclopaedia for approximately 2 700 species. In 2020 the Portal had 608 000 unique visitors doing 1 million visits.

To make environmental information more accessible the Swedish Environmental Protection Agency and the Swedish Agency for Marine and Water Management have established a system of data hosts that make data about the state of the environment available free of charge via the Internet. Data can be searched for, downloaded and processed. The data hosts can be reached via <http://www.naturvardsverket.se/Stod-i-miljoarbetet/Vagledning/Miljoovervakning/Nationella-datavardskap/>. The Swedish Environmental Protection Agency has also developed a metadata portal, the Environmental Data Portal [*Miljödataportalen*] ([vic-metria.nu](http://vic-metria.nu)), in order to further improve the searchability and accessibility of environmental information and of reports. The Environmental Data Portal acts as the Swedish Environmental Protection Agency's node in relation to the national geodata portal, the Geodata Portal ([Geodata - Lantmateriet](http://Geodata-Lantmateriet)), which is Sweden's portal for coordinating information under the INSPIRE Directive (Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community) in Sweden. The geographical environmental information included in the Swedish Environmental Protection Agency's responsibility for information is therefore shown in the Geodata Portal.

The INSPIRE Directive is mainly being implemented through the Geographical Environmental Information Act (2010:1767) and the Geographical Environmental Information Ordinance (2010:1770). The Act defines geographical environmental information as geographical information in electronic form that is usable for activities and measures that may affect human health or the environment.

The Geodata Portal has been developed by the Swedish mapping, cadastral and land registration authority (Lantmateriet) as part of the implementation of the INSPIRE Directive. Lantmateriet is responsible for coordinating Swedish infrastructure for access to

and the exchange of Swedish geographical environmental information and of ensuring that there is always a functioning access point to the system on the internet. Lantmäteriet has a number of open view services as well as downloadable open data that the public can access ([www.lantmateriet.se](http://www.lantmateriet.se)). Some of the information is open data that is made accessible without cost to the public. Lantmäteriet also. The Geodata Portal gives the public a simple and integrated way of reaching the services of many organisations and of searching for, finding, viewing and combining geodata from different sources. The Portal contains metadata, i.e. information that describes the content, availability and quality of data sets and services. Information about Lantmäteriet's geoportal is also available in English.

Through the website [www.planeringskatalogen.se](http://www.planeringskatalogen.se), the county administrative boards provide a web-based search service for planning documents. Planning documentation refers to knowledge documentation that highlights important issues to take into account and handle in e.g. the comprehensive planning and the detailed development planning in the form of reports, guides, geodata, map services and web pages. A large part of the planning documents constitutes such environmental information as is referred to in the Convention. The website collects planning data from about thirty government authorities and other actors. The website structures the planning documents and makes it easier to search for the information needed in the physical planning.

The Swedish University of Agricultural Sciences produces information about the state of and changes to Swedish forests which is part of the Sweden's official statistics. . In addition to reports in the Forest Data [*Skogsdata*] series there is an interactive tool ([taxwebb.slu.se](http://taxwebb.slu.se)) that enables users to make their own searches for and adapt the statistics they are interested in. The University also publishes species data, phenological data, fish data, data about land, crops, inland water and seas, the occurrence of forest damage and statistics about game and damage caused by game. In addition, the University provides various tools for visualisation, analysis, assessments and forecasts with the aid of species and environmental data ([www.slu.se/miljoanalys/statistik-och-miljodata/analysverktyg](http://www.slu.se/miljoanalys/statistik-och-miljodata/analysverktyg)).

The Swedish Radiation Safety Authority gathers data about radioactive substances and radiation in the environment. Many measurement and analytical results from the investigations carried out by the Authority or that have been reported to the Authority have been published on [www.ssm.se](http://www.ssm.se). To some extent, data from the Authority's national environmental monitoring programme is also searchable in the Authority's environmental database, which is also available via its website.

The Swedish Chemicals Agency publishes information both on its website ([www.kemi.se](http://www.kemi.se)) and in databases that are accessible to the public, for example the Company Register and the Pesticides Register, and since 2015 it has had a customised access point for the public and consumers on its website. The Agency has an agreement with and cooperates with the Swedish Consumer Agency in an information service called *Hallå Konsument* ([www.hallakonsument.se](http://www.hallakonsument.se)).

Boverket (the National Board of Housing, Building and Planning) spreads information about environmental matters via its website [www.boverket.se](http://www.boverket.se), and also via the Environmental Objectives Portal.

The collections of the Swedish Museum of Natural History are an important environmental archive with long time series and at the Museum the world's oldest environmental specimen bank can be found. An important task for the Museum is to make information about the collections available digitally. The Swedish Museum of Natural History has been commissioned by the Swedish Research Council to be the Swedish node of the Global Biodiversity Information Facility, GBIF ([www.gbif.se](http://www.gbif.se)), an initiative established by the OECD. The Museum also spreads organism-specific information about, for example, plants in the Virtual Flora [*Virtuella floran*] <http://linnaeus.nrm.se/flora/welcome.html> and the fish of the world, [www.fishbase.se](http://www.fishbase.se).

Government actors in Sweden have for several years worked to ensure that reporting requirements based on EU legislation contribute to efficient processes that provide added value in Sweden. The link to environmental quality objectives and climate goals is an important aspect. 14 non-governmental organizations have agreed on a strategy for managing environmental data which states that environmental data is an important societal resource that well managed and diligently used contributes to a better environment by providing a basis for follow-up, analysis, understanding, decisions and actions. Environmental data must be easily accessible, easy to use and efficiently managed so that individuals, businesses, non-governmental organizations and authorities can use and process information and data as a basis for knowledge, planning, decisions, follow-up and data in a variety of processes in order to create societal benefit.

In 2017, the government decided on a national digitalisation strategy with the overall goal that Sweden should be the best in the world at using the possibilities of digitalisation. Since 2018, there is a special authority for digital administration (Digg) which has a mandate to coordinate and support the administrative-wide digitalisation. The government has commissioned Digg and other authorities to establish a common digital infrastructure for information exchange, as well as a national framework for basic data, i.e. secure and efficient handling of data about companies, property, and person. New basic data domains must be identified. Environmental information can be one of them.

To facilitate searches in public agency archives the Swedish National Archives has developed the National Archival Database of Sweden (NAD), which is available via [www.sok.riksarkivet.se](http://www.sok.riksarkivet.se). The NAD contains information about what archives and collections are held in both public and private archive institutions, libraries and museums. The NAD also contains detailed archive lists from archives held by the Swedish National Archives and the regional archives. It can also be used to search for archives from public authorities and other organisations with environment-related activities, including those from authorities that have now been wound up such as the Swedish National Licensing Board for Environment Protection, the Swedish Council for Environmental Information, the Environmental Advisory Council and committees of inquiry related to the environment. Documents held at the Swedish National Archives can also be found through the digital platform “Digitala forskarsalen” insofar as the document is available in a digital form.

The Swedish Meteorological and Hydrological Institute (SMHI) publishes environmental information on [www.smhi.se](http://www.smhi.se). SMHI provides open data within its areas of responsibility. SMHI also has an extensive production of publications in the form of reports, fact sheets, research results and journals for download on its website.

As regards adaptation to climate change, the Swedish National Knowledge Centre for Climate Change Adaptation is found at the Swedish Meteorological and Hydrological Institute (SMHI). The tasks of the Knowledge Centre are i.a. providing information and research on climate adaptation for the society's different actors and to show how climate adaptation can be conducted. The Knowledge Centre is responsible for the website [www.klimatanpassning.se](http://www.klimatanpassning.se), but a network of official authorities contribute with the information found on the website.

The National Heritage Board provides continuous information about current work in the area of the cultural environment via [www.raa.se](http://www.raa.se). The National Heritage Board administers several national databases with cultural-historic information such as the Archaeological Sites and Monuments database, the Data Base of Built Heritage (BeBR), Kringla and the Swedish Open Cultural Heritage (SOCH), containing data on cultural environment.

The Swedish Consumer Agency provides information on sustainable consumption aimed at consumers on [www.hallakonsument.se](http://www.hallakonsument.se).

The Swedish Food Agency provides information about food and the environment on [www.slv.se](http://www.slv.se) [including information on the environmental impacts of food, undesirable substances in food, how the public can reduce their food waste and the national dietary guidelines which integrates environmental aspects.](http://www.slv.se)

The Public Health Agency of Sweden, whose remit includes spreading knowledge about how human health is affected by the environment, publishes annual reports about public health in Sweden and other environmental information on [www.folkhalsomyndigheten.se](http://www.folkhalsomyndigheten.se).

The website of the country administrative boards [www.lansstyrelsen.se](http://www.lansstyrelsen.se) contains valuable regional and national environmental information.

The database Kolada collects statistics from the municipalities based on i.a. the Agenda 2030 reporting and enables comparisons between the Swedish municipalities and regions in a smooth and visual way.

Many municipalities have developed an environmental barometer that is available to the public via the municipality's website. The environmental barometer is a broad source of environmental information at local level and provides information on e.g. statistics, key figures, and development trends in several environmental areas.

Viltdata.se ([www.viltdata.se](http://www.viltdata.se)) is a web-based system that provides supporting information about the management of huntable game. Viltdata is owned and administered by the Swedish Association for Hunting and Wildlife Management and is part of that Association's public commission in areas including game monitoring and elk management.

The government research council for sustainable development, Formas, funds research within i.a. the field of environment. Through Formas' website [www.formas.se](http://www.formas.se) it is possible to view and use open data on the Council's funded projects through an application programme interface (API).

(d) With respect to **paragraph 4**, measures taken to publish and disseminate national reports on the state of the environment;

*Answer:*

Sweden has a well-developed system for monitoring the state of the country's natural environment. National environment monitoring is organised in ten programme areas (Mountains, Health-related environment monitoring, Agricultural landscape, Coastal and sea areas, Landscape, Air, Environmental toxins coordination, Forest, Fresh water and Wetlands) which each include several sub-programmes. Environmental monitoring provides a description of the state of the environment and warns of disturbances. The work is based on recurring, systematically organized monitoring, which show the state of the environment by registering any changes in the natural environment. The Swedish Environmental Protection Agency is responsible for coordinating national environment monitoring.

The Swedish Environmental Protection Agency and the Swedish Agency for Marine and Water Management are jointly responsible for implementing national environment monitoring. Each year they publish information about the state of the environment in the form of reports for different parts of the programme. Published reports are searchable in the Environmental Data Portal, at the authorities' websites and at the data hosts. Parts of the data from the national environmental monitoring on the state of the environment are provided as official statistics through [www.scb.se](http://www.scb.se).

The results of national environment monitoring can also be accessed from other actors: the Swedish University of Agricultural Sciences, the Geological Survey of Sweden and the Swedish Meteorological and Hydrological Institute (SMHI) and other authorities publish



environmental monitoring data and reports based on information from environment monitoring on their websites. Statistics about the state of and changes to forests are available at [www.slu.se/miljoanalys/statistik-och-miljodata/](http://www.slu.se/miljoanalys/statistik-och-miljodata/) and are part of Sweden's official statistics.

The Swedish Environmental Protection Agency also coordinates the follow-up of the environmental objectives and each year it presents a comprehensive description to the Government of the results in the previous year, including a report on the measures taken to reach the environmental quality objectives and the generational goal. Every fourth year an in-depth evaluation is made of the possibilities of achieving the environmental quality objectives and the generational goal. Information about work on the environmental objectives, including the reports published, is available in the Environmental Objectives Portal ([sverigesmiljomal.se](http://sverigesmiljomal.se)).

The UNECE has reviewed the environmental information available in Member States and concluded that Sweden has almost total openness for information used in European descriptions of the state of the environment.

- (e) Measures taken to disseminate the information referred to in **paragraph 5**;

*Answer:*

The Legal Information Ordinance (1999:175) provides that there has to be a public legal information system to ensure that public administration and individuals have access to basic legal information in electronic form and that the legal information system has to be kept with the aid of information technology and be accessible through a public network. The content of the system has to be accessible in a uniform way. The Ordinance specifies what information the legal information system has to contain.

The Swedish Courts Administration is responsible for [lagrummet.se](http://lagrummet.se) ([www.lagrummet.se](http://www.lagrummet.se)), which is a common website for the legal information of the public administration. This website provides access to legal information from the Government, the Riksdag, the higher courts and central government authorities as well as some international information. Every public authority is responsible for the content of its own legal information and how it is published on the internet.

The Government Offices publishes information on [www.regeringen.se](http://www.regeringen.se), issues press releases, arranges meetings and publishes printed documents. Conventions and international agreements are published on its website as soon as possible. Statutes are currently available on various websites, including the Riksdag website [www.riksdagen.se](http://www.riksdagen.se) and the legal databases of the Government Offices, <http://rkrattsbaser.gov.se/sfsr>, which contain the full text of statutes, a register of statutes, the full text of terms of reference for Government-appointed committees and inquiries since 1987, a register of committees and inquiries and reports on their work. Information concerning strategies and policies is available on the websites of both the Government and central government agencies. One example is the annual follow-up of the environmental objectives, which is presented on the Environmental Objectives Portal [sverigesmiljomal.se](http://sverigesmiljomal.se). Both the Ministry of the Environment and the central government authorities under the Ministry, including the Swedish Environmental Protection Agency, the Swedish Agency for Marine and Water Management and the Swedish Chemicals Agency, continuously publish information on their international work on their websites, with links to conventions and other international documents. The authorities also spread information in other ways than via their websites. Many environmental authorities and county administrative boards publish newspapers or newsletters that are distributed in printed form or by email.

- (f) With respect to **paragraph 6**, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products;

*Answer:*

Distributors of chemicals are obliged to classify and label their products and to supply product information sheets to professional, industrial recipients. As regards products, consumers and others receiving a product have the right to information about the content in the product of particularly hazardous substances that are included in the EU's Candidate List. The Swedish Chemicals Agency's website has a form that consumers can print out and use when they want to ask about the content of hazardous substances in products. On the Swedish Chemicals Agency's website it is also possible to give tips about deficiencies in the handling of chemicals, and each year the Agency receives about 300 tips from companies and the public. This helps the Agency to protect people and the environment and to get companies to comply with their obligations.

There are several voluntary systems for making product-related environmental information accessible to the public, such as environmental labelling. Environmental labelling makes it easier for consumers to choose green products and services and is also a driver for companies.

The state-owned company Ecolabelling AB [*Miljömärkning Sverige AB*] manages the Nordic Swan and EU Flower labelling systems in Sweden on behalf of the Government. There are a number of other environmental labels in addition to these labelling systems, including Good Environmental Choice, which is the label of the Swedish Society for Nature Conservation, and TCO Certified, which is an independent sustainability certification for IT products.

FSC Sweden is an organisation that has developed a forestry standard and an environmental labelling of products from responsible forestry. Wood-based products can also be PEFC-labelled. PEFC (the Programme for the Endorsement of Forest Certification) evaluates and endorses national standards for certification that meet the organisation's criteria for responsible forestry. The control of compliance with the standards is performed by independent certification bodies.

IVL Swedish Environmental Research is responsible for the international system of certified environmental product declarations, EPD (Environmental Product Declaration). These declarations are intended to provide accessible, quality-assured and comparable information about the environmental impact of products and services.

The public can obtain information about the impact of activities on the environment through various environmental management and environmental audit systems.

Central government authorities covered by the Ordinance concerning environmental management at government agencies (2009:907) – there are now 186 of them – have to have an environmental management system that integrates environmental considerations into their activities so that the direct and indirect environmental impact of their activities is taken into account in a systematic way. This means, for instance, that these authorities have to have an environmental policy and adopted environmental objectives for their activities as well as an action plan for work to achieve these objectives. Each year these authorities have to make a report to the Swedish Environmental Protection Agency on their environmental management work. The Swedish Environmental Protection Agency has to support these authorities in this work and to present a summary of their reports to the Government each year. The Agency also awards points for and ranks the environmental management work of Swedish authorities.

There are also voluntary environmental management systems under which a certification body examines and awards environmental certification to companies and organisations, e.g. ISO 14001 (an internationally accepted standard that is the basis for adopting an environmental management system) and EMAS (Eco Management and Audit Scheme),



which is a similar system in the EU. The Swedish Environmental Protection Agency is responsible for EMAS in Sweden.

(g) Measures taken to publish and provide information as required in **paragraph 7**;

*Answer:*

Under the principle of public access to information, everyone has a right of insight into the activities of a public authority and the right to access official documents received by or drawn up by the authority. Legislative proposals and similar documents are regularly referred to authorities, interest organisations and others for consultation and are public documents in the Government Offices. A summary of the consultation responses is often drawn up and is accessible in the file on the matter. The government bill contains a summary description of parts of the comments in the consultation responses and the reasons for the Government's decision. Supporting information, for example in the form of terms of reference, inquiry reports and government bills, is published on the internet ([www.regeringen.se](http://www.regeringen.se)). In most cases the consultation responses of public authorities and other institutions, annual reports, environmental objective reports, etc. can be accessed direct on the website of the authority concerned; otherwise the release of the document can be requested from the public authority holding these documents.

(h) With respect to **paragraph 8**, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;

*Answer:*

The Swedish Chemicals Agency provides information and answers questions about chemicals and chemicals in products via its information service. The Agency's website also has a target group access point for the public/consumers. It contains information about chemicals and products that are common in everyday life, such as coolants, firefighting foam, toys and clothing. Information is also provided about common chemical substances such as bisphenol A, lead and flame retardants. The Swedish Chemicals Agency's *Chemicals Pod*, is intended to spread information about chemicals in everyday life to the public. The idea of the pod is to make it easier for consumers to make conscious choices. The Agency is working proactively on media relations so as to spread information about harmful chemicals in everyday life to the public and companies. The Agency is cooperating with the Public Health Agency of Sweden and other authorities to provide information about risks of antibiotic resistance. Rapex is a system used by EU countries to inform one another about dangerous consumer products on the market. Every Friday a list is published of RAPEX reports of dangerous products made by the authorities in EU member countries. The list contains information about the product, the potential risk and the measures taken by the reporting country. The Swedish Consumer Agency has a link to Rapex weekly reports at <http://www.konsumentverket.se/fragor-och-svar/produktsakerhet/vad-ar-rapex/>.

(i) With respect to **paragraph 9**, measures taken to establish a nationwide system of pollution inventories or registers.

*Answer:*

Sweden has ratified the Protocol on pollutant release and transfer registers (PRTR) to the Convention (the PRTR Protocol). In connection with ratification the previous pollutant emission register (KUR), was replaced by the "Swedish Pollutant Release and Transfer Register" [*"Utsläpp i siffror"*], which can be reached via the website of the Swedish Environmental Protection Agency or direct at the address <http://utslappisiffror.naturvardsverket.se/>. This register contains a database of pollutant releases from about the 1 300 largest companies in Sweden conducting environmentally

hazardous activities. The public can use the website to access information about national pollutant releases and the PRTR is thus accessible and searchable via the Internet.

The Swedish Museum of Natural History works with the collection of materials for the Environmental Specimen Bank (ESB), as well as sample preparation of biological material for studies of noxious substances within the Swedish environmental monitoring. The samples are analysed for the presence of known and unknown noxious substances. The samples are stored in the museum's ESB.

## **XII. Obstacles encountered in the implementation of article 5**

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 5.*

*Answer:*

At present some parts of environmental information are handled as electronic documents with running text that is optimised for reading by people. Other parts are optimised for machine processing and analysis. In the latter case it is simple to filter out information covered by secrecy by machine before dissemination. If, in contrast, the information is in running text, a labour-consuming process is needed to identify the information covered by secrecy, make a secrecy assessment of it and redact it, when required, before dissemination.

Metadata and metadata profiles/standards are also a challenge, both for those who make environmental information available and for those who use it.

This has meant that, in practice, few electronic documents (apart from those whose dissemination is specifically regulated by statute) are available on the internet.

Today environmental information is spread among a large number of public authorities and websites, which means that it is difficult for the public to form an overview of what environmental information is available and how different information sets are related to one another. For the same reason sometimes, the public has difficulty in obtaining insight into public authority processes and, for example, following a matter.

In recent years, however, the focus has shifted from an authority-internal efficiency perspective to an external user perspective - where the public's need for information from the authorities is at the centre. This in turn gives rise to new challenges, and increased complexity, as the requirements for how the authorities meet the individual digitally and the requirements for digital collaboration and coordination between authorities increase.

At present, there are challenges related to meet the needs of the inhabitants, businesses and authorities based on cohesive life, corporate and societal events and to comply with The Once Only Principle.

## **XIII. Further information on the practical application of the provisions of article 5**

*Provide further information on the **practical application of the provisions on the collection and dissemination of environmental information in article 5**, e.g., are there any statistics available on the information published?*

*Answer:*

In 2019 Statistics Sweden presented 22 statistical news items in the environmental area. The number of tables in the statistical database ([www.statistikdatabasen.scb.se](http://www.statistikdatabasen.scb.se)) in the environmental area increased from 196 in 2018 to 224 in 2019. Just under 21 000 withdrawals in the environmental area were made from its statistical database in 2019 compared with just under 20 000 in 2018.

#### XIV. Website addresses relevant to the implementation of article 5

*Give relevant website addresses, if available:*

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#### XV. Legislative, regulatory and other measures implementing the provisions on public participation in decisions on specific activities in article 6

**List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.**

Explain how each paragraph of article 6 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

*Answer:*

There is a long tradition of public participation in decision-making processes in the environmental area. For 40 years there has been an environmental permit process for industrial activities and other environmentally hazardous activities, such as sewage treatment works and waste treatment plants. Permit processes involve consultations with the public before a permit application is submitted to the permit authority; the publication of notice of the application and the gathering of opinions from the public, among others; a public meeting before the permit authority; and a notice publishing the ruling of the permit authority. In the main, Sweden lived up to the requirements of the Convention about giving the public the possibility to participate in decision-making on environmentally hazardous activities even before the Convention was ratified. Over the years this possibility has been expanded to cover more types of activities at the same time as the formal requirements concerning, for example, the application, the environmental impact assessment and other supporting information have increased and been made more specific.

Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
  - (i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;

*Answer:*

Permits are required to conduct the activities covered by Annex I to the Convention. Permits for environmentally hazardous activities and water activities are regulated mainly in accordance with the Environmental Code (1998:808). A starting point in the Swedish system for regulating and controlling the environmental impact of activities and measures is the requirement for pre-testing through various types of permit procedures. Permit requirements regarding environmentally hazardous activities and measures are regulated in chapter 9 and water activities in chapter 11 of the Environmental Code. There are provisions

on environmental impact assessments and other supporting information in chapter 6 of the Environmental Code that guarantee public participation in these permit examinations in accordance with the Convention. There are also provisions on permit processes in other Acts that refer to the Environmental Code's provisions on environmental impact assessments.

In addition, Chapter 7, Section 28 a of the Environmental Code contains a specific requirement for a permit to conduct activities or take measures that may have a significant impact on the environment in a natural area listed under Chapter 7, Section 27 of the Environmental Code (Natura 2000 areas). The regulations concerning environmental impact assessments and the associated consultations are also applicable to these permit examinations.

For activities or measures that are to be considered in accordance with chapter 9 or 11 of the Environmental Code or which is considered for admissibility by the government according to chapter 17 of the Environmental Code, a so-called specific environmental assessment must be made if the activity or measure can be assumed to have a significant environmental impact. The question of whether an activity or measure entails a significant environmental impact is for certain activities and measures determined in advance. For others, the issue must be decided on a case by case basis. The assessment of whether a significant environmental impact can be assumed for an activity or measure includes e.g. that the operator consults on the operation and its environmental impacts and draws up a consultation report. A specific environmental impact assessment implies that the person who intends to conduct the activity or measure consults on how an environmental impact assessment should be delimited, produces an environmental impact assessment and submits the environmental impact assessment to the permit authority. The permit authority provides for an opportunity for views on the operator's environmental impact assessment and completes the environmental impact assessment.

The consideration of certain activities covered by the Convention takes place in accordance with provisions in sectoral legislation. The Act (1966:314) on the Continental Shelf, the Road Law (1971:948) and the Law (1995:1649) on Construction of Railways are some examples of such legislation.

For activities that are considered in accordance with one of the sectoral legislations, the conditions for when a specific environmental impact assessment is to be made in each sector type are regulated through a reference to relevant provisions in the Environmental Code in the sectoral legislation. For roads and railways, on the other hand, the regulation looks different. The Road Law, the Law on Construction of Railways and the Planning and Building Act (2010: 900) implement the Convention's requirements partly through provisions in the specific legislation and regulations that have been issued on the basis of these laws, and partly through references to provisions in Chapter 6 of the Environmental Code.

- (ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;

*Answer:*

As described under (a) (i), there are provisions in Chapter 6 of the Environmental Code and in regulations issued on the basis of the Environmental Code which ensure that the provisions of article 6 are applied to decisions that may have a significant impact on the environment.

(b) Measures taken to ensure that the public concerned is informed early in any environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in **paragraph 2**;

*Answer:*

Under provisions in the Environmental Code, anyone who intends to conduct an activity that requires a permit or a decision on permissibility has to consult with the country administrative board, the supervisory authority, and individuals who are likely to be particularly affected. The corresponding process is also guaranteed in transboundary contexts. If it is a question of an activity or measure that can be assumed to have significant environmental impact or if the activity or measure for another reason is covered by requirements for specific environmental impact assessment, consultation shall also take place with other government agencies, the municipalities and the public that can be assumed to be affected by the activity or the measure. Even before the consultation, the party who intends to conduct the activity has to provide information about e.g. the location, extent and nature of the activity and its anticipated environmental impact to the authorities and to any individuals particularly affected. The information is to be presented in a consultation document which meets the requirements set out in Sections 8 and 9 of the Environmental Assessment Regulation (2017:966).

The authority which considers the permit application shall announce that the environmental impact assessment exists, make it available to the public and give the public a reasonable time, at least 30 days, to comment on it. The Environmental Code contains requirements concerning the contents of the notice. The documents in a permit application have to be made available not only at the decision-making authority but also at a keeper of the file, which can, for example, be a municipal office near the place where the activity is to be conducted.

If the consultation document or a notice refers to a “Seveso activity”, it shall contain special information about that, cf. Chapter 22 Section 3 a of the Environmental Code. This as part of action to increase information to the public, see Govt Bill 2014/15:60 p. 60.

(c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of **paragraph 3**;

*Answer:*

One requirement for a functioning process is that the public is offered a reasonable amount of time to gather information, take a position, and submit comments. Chapter 6, Section 25 of the Environmental Code contains provisions that explicitly states that the consultation documents must be submitted well in advance so that comments on the consultation documents and the question of significant environmental impact can be taken into account. According to Chapter 6, Section 31 of the Environmental Code the screening shall start and the consultation document be available well in advance to give time for a meaningful consultation before the operator draws up the environmental impact assessment and the final permit application. If the Land and Environment Court summons the parties to the main hearing in the case in connection with the notice of the application and the environmental impact assessment, the hearing may be held three weeks after the date of the notice at the earliest (chapter 22, section 17 of the Environmental Code).

(d) With respect to **paragraph 4**, measures taken to ensure that there is early public participation;

*Answer:*

Sweden has five official national minorities: Jews, the Roma, the Sami, the Swedish Finns and the Tornedalers. The Sami are also an indigenous Swedish people. According to Section 5 of the National Minorities and National Minority Languages Act (2009:724), the official national minorities shall be given the opportunity to influence on issues that affect them. In

addition, it is the duty of the administrative authorities to as far as its possible consult with the official national minorities in such issues. The responsibility applies in the same way to all official national minorities throughout the country. Today, consultation is held on all levels of the society, but the scope and approach vary widely. At the municipal level consultations are mostly held in those municipalities which are part of the administrative area for one of the languages Finnish, Meänkieli and Sami language. The interpretation of the scope and approach of the consultation differs between the different municipalities and administrative authorities. The pre-conditions for holding consultations may also vary between the municipalities and administrative authorities. Against this background a new Section was introduced to the act in January 2019, which clarifies that consultation refers to a structured dialogue with the official national minorities in order to take into account their views and needs in the decision-making process. In addition, a new provision has been introduced which regulates the obligation of administrative authorities to consult with children and young people belonging to an official national minority on issues that affect them. The provision also states that the forms of consultation with children and young people must also be adapted to their pre-conditions.

See also under (c).

(e) With respect to **paragraph 5**, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit;

*Answer:*

Under the Environmental Code, anyone who intends to conduct an activity that requires a permit or a decision about permissibility has to consult with the county administrative board, the supervisory authority and individuals who are likely to be particularly affected. If the activity is likely to have significant effects on the environment, a consultation has also to be held with other central government authorities and with the municipalities, members of the public that are likely to be affected. There are also requirements regarding consultation documents, see under (b) above.

(f) With respect to **paragraph 6**, measures taken to ensure that:

(i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;

(ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;

*Answer:*

Everyone is entitled to access the content of the information which is part of the consideration of an application under the principle of public access to information. There is no charge for access to the information. Chapter 6 of the Environmental Code and the Environmental Assessment Regulation contains provisions stating that the consultation document shall be submitted well in advance to those participating in the consultation process, as well as provisions on the content of the consultation documents and what information an environmental impact assessment has to contain. The Code also contains provisions about what information has to be made available to the public when notice of an application and an environmental impact assessment is published.

(g) With respect to **paragraph 7**, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity;

*Answer:*

The authority considering the notice of application shall publish that the environmental impact assessment exists, make it available to the public and give the public reasonable time (at least 30 days) to state an opinion on them before the case or matter is dealt with (chapter 6, section 8 of the Environmental Code). In addition, the public has the opportunity to state an opinion on supplementary documents submitted by the applicant.

(h) With respect to **paragraph 8**, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;

*Answer:*

The authority which considers the permit application shall, when deciding on the question of authorising the operation, complete the environmental impact assessment by identifying, describing and making a final and overall assessment of the environmental impacts, taking into account the content of the environmental impact assessment and what emerged during the case handling, cf. Chapter 6 Section 43 of the Environmental Code. The environmental impact assessment shall entail a report on the consultations which have taken place and the outcome of them, cf. Chapter 6 Section 35 of the Environmental Code. It follows from references in several special acts that the regulations in chapter 6 section 43 of the Environmental Code applies also when considering an application in accordance with the special act if it can be assumed that the activity can have significant environmental impact. When deciding on a road or railway plan, the results of consultations and opinions shall be taken into account.

(i) With respect to **paragraph 9**, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;

*Answer:*

The land and environmental court has to issue its judgment on the permit as soon as possible in the light of the nature of the case and the other circumstances (chapter 22, section 21 of the Environmental Code). If a main hearing has been held, the judgement has to be delivered within two months of the conclusion of the hearing unless there are exceptional circumstances. The parties have to be informed of the contents of the judgement in writing or by making the judgement available through the keeper of the file. Notices of judgements in application cases are published to a great extent. This is also true of the decisions of the county administrative boards in application matters. The Ordinance concerning the period for making judgments and orders available etc. (2003:234) also contains provisions about the period for making documents available about how documents are to be made available and about information to individuals. An explicit requirement for public notice is found in chapter 6 section 44 of the Environmental Code, which states that the public authority that considers a permit request requiring a specific environmental impact assessment shall give notice as soon as possible when the decision has been taken. The notice shall describe how the public can have access to the content of the decision. The Swedish principle of public access to information also means that everyone has to be able to read the text of the decision. The Administrative Procedure Act (1986:223), and the Administrative Court Procedure Act (2017:900) and the Court Matters Act (1996:242) also contain rules about the issuing of judgements and decisions. The provisions of the Environmental Code, the Code of Judicial Procedure (1942:740), the Administrative Procedure Act and the Administrative Court Procedure Act also regulate the content of a judgment or decision. Section 29 of the Industrial Emissions Ordinance (2013:250) states that when a judgment in a permit case is sent to the Swedish Environmental Protection Agency or the Swedish Board of Agriculture, the reviewing authority shall particularly draw the attention of the authority to the fact that the judgment or order relates to industrial emission activities so as to make it easier for the authorities mentioned to fulfil their obligation to inform the public under Section 28 of the Ordinance.

(j) With respect to **paragraph 10**, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied, making the necessary changes, and where appropriate;

*Answer:*

When examining revocations of permits, reconsideration of variations, exemptions and approvals referred to in chapter 24 sections 3, 5, 8 or 9 of the Environmental Code neither a specific environmental impact assessment nor an investigation of significant environmental impact is required. The same applies to the re-examination of water activities that is to take place in accordance with chapter 24 section 10 of the Environmental Code. When a public authority, upon application by the operator, examines whether a variation of an existing operation or a new permit shall be issued it is largely the same provisions about environmental impact assessments and consultations that apply as when an application for a new permit is made by the operator. This means that public participation is guaranteed in the same way for re-examination of existing activities.

The Swedish Agency for Marine and Water management has produced a guidance document to support the county administrative boards in the process of regional cooperation prior to the operators' application for re-examination of permits for hydropower plants. It follows from the guidance document that the county administrative boards are recommended to i.a. consult with non-governmental organisations.

(k) With respect to **paragraph 11**, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

*Answer:*

See under section XXXIII.

## **XVI. Obstacles encountered in the implementation of article 6**

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6.*

*Answer:*

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## **XVII. Further information on the practical application of the provisions of article 6**

*Provide further information on the **practical application of the provisions on public participation in decisions on specific activities in article 6**, e.g., are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defence purposes.*

*Answer:*



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**XVIII. Website addresses relevant to the implementation of article 6**

*Give relevant website addresses, if available:*

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**XIX. Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to article 7**

*List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment, pursuant to article 7. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.*

*Answer:*

As regards physical planning and land use, there are provisions in the Planning and Building Act (2010:900) requiring the municipality to make the planning proposals available to everyone who wants to access them and to give municipal residents, associations and other members of the public who may have a substantial interest in the proposal the opportunity to participate in the municipality's consultation before a decision is made. The purpose of the consultation is to produce as good a basis for a decision as possible, and to provide opportunities for insight and influence. There are also provisions on public participation regarding other planning; one example is the provisions in chapter 15 of the Environmental Code (1998:808) on how plans for handling waste at municipal and national level are prepared and what they have to contain. These plans include statements of the measures taken and planned to ensure that waste is handled correctly. In addition, before a decision is made there is normally a consultation procedure in which authorities and organisations affected can have their say. Action programmes are also referred for consultation to the relevant bodies when judged appropriate. One example is work on a national strategy for sustainable development, which has included meetings and dialogues with various groups in society.

Under the Environmental Code, plans and programmes that are likely to have a significant environmental impact have to be subject to an environmental assessment. As part of an environmental assessment the authorities affected and the public have to be given the opportunity to participate in the planning process and present comments that have to be taken into consideration before the plan or programme is adopted (chapter 6 sections 3-19 of the Environmental Code).

**XX. Opportunities for public participation in the preparation of policies relating to the environment provided pursuant to article 7**

*Explain what opportunities are provided for public participation in the preparation of policies relating to the environment, pursuant to article 7.*

*Answer:*

There are a number of formalised forums for collaboration and dialogue between the Government Offices and representatives of different types of associations and popular movements.

For example, the remit of the All Party Committee on Environmental Objectives is suggesting how to achieve the national environmental quality objectives by developing politically based proposals for strategies in various areas. The strategies shall include

proposals for milestones, instruments and measures. The Committee on Environmental Objectives is to work in a broad dialogue with the community, including NGOs, in order to gather knowledge and anchor proposed strategies. The Committee holds hearings and seminars and invites representatives of NGOs to these meetings. Two representatives of environmental NGOs in Sweden, the Swedish Society for Nature Conservation and the WWF, have been experts to the Committee since it started in 2010.

In 2018 the Government decided on a national forest programme. The programme was prepared in a broad dialogue with civil society organisations. The aim of the programme is for forests to contribute both to jobs and sustainable growth throughout the country and to the development of a growing bioeconomy. A programme council is linked to the programme and includes representatives from about 20 civil society organisations and public authorities. The role of the programme council is to provide guidance and advice to the Government.

In 2016 the Government appointed a national coordinator for its Fossil-free Sweden Initiative, the purpose of which is to prepare plans leading to fossil freedom along with companies and other actors. Today, 22 industry-specific roadmaps have been presented, comprising the majority of greenhouse gas emissions in Sweden. The coordinator is to provide a platform for dialogue and cooperation, both between these actors and the Government and between the actors themselves. The initiative includes more than 500 actors from business, municipalities, regions and organisations including the Swedish Society for Nature Conservation and the WWF.

Under the Water Quality Management Ordinance (2004:660) the water authorities have to plan their work so as to enable and encourage the participation of everyone affected by the management of water quality. Before a water authority makes a decision on quality requirements for bodies of surface and ground water and protected areas, management plans and programmes of measures to enable the environmental quality standards to be met or processes other questions under the Ordinance that are of substantial importance, the authority has to consult with the authorities, municipalities, organisations, operators and individuals affected by the decision. A party that prepares a draft of a programme of measures shall, by publishing notices in local newspapers or by other means, give those affected by the programme of measures the opportunity to present comments on the draft for at least six months and shall then present the comments and how they have been taken into account in a separate compilation (chapter 5, section 4 of the Environmental Code and chapter 6, section 7 of the Water Quality Management Ordinance). The notice of the draft programme of measures has to state that the draft is available to the public at the water authority and all county administrative boards and municipalities in the area covered by the programme as well as the time during which, and to whom, comments have to be presented. When a programme of measures has been affirmed, the water authority has to publish a notice to this effect as soon as possible in a local newspaper. Information about water authority consultations is also announced on their websites. The water councils are intended to anchor work on water management locally and to act as a forum to discuss questions related to water resources and water quality within the respective area. They shall involve all affected actors, e.g. municipalities, businesses, fishing associations, nature conservation association and even private individuals.

The public is also given the possibility of influencing decisions on the programme for comprehensive research and development for the safe management and disposal of nuclear waste that a party holding a licence to operate a nuclear reactor has to submit to the Swedish Radiation Safety Authority every third year (section 12 of the Nuclear Activities Act (1984:3) and section 25 of the Nuclear Activities Ordinance (1984:14)). According to the regulations the Agency shall review and evaluate the programme. In conjunction with that process the Agency invites various parties in society to take part in the decision making process and make comments. The Agency also seeks comments from representatives of public authorities, municipalities, the public and business on the national program for the

management of radioactive waste that is established in accordance with Directive 2011/70/Euratom.

Every county administrative board has a game management delegation for collaboration in matters concerning game management in the county. These delegations decide on matters including general guidelines for game management and participate in work on preparing predator management plans and minimum levels for the occurrence of large predators. The members of these delegations represent various interests such as hunting and game management, nature conservation, agriculture and forestry, for example members of environmental NGOs.

## **XXI. Obstacles encountered in the implementation of article 7**

*Describe any **obstacles encountered** in the implementation of article 7.*

*Answer:*

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## **XXII. Further information on the practical application of the provisions of article 7**

*Provide further information on the **practical application of the provisions on public participation in decisions on specific activities in article 7.***

*Answer:*

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## **XXIII. Website addresses relevant to the implementation of article 7**

*Give relevant website addresses, if available:*

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## **XXIV. Efforts made to promote public participation during the preparation of regulations and rules that may have a significant effect on the environment pursuant to article 8**

*Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment, pursuant to article 8. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.*

*Answer:*

The Government and other legislative bodies generally use a consultation procedure in work on drafting rules of general interest. The frequent gathering of comments from public authorities and the public in the course of preparing matters is a characteristic and important part of political decision-making in Sweden. The obligation to prepare government matters is regulated specially in the Constitution. The Instrument of Government states explicitly that when preparing Government matters the necessary information and opinions shall be obtained from the public authorities concerned. Information and opinions shall also be obtained from local authorities as necessary. Organisations and individuals shall also be given an opportunity to express an opinion as necessary (Chapter 7, article 2 of the Instrument of Government). The Riksdag Committee on the Constitution also considers in its annual examination of the Government whether administrative matters have been handled in accordance with the applicable principles of administrative law. The Administrative Procedure Act (2017:900) states that an authority shall ensure that a matter is examined to the extent required by the nature of the matter. It follows from section 26 of the Administrative Procedure Act that a public authority may obtain an opinion from another public authority or from an individual.

## **XXV. Obstacles encountered in the implementation of article 8**

*Describe any **obstacles encountered** in the implementation of article 8.*

*Answer:*

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## **XXVI. Further information on the practical application of the provisions of article 8**

*Provide further information on the **practical application of the provisions on public participation in the field covered by article 8.***

*Answer:*

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## **XXVII. Website addresses relevant to the implementation of article 8**

*Give relevant website addresses, if available:*

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## XXVIII. Legislative, regulatory and other measures implementing the provisions on access to justice in article 9

### List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.

Explain how each paragraph of article 9 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
  - (i) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;

*Answer:*

The right to appeal a decision of a public authority refusing a request to access an official document is set out in chapter 2, section 15, of the Freedom of the Press Act (1949:105). It follows from chapter 6, section 3, of the Public Access to Information and Secrecy Act (2009:400) that the person examining a matter concerning the release of a document has to inform the applicant of the possibility of requesting an examination by the authority and that a written decision by the authority is required for the decision to be appealable.

Under chapter 6, section 7, of the Public Access to Information and Secrecy Act, a person who has requested the release of a document but whose request has been refused or who has only been allowed to examine the document with a restriction can appeal the decision. Normally, the applicant can appeal the decision to the administrative court of appeal (or if it is the administrative court of appeal that has taken the decision – to the Supreme Administrative Court). Decisions of the general courts are appealed to the next highest instance.

Decisions by government ministers are appealed to the Government.

A decision of a private sector body covered by the Act on Environmental Information held by Certain Private Sector Bodies (2005:181) is appealed to the administrative court of appeal (section 9).

- (ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;

*Answer:*

An appeal of a decision of a public authority refusing a request to access an official document has to be examined promptly (chapter 2, section 15, of the Freedom of the Press Act.)

Public authorities also have possibilities of rectify or modify their decisions. According to Section 36 of the Administrative Procedure Act (2017:900) a public authority may rectify a decision it has issued if it includes a manifestly error caused by someone's oversight. A public authority may also change a decision it has taken if the authority considers that the decision is incorrect because of new circumstances or for some other reason (Section 37, first paragraph of the Administrative Procedure Act). A decision which in its nature is beneficial to an individual may only in certain circumstances be changed to the individuals'

disadvantage (Section 37, second paragraph of the Administrative Procedure Act). Further, a public authority is obliged to, under certain circumstances to, to change a decision it has issued (Section 37, second paragraph of the Administrative Procedure Act). Both the re-examination procedure and the appeal procedure are free of charge.

- (iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;

*Answer:*

If it is not considered obviously unnecessary a decision of a public authority which can be assumed to affect someone's situation in a not insignificant way shall include a written justification (section 32 of the Administrative Procedure Act; section 23 of the Ordinance (1996:271) on Cases and Matters in the General Courts). A decision to refuse a request for environmental information has to be in writing if so requested by the applicant (chapter 6, section 3 of the Public Access to Information and Secrecy Act and section 8 of the Act (2005:181) on Environmental Information held by Certain Private Sector Bodies).

When a court has decided after an appeal to grant a request to access an official document, the authority holding the document has to ensure that the applicant is given access to it.

- (b) Measures taken to ensure that, within the framework of national legislation, members of the public concerned meeting the criteria set out in **paragraph 2** have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6;

*Answer:*

The right to a determination by a court of law of the substantive and formal validity of decisions, etc. covered by article 6 is provided for in different parts of Swedish legislation. In most cases, decisions on permits for activities that may have a significant environmental impact are taken under the provisions of the Environmental Code (1998:808). Those decisions can be appealed either via a superior authority to a land and environmental court and then to the Land and Environmental Court of Appeal or from a land and environmental court to the Land and Environmental Court of Appeal and finally to the Supreme Court. A review can examine both the formal and the substantive aspects of the decision. A satisfactory consultation including a complete environmental impact statement is a procedural requirement before a court considers a permit application. If the legal requirements are not met in these respects, an application may be rejected.

Certain permit decisions are taken by the Government as the first instance or after an appeal to the Government. In certain cases such decisions can be subject to judicial review by the Supreme Administrative Court under the Act (2006:304) on judicial review of certain government decisions.

Appealable judgments and decisions may be appealed by anyone who is the subject of a decision against them (chapter 16, section 12 of the Environmental Code and section 22 of the Administrative Procedure Act). According to case law every person who may suffer harm or be subjected to some other detriment as a result of the activity for which a permit is being sought has the right to be a party and to appeal if the risk of harm or detriment concerns an interest that is protected by the legal system and is not solely theoretical or wholly insignificant (NJA (Supreme Court cases) 2004, p. 590 and NJA 2012, p. 921).

The right of environmental NGOs to appeal judgments and decisions is regulated specially in chapter 16, section 13 of the Environmental Code, as well as in a number of special acts.

The general right of environmental NGOs to appeal matters including permit decisions was introduced in chapter 16, section 13 of the Environmental Code in 1999. After Sweden became a party to the Convention, this provision was amended so that it now clearly states that the possibilities of appealing also cover supervisory decisions under Chapter 10 of the Environmental Code (decisions concerning remedial measures in the event of serious environmental damage) and the re-examination of or conditions in judgments or decisions. The provision has also been amended to cover more types of organisations. Non-profit associations or other legal persons whose primary purpose is to promote nature conservation or environmental protection interests and that are not run for profit have been operating in Sweden for at least three years and have at least 100 members or show in some other way that the organisation has public support now have the right to appeal.

In NJA 2012 p. 921 the Supreme Court affirmed that organisations that meet the criteria in chapter 16, section 13 of the Environmental Code have the right to appeal, but in cases where an organisation does not meet the criteria an assessment has to be made of all the circumstances in the particular case. According to the judgment the criteria must never be viewed in isolation from their underlying purpose, to establish whether an organisation has been active in such a way that it can be considered to represent the public, specifically in order to monitor nature conservation or environmental protection interests. The court concluded in that case that a generous assessment should be made of the right of environmental NGOs to appeal. The court referred to the preparatory works (Govt Bill 1997/98:45 Part 1 p. 486) and the judgment of the Court of Justice of the European Union in case C-115/09.

In the Supreme Court's ruling NJA 2020 p. 845 the court referred to the ruling in NJA 2012 p. 921 and confirmed that the criteria in chapter 16, section 13 of the Environmental Code constitutes a basis for the assessment, but are not requirements of independent importance which in itself can exclude the right to appeal. The court further declared that the assessment in an individual case therefore may be that an organisation which does not fully meet the criteria has the right to appeal the decision. The court concluded in that case that an organisation with a handful members had the right to appeal the decision in question. In practice, cultural environmental organisations have been considered to have the right to appeal if the decision raises considerations that are more clearly related to the cultural environment (the Supreme Court's ruling NJA 2020 s. 631, cf. also the Supreme Administrative Court in its judgement HFD 2018 ref. 10 II).

The provisions in chapter 16, section 13 on the right of certain non-profit associations to appeal regarding shore protection also apply to a non-profit association whose purpose according to its statutes is to promote outdoor interests. Under Section 2 of the Act on judicial review of certain government decisions an environmental NGO referred to in chapter 16, section 13 of the Environmental Code has an explicit right to apply for judicial review of permit decisions by the Government that are covered by article 9, part 2 of the Convention.

Certain decisions covered by the Convention are issued under the Planning and Building Act (2010:900). Chapter 13 sections 12 and 13 of the Planning and Building Act regulate the right for environmental NGOs referred to in chapter 16, section 13 of the Environmental Code to appeal a decision to adopt, amend or set aside a detailed development plan likely to have a significant environmental impact since the planned area may be used for certain types of activities and a decision to adopt, amend or set aside a detailed development plan that that means that an area will no longer being covered by shore protection.

The Supreme Court concluded in its ruling NJA 2020 p. 190 that organisations which meet the criteria in chapter 16, section 13 of the Environmental Code might, with the support of chapter 13, section 8 of the Planning and Building Act (2010:900) even have the right to appeal decisions regarding areas not covered by the local plan. According to the judgment the regulations on environmental NGOs right to appeal shall be interpreted in a way that gives environmental NGOs the right to appeal decisions regarding building permits if the



decision raises considerations that are more clearly related to the environment and nature protection.

For further information about the development of case law regarding access to justice, see under XXX.

(c) With respect to **paragraph 3**, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;

*Answer:*

As is the case for permit decisions, there are provisions in the Environmental Code and in administrative law legislation that make it possible to appeal against the decisions of public authorities in general. So it is possible to have decisions of public authorities concerning environmental legislation examined by the courts.

As mentioned above, environmental NGOs have an explicit right to appeal supervisory decisions made under chapter 10 of the Environmental Code. In certain cases individuals and environmental NGOs may also bring an action for damages at a land and environmental court or bring an action against an operator seeking to have its activity prohibited (chapter 32, sections 12–14, of the Environmental Code). In the event of a breach of an environmental provision carrying a penalty, an injured party can also initiate a private prosecution under chapter 47 of the Code of Judicial Procedure.

To ensure the purpose of the Environmental Code (to promote sustainable development that will assure a healthy and sound environment for present and future generations) and regulations issued pursuant to the Code, the supervisory authorities shall, on its own initiative or after a notification, to the extent necessary, supervise compliance with the Environmental Code and provisions, judgements and other decisions adopted pursuant to the Code and take any measures necessary to ensure that faults are corrected (Chapter 26, section 1 of the Environmental Code).

Inspection and enforcement of activities covered by the Environmental Code is mainly performed by the county administrative boards and the municipalities. This inspection and enforcement means that the public authority supervises compliance with the law, assesses whether the operator's conditions are sufficient and provides information. The inspection and enforcement authorities supervise that the activities do not result in any detriment to human health or the environment. The operator has a responsibility to conduct self-monitoring, which means that the operator has to continuously plan and control their activities so as to prevent harm and detriment to human health or the environment. Inspection and enforcement includes checking that this self-monitoring is working. The national authorities for supervision guidance are responsible for inspection and enforcement guidance. This responsibility is shared with the county administrative boards, which provide guidance to the municipalities in their county. Inspection and enforcement guidance is intended to support the municipalities' inspection and enforcement so that they can conduct effective and equivalent supervision.

The inspection and enforcement authorities normally act on their own initiative but anyone at all can request an examination of the conduct of individuals and authorities by, for example, reporting a suspected breach of an environmental provision to the inspection and enforcement authorities, the police or a prosecutor. A report to the inspection and enforcement authority has to be registered as a matter and closed through some form of decision.

For information about the development of case law regarding the access of the public affected to justice, see under XXX.

- (d) With respect to **paragraph 4**, measures taken to ensure that:
  - (i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;
  - (ii) Such procedures otherwise meet the requirements of this paragraph;

*Answer:*

No fees are charged for appeals of permit decisions, decisions on participation or decisions on the release of environmental information. Nor is any legal representation required to obtain access to justice. A person who appeals a decision is not responsible for their opposite party's trial costs either. The same applies to supervisory decisions.

The supervisory authorities are able to issue orders and prohibitions and also to combine them with conditional financial penalties. These authorities can also impose environmental sanction charges and are obliged to report breaches of the provisions of the Environmental Code or regulations issued pursuant to the Code to the police or prosecution authority if a criminal offence is suspected.

The main rule is that judgments and decisions in cases at courts of law and public authorities have to be documented in writing (see for example chapter 17, sections 7 and 9, of the Code of Judicial Procedure, section 31 of the Administrative Court Procedure Act (1971:291), and section 32 of the Administrative Procedure Act). Decisions and judgments are accessible to the public under the rules on the public nature of official documents in the Swedish principle of public access to information. In addition to this, there are rules that judgments have to be kept available at the office of the court, with the keeper of the file, etc. once they have been issued (see for example chapter 22, section 21, of the Environmental Code and chapter 17, section 9, of the Code of Judicial Procedure).

- (e) With respect to **paragraph 5**, measures taken to ensure that information is provided to the public on access to administrative and judicial review.

*Answer:*

Under Swedish law an appealable decision of a court or other public authority shall always contain information about how to appeal the decision (see, for example, Section 33 of the Administrative Procedure Act). As mentioned above, the public has access to the decisions.

## XXIX. Obstacles encountered in the implementation of article 9

*Describe any obstacles encountered in the implementation of any of the paragraphs of article 9.*

*Answer:*

Under the Constitution, a decision concerning the release of an official document that is taken by a minister or the Government cannot be appealed to a court (Chapter 2, Section 15 of the Freedom of the Press Act). On this point Sweden has lodged a reservation in relation to the requirements of the Convention.

The right of access to justice has been developed i.a. through case law. Case law in this area has become very extensive. It can be difficult for individuals and environmental organisations to understand which decisions may be appealed. To get the complete overview you must go through several cases from the Supreme Court, the Administrative Court of Appeal and the Land and Environment Court of Appeal. See further on case law under XXX.

## XXX. Further information on the practical application of the provisions of article 9

*Provide further information on the practical application of the provisions on access to justice pursuant to article 9, e.g., are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?*

*Answer:*

When public authorities and courts in Sweden deal with cases and matters, the 'ex officio' principle is applicable. This principle means both that the examining authorities have an obligation to ensure that a satisfactory investigation is made of each individual matter and that the public authorities are not bound by the facts presented by the parties. The application of this obligation to conduct an investigation must be considered to be something that contributes to reducing the public's need for the assistance of legal expertise, which then leads to lower litigation costs for the public.

The access to justice of the public affected has been developed through case law. In the following some examples of case law is mentioned. The examples do not constitute an exhaustive compilation of relevant case law in the field.

Case law has, for example, given individuals the right to appeal decisions by public authorities not to apply for withdrawal or review under Chapter 24 of the Environmental Code, see for example the Land and Environment Court of Appeal (MÖD) 2011:46, where an individual affected was given the right to appeal a decision of a county administrative board not to request the withdrawal of a permit for environmentally hazardous activities. Under case law the Land and Environment Court of Appeal has also given individuals the right, in other contexts, to appeal decisions of public authorities not to take supervisory measures following complaints, see for example MÖD 2000:43 and 2004:31 where nearby residents were held to have the right to appeal a decision of a supervisory authority not to intervene against environmentally hazardous activities.

Case law has given environmental NGOs the right to also appeal decisions other than those stated explicitly in chapter 16, section 13 of the Environmental Code, including supervisory decisions under the Environmental Code other than those made under chapter 10. The

justification given noted that decisions on supervision are not explicitly exempted in chapter 16, section 13 of the Environmental Code and referred to article 9, point 3 of the Aarhus Convention and Sweden's obligations under EU law. The courts have also given the expression 'decision concerning permits or exemptions' a broad interpretation (MÖD 2012:47, MÖD 2012:48, MÖD 2013:6, MÖD 2014:30 and the judgment of the Land and Environment Court of Appeal of 18 March 2014 in cases M 11609-13 and MÖD 2015:17).

The right of environmental NGOs to appeal public authority decisions under other administrative environmental legislation has also been developed in case law.

The Supreme Administrative Court has also given an environmental NGO that met the criteria in chapter 16, section 13 of the Environmental Code the right to appeal the decision of the Swedish Forest Agency to grant a permit for the felling of subalpine forest, partly because decisions on permits for the felling of subalpine forest are covered by article 9, point 3 of the Aarhus Convention (Supreme Administrative Court 2014 ref. 8). This case law has been confirmed by the Administrative Court in Härnösand (cases 3867-15 and 3869-15).

A decision of a county administrative board on a permit for intrusion in historic remains under the Historic Environment Act (1988:950) has been held to be covered by article 9, point 3. A nature conservation society that met the criteria in chapter 16, section 13 of the Environmental Code was therefore held to have the right to appeal the decision (judgment of the Administrative Court of Appeal in Gothenburg in case 1186-16). The judgment was appealed to the Supreme Administrative Court, which did not issue leave to appeal (case no 3951-16).

In HFD 2020 ref. 12, the Supreme Administrative Court considered that no requirement could be derived from The Forestry Act (1979:429) to take a certain measure when receiving a logging notification. The positions in the relevant guidance document were therefor considered not to be covered by the Aarhus Convention.

In the Land- and Environment Court of Appeal's judgment MÖD 2020:45 a logging measure had been notified under chapter 12, section 6 of the Environmental Code. The Land- and Environment Court of Appeal found that the Swedish Forest Agency, according to the Environmental Code, had to take the necessary measures to limit or counteract damage to the natural environment. The Aarhus Convention was therefor applicable and the environmental NGO were given the right to appeal the decision by the Swedish Forest Agency.

According to case law, environmental NGOs are held to have the right to appeal omissions, see as an example the case M 11609-13.

In the case M 2080-20 the question was whether two non-governmental organisations had the right to appeal a decision taken by the Swedish Energy Market Inspectorate. The Electricity Act (1997:857) did not grant non-governmental organisations the right to appeal decisions on the kind of lines in question (130 kV overhead line). The Land- and Environment Court of Appeal found, however, that the case raised questions directly relevant to the environment and included an assessment of the measures' impact on the environment. Hence, the decision by the Swedish Energy Market Inspectorate constituted a decision that the environmental non-governmental organisation could appeal.

## **XXXI. Website addresses relevant to the implementation of article 9**

*Give relevant website addresses, if available:*

**Articles 10-22 are not for national implementation.**

## **XXXII. General comments on the Convention's objective**

*If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.*

*Answer:*

The implementation of the Aarhus Convention guarantees that the public has access to information, a right to participate in decision-making concerning the environment and access to justice in environmental matters. As regards openness to the public, Sweden has a long tradition of a well-functioning set of regulations with the same purpose as the Convention and positive experience of applying it. The right of the public to access information held by public authorities contributes to good cooperation between decision-makers and the public and to an increased exchange of knowledge.

## **XXXIII. Legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to article 6 bis and Annex I bis**

**Concerning legislative, regulatory and other measures that implement the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, describe:**

- (a) With respect to **paragraph 1 of article 6 bis** and:
  - (i) **Paragraph 1** of annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis;

*Answer:*

Under chapter 13, section 12 of the Environmental Code a permit is required for the deliberate release of genetically modified organisms (GMOs) in the environment or the placing on the market of products containing or consisting of such organisms. An application for a permit has to be made to the supervisory authority that is responsible for the supervisory area. That authority also examines permit matters. What authority is responsible depends on what organism and what use are involved.

The Ordinance on the release of genetically modified organisms in the environment (2002:1086) contains provisions on public participation in permit examinations. Under these provisions the supervisory authority has to give the public and other interested parties the opportunity to state an opinion before taking a decision on the matter of a permit for deliberate release. The supervisory authority also has to establish routines for such a consultation procedure. These routines have to give interested parties a reasonable amount of time to make comments (chapter 2, section 10). The Ordinance also contains provisions about information to the public (Chapter 4, Section 5). On its website the Swedish Board of Agriculture gives everyone who is interested the opportunity to make comments on summary of applications for field trials before decisions are made.

The Swedish Gene Technology Advisory Board has the task of following national and international developments in the area of gene technology, monitoring ethical matters and providing advice to promote ethically justified and safe use of gene technology in order to protect human and animal health and the environment. The Board also has the task of spreading knowledge about the development of gene technology and has a web portal with information on gene technology and the regulatory framework that applies to GMOs ([www.genteknik.se](http://www.genteknik.se)).

(ii) **Paragraph 2** of annex I bis, any exceptions provided for in the Party's regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception;

(iii) **Paragraph 3** of annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorization for the deliberate release or placing on the market of such genetically modified organisms, as well as the assessment report where available;

(iv) **Paragraph 4** of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential;

(v) **Paragraph 5** of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example:

- a. The nature of possible decisions;
- b. The public authority responsible for making the decision;
- c. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis;
- d. An indication of the public authority from which relevant information can be obtained;
- e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;

(vi) **Paragraph 6** of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;

(vii) **Paragraph 7** of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis;

(viii) **Paragraph 8** of annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based;

(b) With respect to **paragraph 2 of article 6 bis**, how the requirements made in accordance with the provisions of annex I bis are complementary to and mutually supportive of the Party's national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity.

#### **XXXIV. Obstacles encountered in the implementation of article 6 bis and annex I bis**

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6 bis and annex I bis.*

*Answer:*

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#### **XXXV. Further information on the practical application of the provisions of article 6 bis and annex I bis**

*Provide further information on the **practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis**, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?*

*Answer:*

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#### **XXXVI. Website addresses relevant to the implementation of article 6 bis**

*Give relevant website addresses, if available, including website addresses for registers of decisions and releases related to genetically modified organisms:*

*Answer:*

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## **XXXVII. Follow-up on issues of compliance**

*If, upon consideration of a report and any recommendations of the Compliance Committee, the Meeting of the Parties at its last session has decided upon measures concerning compliance by your country, please indicate (a) what were the measures; and (b) what specific actions your country has undertaken to implement the measures in order to achieve compliance with the Convention.*

*Please include cross-references to the respective sections, as appropriate.*

*Answer:*

The question is not relevant since the Meeting of Parties has never had to consider a decision from the Compliance Committee about Sweden's implementation of the Convention.