

Questionnaire for the report of Sweden on the implementation of the Protocol on Strategic Environmental Assessment in the period 2013–2015

Information on the focal point for the Protocol

1. Name and contact information: Lars Lennwall

Information on the point of contact for the Protocol

2. Name and contact information (if different from above): Egon Enocksson

Information on the person responsible for preparing the report

3. Country: Sweden
4. Surname: Lennwall
5. Forename: Lars
6. Institution: Ministry of the Environment and Energy
7. Postal address: S-103 33 Stockholm Sweden
8. E-mail address: lars.lennwall@gov.se
9. Telephone number: + 46 8 405 26 80
10. Fax number:
11. Date on which report was completed: 2016-03-31

Part one

Current legal and administrative framework for the implementation of the Protocol

In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not experience in the application of the Protocol.

Article 3

General provisions

I.1. Please provide the main legislative, regulatory and other measures you have adopted in your country to implement the Protocol (art. 3, para. 1) (more than one option may apply):

- (a) Law on SEA (please indicate number/year/name):
- (b) SEA provisions are transposed into another law(s) (please specify): The Environmental Code (chapter 6) contains the main provision on SEA.
- (c) Regulation (please indicate number/year/name): The Ordinance (1998:905) on Environmental Assessments and Strategic Environmental Assessments.
- (d) Administrative rule (please indicate number/year/name):
- (e) Other (please specify):

Your comments:

Article 4

Field of application concerning plans and programmes

I.2. List the types of plans and programmes that require SEA in your legislation:

When an authority or municipality prepares or modifies a plan or a programme which is required in law or another statute, the authority or municipality shall make an environmental assessment of the plan, programme or change if its realization is likely to have a significant environmental impact (chapter 6 section 11 of the Environmental Code).

The realization of the plan or programme or the change in a plan or a programme is likely to have a significant environmental effect if

1. the realization of the plan, programme or change is likely to include an activity or a measure for which a permit is required pursuant to chapter 7 section 28 a of the Environmental Code (Directive 92/43/EEC), or
2. the plan, programme or change sets the framework for future permits for an activity or a measure listed in annex 1 or 3 to the Ordinance (1998:905) on Environmental Impact Assessments and Strategic Environmental Assessments if the plan or programme is
 - a) a comprehensive plan according to chapter 3 in the Planning and Building Act (2010:900),
 - b) a plan which is prepared for the supply, distribution and use of energy according to the Act on Municipal Energy planning (1977:439),

- c) a municipal waste management regulation according to chapter 15 of the Environmental Code,
- d) a programme of measures prepared for environmental quality standard according to chapter 5 of the Environmental Code,
- e) a regional plan prepared for transport infrastructure according to the Ordinance (1997:263) on Regional Plans for Transport Infrastructure,
- f) other plans or programmes prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, regional development, water management, telecommunication, tourism, town and country planning or land use (Section 4 in the Ordinance on EIAs and SEAs).

Concerning detailed development plans and plans programmes referred to above which determine the use of small areas at a local level, it is the authority or municipality which determines if these plans or programmes are likely to have a significant environmental impact. Making this decision they have to take into consideration the criteria in annex 4 to the Ordinance (1998:905) EIAs and SEAs . This also apply to minor changes in plans and programmes mentioned above. (Section 4 in the Ordinance on EIAs and SEAs).

When an authority or municipality establishes or changes a plan or programme which is within the scope of chapter 6 section 11 but not section 4 of the Ordinance on EIAs and SEAs , the realization of the plan or programme is likely to have a significant environmental impact if,

1. the plan, programme or change outline the conditions for a permit regarding an activity or a measure likely to impact the environment, and
2. the authority or municipality, when considering the criteria in annex 4, find that a realization of the plan or programme is likely to have a significant environmental impact. (Section 5 of the Ordinance on EIAs and SEAs)

I.3. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4, para. 2):

No legislation. An assessment as to whether the plan, programme or amendment states “the conditions for future permits” must be made in screening both with and without taking into consideration the criteria set out in appendix 4 of the Ordinance on EISs and SEA reports (Sections 4-5 of the Ordinance on EISs and SEAs).

To “state the conditions for future permits” means that the plan or programme in some way restricts the scope of future permits for activities. The plan or programme establishes criteria for conditions which provide guidance for the government agency responsible for granting permits when it must subsequently make a decision on a permit. A plan or programme can, for example, establish restrictions on the development permitted within a certain area or establish criteria establishing what development may take place. The restrictions do not need to be binding in order for it to be considered that they state the conditions for future permits. Even firm guidelines can be considered to establish frameworks for future permits. The function of the plan or programme is to manage the possibilities for obtaining future permits which are significant in this context.

A comprehensive plan according to chapter 3 in the Planning and Building Act (2010:900) is a plan that can be considered to set the framework for future development consent.

I.4. Explain how the terms “plans and programmes ... which determine the use of small areas at local level” (art. 4, para. 4) are interpreted in your legislation:

Concerning detailed development plans and plans programmes referred to above (I.2.) which determine the use of small areas at a local level, it is the authority or municipality which determines if these plans or programmes are likely to have a significant environmental impact. Making this decision they have to take into consideration the criteria

in annex 4 to the Ordinance (1998:905) EIAs and SEAs (More from Section 4 in the Ordinance on EIAs and SEAs).

I.5. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4):

The conditions in the above provisions (chapter 6 section 11 of the Environmental Code and section 4 and 5 in the Ordinance on EIAs and SEAs) also applies when authorities and municipalities make only minor changes to the plans and programs mentioned in Section 4.

Article 5 Screening

I.6. How do you determine which other plans and programmes should be subject to a SEA as set out in article 4, paragraphs 3 and 4, in accordance with article 5, paragraph 1? Please specify:

- (a) On a case-by-case basis
- (b) By specifying types of plans and programmes
- (c) By using a combination of (a) and (b)
- (d) Other (please specify):

Your comments:

When an authority or municipality prepares or modifies a plan or a programme which is required in law or another statute, the authority or municipality shall make an environmental assessment of the plan, programme or change if its realization is likely to have a significant environmental impact (chapter 6 section 11 of the Environmental Code).

When an authority or municipality establishes or changes a plan or programme which is within the scope of chapter 6 section 11 but not section 4 of the Ordinance on EIAs and SEAs, the realization of the plan or programme is likely to have a significant environmental impact if,

1. the plan, programme or change outline the conditions for a permit regarding an activity or a measure likely to impact the environment, and
2. the authority or municipality, when considering the criteria in annex 4, find that a realization of the plan or programme is likely to have a significant environmental impact. (Section 5 of the Ordinance on EIAs and SEAs).

I.7. Do you provide opportunities for the public concerned to participate in screening and/or scoping of plans and programmes in your legislation (art. 5, para. 3, and art. 6, para. 3)?:

- No
- Yes (please specify (more than one option may apply)):
 - (a) By sending written comments to the competent authority
 - (b) By sending written comments to the local municipality
 - (c) By providing answers to a questionnaire
 - (d) By taking part in a public hearing

(e) By sending written comments to the consultants/SEA experts or persons preparing the plans and programmes

(f) Other (please specify):

Your comments: In the preparatory works to the Environmental Code it stated that under the Protocol (art. 6) requires each party to the extent appropriate, shall seek to give the public an opportunity to participate in the consultation to determine what information an environmental assessment must contain. Protocol's requirements met within the framework of Chapter 6 section 13 of the Environmental Code. The authorities and municipalities are free to the extent appropriate, consult with the public on these issues. The public concerned is also consulted in accordance with the provisions of Chapter 6 section 14 of the Environmental Code. This provision stipulates that the finished environmental assessment shall make available including the public.

Article 6

Scoping

I.8. How do you determine what is the relevant information to be included in the environmental report, in accordance with article 7, paragraph 2 (art. 6, para. 1)?:

By using Annex IV, comments from the concerned authorities, comments from the public concerned, (if they have been consulted voluntarily)

An environmental impact statement pursuant shall contain the information that is reasonable with regard to:

1. assessment methods and present knowledge;
2. the content of the plan or programme and the level of detail;
3. the interest of the public; and
4. that certain questions can be assessed better in connection with the consideration of other plans and programmes or in the permit application procedure of activities or *measures*.

Before an authority or municipality decides on the extent and the level of detail for the environmental impact statement, the authority or municipality shall consult the municipalities and county administrative boards that are affected by the plan or programme. For plans and programmes on a national level, the consultation shall instead be made with the Swedish Environmental Protection Agency, the Swedish Agency for Marine and Water Management and other affected central administrative authorities. (Chapter 6 section 13 of the Environmental Code.)

Article 7

Environmental report

I.9. How do you determine “reasonable alternatives” in the context of the environmental report (art. 7, para. 2)? Please specify:

- (a) On a case-by-case basis X
- (b) As defined in the national legislation (please specify):
- (c) By using a combination of (a) and (b)
- (d) Other (please specify):

Your comments:

I.10. How do you ensure sufficient quality of the reports? Please specify:

(a) The competent authority checks the information provided and ensures it includes all information required under annex IV as a minimum before making it available for comments

(b) By using quality checklists

(c) There are no specific procedures or mechanisms

(d) Other (please specify): The Swedish Environmental Protection Agency recommends the checklist in the guidelines from UNECE.

Your comments:

Article 8

Public participation

I.11. How do you ensure the “timely public availability” of draft plans and programmes and the environmental report (art. 8, para. 2)? Please specify (more than one option may apply):

(a) Through public notices

(b) Through electronic media

(c) Through other means (please specify):

Your comments: No specific requirements in the legislation about how to make the documents public available.

I.12. How do you identify the public concerned (art. 8, para. 3)? Please specify (more than one option may apply):

(a) Based on the geographical location of the plans and programmes

(b) Based on the environmental effects (significance, extent, accumulation, etc.) of the plans and programmes

(c) By making the information available to all members of the public and letting them identify themselves as the public concerned

(d) By other means (please specify):

Your comments:

I.13. How can the public concerned express its opinion on the draft plans and programmes and the environmental report (art. 8, para. 4)? Please specify (more than one option may apply):

(a) By sending comments to the relevant authority/focal point

(b) By providing answers to a questionnaire

(c) Orally

(d) By taking part in a public hearing

(e) Other (please specify):

Your comments: Depends of the nature of the plan or programme, public hearing is not always arranged.

I.14. Do you have a definition in your legislation of the term “within a reasonable time frame” (art. 8, para. 4)? Please specify:

(a) No, the time frame is determined by the number of days fixed for each commenting period

(b) No, it is defined case by case

(c) Yes (please provide the definition):

(d) Other (please specify):

Your comments:

Article 9

Consultation with environmental and health authorities

I.15. How are the environmental and health authorities identified (art. 9, para. 1):

(a) On a case-by-case basis:

(b) As defined in the national legislation:

(c) Other (please specify)

Your comments:

I.16. How are the arrangements for informing and consulting the environmental and health authorities determined (art. 9, para. 4):

(a) On a case-by-case basis:

(b) As defined in the national legislation:

(c) Other (please specify)

Your comments:

I.17. How can the environmental and health authorities express their opinion (art. 5, para. 2, art. 6, para. 2, and art. 9, para. 3):

(a) By sending comments

(b) By providing answers to a questionnaire

(c) In a meeting

(d) By other means (please specify)

Your comments: Depends of the nature of the plan or program, meeting is not always arranged.

Article 10

Transboundary consultations

I.18. As a Party of origin, when do you notify the affected Party (art. 10, para. 1)? Please specify:

(a) During scoping

(b) When the draft plan or programme and the environmental report have been prepared

(c) At other times (please specify):

Your comments:

I.19. As a Party of origin, what information do you include in the notification (art. 10, para. 2)? Please specify:

(a) The information required by article 10, paragraph 2

(b) The information required by article 10, paragraph 2, plus additional information (please specify):

Your comments: When notifying during scoping (informal notification pursuant to the Resource Manual), not all information required by article 10 paragraph 2 is available.

I.20. As a Party of origin, does your legislation indicate a reasonable time frame for the transmission of comments from the affected Party (art. 10, para. 2)? Please specify:

(a) No

(b) Yes (please indicate how long):

Your comments:

I.21. If the affected Party has indicated that it wishes to enter into consultations, how are the detailed arrangements, including the time frame for consultations, agreed (art. 10, paras. 3 and 4)? Please specify:

(a) Following those of the Party of origin

(b) Following those of the affected Party

(c) Other (please specify):

Your comments: No specific requirements in the national legislation. Section 10 of the Ordinance on EIAs and SEAs refers to art. 10. The intention is to follow the time frame of the Party of origin, but it is possible to negotiate about the time frame.

Article 11 Decision

I.22. When a plan or programme is adopted, explain how your country ensures, in accordance with article 11, paragraph 1, that due account is taken of:

(a) The conclusions of the environmental report

(b) Mitigation measures

(c) Comments received in accordance with articles 8 to 10

Your comments: If an environmental assessment is required pursuant to Section 11, the environmental impact statement referred to in Section 12 as well as comments from consultations pursuant to Sections 14 and 15 shall be taken into account before the plan or programme is adopted or made a basis for regulations (Chapter 6 section 16 the Environmental Code).

I.23. How and when do you inform your own public and authorities (art. 11, para. 2)? The authority or municipality shall inform concerned municipalities and authorities, the public and the countries referred to in Section 15 that the plan or programme have been adopted and make the special synopsis (on matters such as how views expressed in the consultation have been taken in to account) and the plan or programme available for them (Chapter 6 Section 16 of the Environmental Code)

I.24. How do you inform the public and authorities of the affected Party (art. 11, para. 2)? Please specify:

- (a) By informing the point of contact X
 - (b) By informing the contact person of the ministry responsible for SEA, who then follows the national procedure and informs his/her own authorities and public
 - (c) By informing all the authorities involved in the assessment and letting them inform their own public
 - (d) Other (please specify):
- Your comments:

Article 12 Monitoring

I.25. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes adopted under article 11 (art. 12, paras. 1 and 2): When a plan or a programme has been adopted, the decision-making authority or municipality shall acquire knowledge about the significant environmental impact that the realization of the plan or programme actually causes. This is to be done in order to make the authority or municipality at an early stage aware of such significant environmental impact that has not been identified previously so that appropriate remedial measures can be taken. (Chapter 6, Section 18 of The Environmental Code)

Part two Practical application during the period 2013–2015

In this part, please report on your country's practical experiences in applying the Protocol (and not your country's procedures, which were described in part one). The focus of this section should be on identifying good practices as well as difficulties encountered in applying the Protocol in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Protocol in your country and innovative approaches to improve its application.

II.1. Does your country object to the information on SEA procedures provided in this section being compiled and made available on the website of the Protocol? Please specify (indicate "yes" if you object):

- (a) Yes
- (b) No X

Your comments:

1. Consideration of health effects

II.2. Does your SEA documentation always include specific information on health effects? Please specify:

- (a) Yes
- (b) No, only when potential health effects are identified X

2. Domestic and transboundary implementation in the period 2013–2015

II.3. Does your SEA documentation always include specific information on potential transboundary environmental, including health, effects? Please specify:

- (a) Yes
- (b) No, only when potential transboundary effects are identified

3. Cases during the period 2013–2015

II.4. Please provide the (approximate) number of transboundary SEA procedures initiated during the period 2013–2015 and list them, grouped by the sectors listed in article 4, paragraph 2:

Transboundary SEA; Sweden as Party of origin:

Water management

Year of notification 2014: Programmes of measures, Swedish Marine Strategy.

Year of notification 2015: The national Swedish Marine Spatial Plans for the Gulf of Bothnia, the Baltic Sea and the Skagerrak/Kattegat.

Land use plan

Year of notification 2014: Detailed land use plan for Mobergskölen, Malugn-Sälen airport.

4. Experience with the strategic impact assessment procedure in 2013–2015

II.5. Has your country experienced substantial difficulties in interpreting particular terms (or particular articles) in the Protocol?:

- (a) No
- (b) Yes (please indicate which ones):

II.6. How does your country overcome the(se) problem(s), if any, for example by working with other Parties to find solutions? Please provide examples:

II.7. With regard your country's experience with domestic procedures, in response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others. Please detail:

(a) Has your country carried out monitoring according to article 12 and, if so, for what kinds of plans or programmes (cite good practice cases or good practice elements (e.g., consultation or public participation), if available)? Only through already existing general monitoring schemes. No information available about monitoring in relation to specific plans or programmes.

(b) Would your country like to present a case to be published on the website of the Convention and its Protocol as a "case study fact sheet"?:

- (i) No
- (ii) Yes (please indicate which ones):

II.8. With regard your country's experience with transboundary procedures, in response to each of the questions below, either provide one or two practical examples or describe

your country's general experience. You might also include examples of lessons learned in order to help others. Please detail:

(a) What difficulties has your country experienced in relation to translation and interpretation, and what solutions has your country applied?: No difficulties so far.

(b) What does your country usually translate as a Party of origin?: The scoping document or the summary of the scoping document into English if the notification reach outside the Nordic countries. In the second phase we translate the summary and relevant parts of the plan or programme and relevant parts of the SEA-report into English and/or the language of the affected party.

(c) Has your country carried out transboundary public participation according to article 10, paragraph 4?:

(i) No

(ii) Yes X (please indicate how): Mostly for land use plans as an affected party.

(d) What has been your country's experience of the effectiveness of public participation?: Very little or no responses from the public.

(e) Does your country have examples of organizing transboundary SEA procedures for joint cross-border plans and programmes?:

(i) No x

(ii) Yes (please describe):

5. Experience regarding guidance in 2013–2015

II.9. Are you aware of any use in your country of the online *Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment (ECE/MP.EIA/17)*?¹:

(a) No: X

(b) Part of it (Please specify):

(c) Yes (please describe your experience):

Your comments on how the Guidance might be improved or supplemented:

6. Awareness of the protocol

II.10. Does your country see a need to improve the application of the Protocol in your country?:

(a) No:

(b) Yes X Please describe how your country intends to improve application of the Protocol: We are currently working on amending the current rules in order to make the regulatory framework easier to understand and more available.

¹ Available from http://www.unece.org/env/eia/pubs/sea_manual.html.

7. Suggested improvements to the report

II.11. Please provide suggestions for how this report may be improved: It has to be short and simple.
