

Questionnaire for the report of Sweden on the implementation of the Protocol on Strategic Environmental Assessment in the period 2016–2018

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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): **Chapter 6 in the Environmental Code contains the main provision on SEA.**
- (c) Regulation (please indicate number/year/name): **The Ordinance (2017:966) on 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 3 of the Environmental Code). In Section 24 in the Ordinance (2017:966) of Environmental Assessments it is clarified when the realization of the plan or programme or the change in a plan is likely to have a significant environmental impact.**

I.3. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4, para. 2): **This is not defined but there is guidance as to how it should be interpreted.**

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: **This is not defined but there is guidance as to how it should be interpreted. However, concerning detailed development plans, it is clarified that these plans are included in term.**

I.5. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4): **This is not defined but there is guidance as to how it should be interpreted.**

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:

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 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. The Protocol's requirements is met within the framework of Chapter 6 Section 9 of the Environmental Code. The authorities and municipalities are free to the extent appropriate, consult with the public on these issues.

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 the relevant provisions in the Swedish legislation concerning the contents of the report (provisions that corresponds to article 7, paragraph 2) and taking comments from the concerned authorities, municipalities and from the public concerned, (if they have been consulted voluntarily) into account.**

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
- (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):

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: **There are 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. Does your national legislation call for consultations with environmental and health authorities?

- (a) Yes
- (b) No

I.18. 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.19. 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.20. 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:

I.21. 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): **Section 23 in the Ordinance (2017:966) of Environmental Assessment states that the time frame should be reasonable and at least 30 days.**

Your comments:

I.22. If the affected Party has indicated that it wishes to enter into consultations, how do the Parties agree on detailed arrangements to ensure that the public concerned and the authorities in the affected Party are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame (art. 10, paras. 3 and 4)?

(a) Following those of the Party of origin

(b) Following those of the affected Party

(c) Other (please specify):

Your comments:

Article 11 Decision

I.23. 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: **It is ensured through the obligations concerning these issues that are laid down in Chapter 6 Section 9 and 16 of the Environmental Code.**

I.24. How and when do you inform your own public and authorities (art. 11, para. 2)? **It is done in close relation to when the plan or program has been adopted. How the information is given varies.**

I.25. How do you inform the public and authorities of the affected Party (art. 11, para.

(a) By informing the point of contact

(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:

I.26. How do you ensure that, when a plan or programme is adopted, the public, the authorities and the Parties consulted are informed and that the information mentioned in article 11, paragraph 2, is made available to them?

(a) Pursuant to national legislation (please refer to specific provisions and provide citations in order to clarify the procedure followed): **It is ensured through Chapter 6 Section 17 and 18 of the Environmental Code which state that the authority or municipality shall inform concerned municipalities and authorities, the public and the countries referred to in Section 13 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**

(b) Other (please specify):

Your comments:

Article 12 Monitoring

I.27. 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 19 of the Environmental Code)**

Part two

Part two Practical application during the period 2016–2018

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

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

2. Domestic and transboundary implementation in the period 2016–2018

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 2016–2018

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:

4. Experience with the strategic impact assessment procedure in 2016–2018

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): **article 10: 1.**

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: **We have experienced difficulties to interpret the requirements of when the notification should be carried out when the national planning process contain more than two phases of consultation (the scoping phase and the draft EIA-phase). In Sweden we have limited the transboundary consultation to these two phases, even if the national process has consisted of more stages.**

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)? **There is 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 and what solutions has it found?

(i) Translation and interpretation **No difficulties that couldn’t be handled, but the translation of the national Swedish Marine Spatial Plans (three different plans) was very resource consuming.**

(ii) Other issues

(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 reaches 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 or what the affected Party asked to be translated.**

(c) As an affected Party, has your country ensured the participation of the public concerned and the authorities pursuant to article 10, paragraph 4?

(i) No

(ii) Yes X (please indicate how): **We have sent the notification and the documents provided on referral to relevant authorities, municipalities and NGO:s and case by case decided if there are any public concerned and if then, announced the notification in relevant media.**

(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

(ii) Yes (please describe):

(f) As an affected Party, how do you ensure that the public concerned and the authorities are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame (art. 10, para. 4)? **When we inform the authorities and the public concerned (see II, 8 (c) ii) we also ask them to send their opinion back to the PoC in due time to facilitate for a joint response from Sweden as an affected party. The authorities and public also have the possibility to send their opinion directly to the competent authority in the Party of origin.**

5. Experience regarding guidance in 2016–2018

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:
- (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 Please describe how your country intends to improve application of the Protocol: **Yes, The Swedish Environmental Protection Agency is working on a web-based guidance to improve the application of the protocol (and SEA-directive).**

7. Suggested improvements to the report

II.11. Please provide suggestions for how this report may be improved:

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