

Questionnaire for the

**REPORT OF SWEDEN ON THE IMPLEMENTATION  
OF THE CONVENTION ON ENVIRONMENTAL  
IMPACT ASSESSMENT IN A TRANSBOUNDARY  
CONTEXT**

in the period 2006–2009

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# PART ONE – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION

*In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.*

## Article 2

### General Provisions

#### DOMESTIC IMPLEMENTATION OF THE CONVENTION

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2.2).*

The Environmental Code (chapter 6) contains the main provisions on EIA and the EIA Ordinance contains more detailed provisions. The Convention is implemented in these legal instruments. Several other acts have reference to Chapter 6 in the Environmental Code.

The Swedish Environmental Protection Agency is the agency responsible for sending and receiving notifications and for fulfilling the Party's responsibilities according to Article 2 (para. 4 to 6), Article 3 (para. 1 to 3 and 5 to 8), Article 4 (para. 2) and Articles 5 to 7 in the Espoo Convention.

2. *Indicate any further measures to implement the provisions of the Convention that are planned for the near future.*

No measures.

#### TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE

3. *Describe your country's national and transboundary environmental impact assessment (EIA) procedures and authorities (art. 2.2):*

- a. *Describe the EIA procedure in your country and indicate which steps of the EIA procedure include public participation;*

An EIA shall be part of an application for a permit relating to environmentally hazardous activity and health protection (chapter 9), water operations (chapter 11), game enclosures (chapter 12) and the Government's consideration of permissibility provided in chapter 17. The Operator must prepare the assessment before submitting an application. EIA's are also required under other legislation and those requirements are wholly or partly consistent with the provisions in the Code.

The requirements in Chapter six include screening (with p.p.), transboundary information and consultation, content of the EIA, information on EIA and consultation (with p.p) and information on the decision.

- b. *Describe how the different steps of the transboundary EIA procedure set out in the Convention fit into your country's national EIA procedure;*

The national procedure correspond to the procedure according to the Convention.

- c. *List the different authorities that are named responsible for different steps of the transboundary EIA procedure (notification, consultation between Parties, public participation, etc.). Also list the authorities responsible for the domestic EIA procedure, if they are different;*

All governmental authorities that are informed of activities that are likely to have significant environmental effects in another country shall notify the Swedish Environmental Protection Agency (SEPA) that is the authority responsible for the application of the Convention.

The authority that is responsible for the decision on the application (the permitting authority) also has to make sure that it contains an acceptable EIA and make a special decision on that and also make sure that consultation have been performed. The production of the EIA is the responsibility of the applicant. The County Administrative Board has responsibilities in the process and particularly in the early phases such as screening.

- d. *Is there one authority in your country that collects information on all the transboundary EIA cases? If so, name it. If not, does your country intend to establish such an authority?*

The Swedish Environmental Protection Agency collects the information.

4. *Does your country have special provisions for joint cross-border projects (e.g. roads, pipelines)?*

No special provisions but the Swedish Environmental Protection Agency has discussed and agreed on the procedure for Espoo cases with the points of contact in other countries of origin.

#### IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT UNDER THE CONVENTION

5. *Is appendix I to the Convention transposed into your country's national legislation? Does your country's legislation already cover the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7), and if so, how? Please describe any differences between the national list and appendix I to the Convention. Please explain how your country interprets terms such as "large" and "major" used in appendix I (including in items 4, 8, 11, 14, 16, 17 and, as appropriate, 22).*

The Ordinance on EIA contains a list of activities that always are to be considered as likely to have significant environmental effects. Those that also might have transboundary effects have not been singled out. That is decided upon by SEPA in the Espoo procedure. The activities in the Convention's appendix I are to be found in section 3 or the appendix 3 in the Ordinance.

6. *Please describe:*

- a. *The legislation and, where appropriate, the procedures your country would apply to determine that an "activity", or a change to an activity, falls within the scope of appendix I (art. 2.3), or that an activity not listed should be treated as if it were (art. 2.5);*

Activities that always require an EIA according to the Code are listed in Appendix 1 to the EIA Ordinance. That list is extensive and includes most activities listed in

Appendix I to the Convention. For activities not listed in Appendix 1 to the Convention but where an EIA-procedure is mandatory according to the Code due to a decision by the County Administrative Board made case by case and with the use of criteria stated in appendix 2 to the Ordinance, the convention will be applied if the activity is likely to cause significant adverse transboundary impact.

- b. *How your country conducts transboundary EIA cooperation (through points of contact, through joint bodies or within bilateral or multilateral agreements);*

Through Points of Contact.

- c. *How a change to an activity is considered as a “major” change;*

All changes to an activity are considered a major change and therefore require a permit unless it is only a minor change that do not involve a significant risk to public health or the environment. (Section 5 in the ordinance (1998:899) concerning Environmentally Hazardous Activities and Protection of Public Health.)

- d. *How such an activity, or such a change to an activity, is considered “likely” to have a “significant” adverse transboundary impact (art. 2.3 and 2.5, and the Guidelines in appendix III).*

In cases where an EIA-procedure is mandatory and the activity might cause significant transboundary impact all governmental authorities that are informed of the activity are required to notify the Swedish Environmental Protection Agency, the authority responsible for the application of the Convention. The Swedish Environmental Protection Agency then makes a case-by-case decision. Even if a project is considered not to have significant adverse transboundary impact, information on the project might be sent to the point of contact in the other country.

The Swedish Environmental Protection Agency makes the assessment after consulting relevant expert authorities.

## PUBLIC PARTICIPATION

7. *Does your country have its own definition of “the public” in national legislation, compared to article 1(x)? How does your country, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your country’s public as required in article 2, paragraph 6?*

There is no special general definition of "the public". In the notification letter, the Affected Party is requested to decide which appropriate means to inform the public there might be in the actual case.

## Article 3

### *Notification*

## QUESTIONS TO PARTY OF ORIGIN

8. *Describe how your country determines when to send the notification to the affected Party, which is to occur “as early as possible and no later than when informing its own public”? At what stage in the EIA procedure does your country usually notify the affected Party (art. 3.1)*

Chapter 6 of the Environmental Code regulates the Swedish EIA procedure. The notification is usually sent when the consultation (in the scoping phase) starts with citizens and organizations that are likely to be affected in Sweden.

9. *Does your country provide any information to supplement that required by article 3, paragraph 2?*

Yes, if the developer has further information it will be submitted or there could be a link to information on a website. Information on the EIA-procedure and the competent authority is provided as well as information on how to contact the developer.

10. *Does your country use the format for notification (as decided by the first meeting of the Parties, decision I/4, in document ECE /MP.EIA/2)? If not, in what format does your country normally present the notification?*

The proposed guidelines are followed in a general way in the notification letter, but not presented in the format. The notification will be sent as a formal letter from the Swedish Environmental Protection Agency together with relevant information and available documents.

11. *Describe the criteria your country uses to determine the time frame for the response to the notification from the affected Party (art. 3.3, “within the time specified in the notification”)? What is the consequence if an affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how does your country react?*

There are no legal time limits for the consultation in Sweden. The timeframe for answers is discussed with the developer and with the Point of Contact in the Affected Party.

In most cases the response has arrived in time. If an Affected Party does not comply with the time frame a request for response will be sent to the point of contact in the Affected Party. In cases where the Affected Party has asked for extension of deadline it has been agreed. Answers that arrive late are dealt with in the same way as answers that arrive in time.

12. *Describe when your country provides relevant information regarding the EIA procedure and proposed activity and its possible significant adverse transboundary impact as referred to in article 3, paragraph 5. Already with the notification, or later in the procedure?*

The information available in the relevant translation will be submitted already in the notification.

13. *How does your country determine whether it should request information from the affected Party (art. 3.6)? When does your country normally request information from the affected Party? What kind of information does your country normally request? How does your country determine the time frame for a response from the affected Party to a request for information, which should be “prompt” (art. 3.6)?*

No experience of special request of information from Affected Party. Information needed for the further development of the EIA regarding transboundary effect can be given in the answer from the affected party.

14. *Please describe:*

- a. *How your country cooperates with the authorities of the affected Party on public participation (art. 3.8), taking into account that the Party of origin and affected Party are both responsible;*

We trust the Affected Party to perform the consultation with the authorities and the public in their own country.

- b. *How your country identifies, in cooperation with the affected Party, the “public” in the affected area;*

Since there is no restriction on who is part of the public in Sweden, we do not apply any such restrictions concerning the public in the Affected Party. Sometimes there are discussions with the Affected Party if there is any specific part of the public which should be especially informed and the appropriate way to do that. The practical arrangements for informing the public are done by the Affected Party.

- c. *How the public in the affected Party is notified (what kinds of media, etc are usually used). What is normally the content of the public notification?;*

Information on the notification in the Affected Party is given by the authority of the Point of Contact in the Affected Party or some other relevant authority there. The notification from Sweden as Party of Origin contains brief information on the project and its consequences and information on where further information is available or could be found on a website.

- d. *Whether the notification to the public of the affected Party has the same content as the notification to your country's public. If not, describe why not. At what stage in the EIA procedure does your country normally notify the public of the affected Party?*

The information in the national and the transboundary consultation is sometimes the same. In the Nordic countries Swedish is understood and no translation is necessary. If information has to be translated it is often in the form of a summary. The public will be notified already at the stage of notification.

15. *Does your country make use of contact points for the purposes of notification as decided at the first meeting of Parties (ECE/MP.EIA/2, decision I/3), and as listed on the Convention website ([http://www.unece.org/env/eia/points\\_of\\_contact.htm](http://www.unece.org/env/eia/points_of_contact.htm))?*

Yes.

#### QUESTIONS TO AFFECTED PARTY

16. *Describe the process of how your country decides whether or not to participate in the EIA procedure (art. 3.3)? Who participates in the decision-making, e.g. central authorities, local competent authorities, the public, environmental authorities? Describe the criteria or reasons your country uses to decide.*

The notification will be sent to relevant central and regional authorities and organisations with a request on their opinion on whether Sweden should participate and if so give comments. This request will also be available for the public. A press release will be available at the website [www.naturvardsverket.se](http://www.naturvardsverket.se) together with available information. In certain cases the Swedish Environmental Protection Agency makes the decision itself or after discussions with expert authorities not to participate in the EIA procedure.

17. *When the Party of origin requests your country to provide information relating to the potentially affected environment, how does your country determine what is "reasonably obtainable" information to include in its response? Describe the procedures and, where appropriate, the legislation your country that would apply in determining the meaning of "promptly" in the context of responding to a request for information (art. 3.6)*

So far we have got only one request for such information and that was sent by Finland in the case of the Nord Stream project. The information was provided by the company.

18. *Please describe:*

- a. *How your country cooperates with the authorities of the Party of origin on public participation (art. 3.8), taking into account that the Party of origin and affected Party are both responsible;*

As Affected Party we have the main responsibility for the public participation in our country. We can have informal contacts about the public participation to confirm that the public participation is managed in a proper way. Concerning public meetings the Party of Origin and the Affected Party normally cooperate .

- b. *How your country identifies the “public” in the affected area;*

No one is excluded from the public. In case to case there can be efforts to identify a specific public that should be informed.

- c. *How the public is notified (e.g. what kinds of media, etc., are usually used). What is normally the content of the public notification?;*

The public can be notified by advertising and information made available for the public at libraries and/or municipality’s offices. The notification is also available at the Swedish Environmental Protection Agency’s website. The public, as concerned NGO:s, will also receive a letter or an e-mail. The public notification contains brief information on the project and its consequences and information on where further information is available or could be found on a website.

- d. *At what stage in the EIA procedure does your country normally notify its public?*

At the scoping stage.

## **Article 4**

### ***Preparation of the environmental impact assessment documentation***

#### **QUESTIONS TO PARTY OF ORIGIN**

19. *What is the legal requirement for the minimum content of the EIA documentation (art. 4.1, appendix II)?*

The content of the EIA is stated in Chapter 6 Section 7 in the Environmental Code.

Contents of environmental impact assessments

(1) An environmental impact assessment relating to an activity or measure that is likely to have a significant environmental impact shall contain the information that is needed for the purpose referred to in section 3, including:

1. a description of the activity or measure with details of its location, design and scope;
2. a description of the measures being planned with a view to avoiding, mitigating or remedying adverse effects, for example action to prevent the activity or measure leading to an infringement of an environmental quality standard referred to in chapter 5;
3. the information that is needed to establish and assess the main impact on human health, the environment and management of land, water and other resources that the activity or measure is likely to have;
4. a description of possible alternative sites and alternative designs, together with a statement of the reasons why a specific alternative was chosen and a description of the consequences if the activity or measure is not implemented; and
5. a non-technical summary of the information specified in points 1-4.

20. *Describe your country’s procedures, if any, for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4.1).*

According to Chapter 6 section 5 in the Environmental Code, the county administrative board shall during the consultation pursuant to Section 4 work for the environmental impact statement to have the direction and scope needed for the permit application.

21. *How does your country identify “reasonable alternatives” in accordance with appendix II, paragraph (b)?*

According to the legislation, it is mandatory for the developer to give a description of possible alternative sites and alternative designs, together with a statement of the reason why a specific alternative was chosen.

In chapter 2 section 6 of the Environmental Code it is stated: ” In the case of an activity or measure for whose purposes land or water areas are used, a suitable site shall be selected with regard to the purpose being achieved with a minimum of damage or nuisance to human health and the environment.” In chapter 6 section 7 of the Code it is stated that if an activity or measure shall be considered to have a significant environmental impact an environmental impact assessment shall always contain, among other requirements, a description of possible alternative sites and alternative designs, together with a statement of the reasons why a specific alternative was chosen and a description of the consequences if the activity or measure is not implemented.

22. *How does your country identify “the environment that is likely to be affected by the proposed activity and its alternatives” in accordance to appendix II, paragraph (c), and how does it define “impact” in accordance with article 1(vii)?*

The purpose of the EIA is stated in Chapter 6 Section 3 of the Environmental Code. "The purpose of an environmental impact assessment is to establish and describe the direct and indirect impact of a planned activity or measure on people, animals, plants, land, water, air, the climate, the landscape and the cultural environment, on the management of land, water and the physical environment in general, and on other management of materials, raw materials and energy. Another purpose is to enable an overall assessment to be made of this impact on human health and the environment."

23. *Does your country give the affected Party all of the EIA documentation (art. 4.2)? If not, which parts of the documentation does your country provide?*

It depends. In the notification there will be a request on the information needed. In some cases when the information is sent in Swedish (to the Nordic countries) all information can be sent. usually the main EIA document is provided, not all the background data or reports. When translation is needed there has to be a discussion with the Affected Party and the developer on what parts of the documentation that are most relevant to translate. There should always be a summary.

24. *How does your country cooperate with the authorities of the affected Party on distribution of the EIA documentation and the submission of comments (art. 4.2), taking into account that the Party of origin and affected Party are both responsible? How does the competent authority in your country (as the Party of origin) deal with the comments (art. 4.2)?*

The comments at the notification/program phase are sent to the developer who has to prepare the EIA and make a report on all national and transnational consultations.

25. *Describe the procedures and, where appropriate, the legislation that define the time frame for comments provided “within a reasonable time before the final decision” (art. 4.2)? What*



*is the consequence if the affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how does your country react?*

(See the response to question 11.)

26. *What material does your country provide, together with the affected Party, to the public of the affected Party?*

(See the response to question 14.)

27. *Does your country initiate a public hearing for the affected public, and at what stage, whether in the affected Party, in your country or as a joint hearing? If a public hearing is held in your country, as Party of origin, can the public of the affected Party, public authorities, organizations or other individuals come to your country to participate?*

(See the response to question 14.)

The meetings in Sweden are open for participation from the affected Party.

Sweden as Party of Origin has organised a public hearing in Copenhagen (Denmark was Affected Party) in a case regarding a nuclear power station in Barsebäck, Sweden and a hearing at Gotland island concerning the Nord Stream gas pipeline case.

#### QUESTIONS TO AFFECTED PARTY

28. *Describe the procedures and, where appropriate, the legislation your country would apply to determine the meaning of the words “within a reasonable time before the final decision”, this being the time frame for comments (art. 4.2)?*

The time frame will be in accordance with the legislation in the Party of Origin and not in the Affected Party. There is no fixed time frame for consultations in Sweden.

29. *How does your country cooperate with the authorities of the Party of origin on the distribution of the EIA documentation and the submission of comments (art. 4.2), taking into account that the Party of origin and affected Party are both responsible?*

30. *Who is responsible for the organization of the public participation in the affected Party? Is the public participation normally organized in accordance with your legislation as the affected Party, with the legislation of the Party of origin, with ad hoc procedures, or with bilateral or multilateral agreements?*

The public participation is normally organized in accordance with ad hoc procedures. A press release will be provided by the Swedish Environmental Agency and available at the website [www.naturvardsverket.se](http://www.naturvardsverket.se) together with available information. (see answer to question 16)

## Article 5

### Consultations

#### QUESTIONS TO PARTY OF ORIGIN

31. *At which step of the EIA procedure does the consultation in accordance with article 5 generally take place? Describe the procedures and, where appropriate, the legislation your country would apply to determine the meaning of “undue delay”, with regard to the timing of the entry into consultation? Does your country normally set the duration for consultations beforehand? If there seems to be no need for consultation, how does your country determine not to carry out consultations?*

It will be sent to the Affected Party at the same time as the permitting authority sends the application with the EIA for comments in Sweden. The time frame for comments from Affected Party will be the same as for comments in Sweden.

32. *On what level do you arrange for consultation: national, regional or local? Who usually participates in the consultation? Describe the responsibilities of the authorities involved. By what means do you usually communicate in consultations, for example by meeting, exchange of written communications?*

The permitting authority sends the EIA and the application for comments to relevant national, regional and lokal authorities as well as organisations. There will also be an announcement with information where the documents will be available, where a hearing will take place and where and when comments can be given. The hearings are open to the public which can give comments. For the transboundary consultation the Swedish Environmental Protection Agency sends the EIA for comments to the Affected Party. In most cases only written comments from authorities, organizations and the public are gathered by the point of contact in the Affected Party and sent to Sweden.

#### QUESTIONS TO AFFECTED PARTY

33. *On what level is the consultation normally held: national, regional or local? Who normally participates in the consultation? By what means does your country usually communicate in consultations, for example by meeting or by the exchange of written communications? How does your country indicate if there is no need for consultations?*

The documents will be sent from the Party of Origin to the point of contact at the Swedish Environmental Protection Agency (SEPA). SEPA distributes the documents for comments to relevant authorities at national, regional and lokal level as well as organizations. The information is also made available for the public. SEPA gathers the comments and send them to the Party of origin (with a summary in English if necessary).

In most case the communication will be performed only in written form.

## Article 6

### *Final decision*

#### QUESTIONS TO PARTY OF ORIGIN

34. *For each type of activity listed in appendix I, identify what is regarded as the “final decision” to authorize or undertake a proposed activity (art. 6 in conjunction with art. 2.3); also provide the term used in the national legislation in the original language. Do all projects listed in appendix I require such a decision?*

The final decision will be a permit for the projector activity. Almost all projects or activities need a decision. The decisions are taken in accordance with different legislation and by different authorities.

35. *How does the EIA procedure (including the outcome) in your country, whether or not transboundary, influence the decision-making process for a proposed activity (art. 6.1)?*

In the application the developer shall give information on any consultation that has taken place in the EIA procedure. According to chapter 6 paragraph 9 in the Environmental Code, the permitting authority shall take the contents of the EIA and these comments into account in the final decision as well as comments received in the consultation on the application and the EIA.

36. *Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6.1)?*

Yes.

37. *How is the obligation to submit the final decision to the affected Party normally fulfilled? Does the final decision contain the reasons and considerations on which the decision is based? (art. 6.2)*

The final decision will be sent to the Affected Party. The Nordic countries will receive the decision in Swedish. If translation is needed, the whole or a summary of the decision will be translated. The final decision does contain the reasons and considerations on which the decision is based.

38. *If additional information becomes available according to article 6, paragraph 3, before the activity commences, how does your country consult with the affected Party? If need be, can the decision be revised? (art. 6.3)*

No experience so far. A decision cannot be changed because of new information.

## **Article 7**

### ***Post-Project Analysis***

39. *How does your country determine whether it should request a post-project analysis to be carried out (art. 7.1)?*

There are no special provisions on this in our legislation.

40. *Where, as a result of post-project analysis, it is concluded that there is a significant adverse transboundary impact by the activity, how does your country inform the other Party and consult on necessary measures to reduce or eliminate the impact pursuant to article 7, paragraph 2?*

No experience.

## **Article 8**

### ***Bilateral and multilateral agreements***

41. *Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.*

No.

42. *Has your country established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

No.

## **Article 9**

### ***Research programmes***

43. *Are you aware of any specific research in relation to the items mentioned in article 9 in your country? If so, describe it briefly.*

No.

## **Ratification of the amendments to the Convention and of the Protocol on Strategic Environmental Assessment**

44. *If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Sweden has ratified.

45. *If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Sweden has ratified.

46. *If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

Sweden has ratified.

## **PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2006–2009**

*Please report on your country's practical experiences of applying the Convention (not your country's procedures described in part one), whether as Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice; the goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.*

### **CASES DURING THE PERIOD 2006–2009**

47. *Does your country's national administration have information on the transboundary EIA procedures that were under way during the period? If so, please list these procedures, clearly identifying for each whether your country was the Party of origin or the affected Party. If your country does not have any experience of applying the Convention, why not?*

Please see lists in separate document. Please note that the first list only contains notified EIA-projects. As Party of Origin Sweden has also informed on a petroleum exploration in the Baltic Sea. During 2006-2009 there have been notifications according to the SEA-Protocol with three cases with Sweden as Party of Origin and eleven cases as Affected Party.

48. *Does your country object to the above list of transboundary EIA procedures being included in a compilation of such procedures to be made available on the website of the Convention? (Indicate "yes" if you object.)*

No.

49. *Are there projects other than those mentioned above for which a transboundary EIA procedure should have been applied, but was not? Explain why.*

In three cases there should have been a notification to Norway concerning wind power plants. The main reason for not notifying was that information about those projects arrived very late. The Points of Contact in Sweden and Norway discussed the cases and agreed to send the EIA and the application for consultation in the next phase. One of the cases has developed and a consultation have been made. The other two cases hasn't developed so far.

50. *Provide information on the average duration of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

It is almost impossible to state a meaningful average duration of transboundary EIA procedures. For the period 2006-2009 it is impossible because the main part of the cases are still pending, waiting for the final decision, even if the EIA-process is completed.

The longest duration of procedure so far as Party of Origin is the Swedish Encapsulation and final repository for spent nuclear fuel. The notification began 13 December 2005. The consultation may occur in the beginning of 2011. The Final decision may be given in 2012.

Usually the procedures as a whole, including the final decision, can be estimated to take between two and three years. But there are many examples when the duration is longer.

#### EXPERIENCE OF THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE IN 2006–2009

51. *If your country has had practical experience, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

No practical experience where this is obvious.

Probably the Espoo-process in certain cases have strengthened the EIA-process and put pressure on the developer to describe the environmental issues more seriously and on both side of the border which should not have been done without the Convention.

52. *How has your country interpreted in practice the various terms used in the Convention, and what criteria has your country used to do this? Key terms include the following: “major change” (art. 1 (v)), “a reasonable time” (art. 3.2(c), art. 4.2), “promptly” (art. 3.6) and “a reasonable time frame” (art. 5). (Do not provide references to answers to earlier questions 6 (b), 11, 13, 25 and 31.) If your country experiences substantial difficulties interpreting particular terms, does your country work together with other Parties to find solutions? If not, how does your country overcome the problem?*

Concerning “major change” we have in some cases had discussions between Points of Contact if there is need for a notification when there is an application for a change in the activity. Concerning Sweden as Party of Origin, this change in the activity is always defined as a “major change” and an EIA is needed due to the national legislation. Examples are change of fuels in combined power and heating plants, upgrading of nuclear power plants, expansion of final repository for radioactive operational waste.

Usually the Points of Contact in the Parties concerned discuss the timeframe and agree about “a reasonable time”. In some cases the Affected Party have to ask for more time

No experience of interpreted “promptly in Article 3.6

53. *Please share with other Parties your country’s experience of using the Convention in practice. 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.*

- a. *How in practice has your country identified transboundary EIA activities for notification under the Convention, and determined the significance and likelihood of adverse transboundary impact?;*

If the significance and likelihood of adverse transboundary impacts is unclear although the activity is listed in Appendix 1, we (as Party of Origin) ask the possible Affected Party if they want to be notified. As possible Affected Party we consult expert authorities in the country for advice. If the question still is unclear we usually decide to notify.

- b. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How does your country determine how much information to include in the EIA documentation?;*

It is the responsibility of the developer to elaborate the EIA. The permitting authority shall approve the EIA before the decision and normally ask expert authorities if the EIA is sufficient.

Usually there is a separate chapter on transboundary issues in the EIA on request of the Affected Party.

- c. *What methodology does your country use in impact assessment in the (transboundary) EIA procedure (e.g. impact prediction methods and methods to compare alternatives)?;*

No specific methodology.

- d. *Translation is not addressed in the Convention. How has your country addressed the question of translation? What does your country usually translate? What difficulties has your country experienced relating to translation and interpretation, and what solutions has your country applied?;*

It is the responsibility of the developer to produce the translation if such is needed. Sufficient parts of the material shall be translated. Usually parts or a summary of the notification document and the EIA is translated. As Party of Origin we had a request from Finland about a translation that the developer at first refused to translate and this prolonged the notification process about a half a year.

- e. *How has your country organized transboundary public participation in practice? As Party of origin, has your country organized public participation in affected Parties and, if so, how? What has been your country's experience of the effectiveness of public participation? Has your country experienced difficulties with the participation of its public or the public of another Party? (e.g. have there been complaints from the public about the procedure?);*

Usually the public participation is organized as a press release and information on web sites. Sweden have very few experiences of public meetings in Espoo-cases. In some controversial cases such as nuclear power plants and the Nord Stream gas pipe line there have been a certain interest from the public, mostly after this cases have been displayed in the media. Otherwise the public participation is limited to the participation of NGO:s. No complaints from the public as far as we know.

- f. *Describe any difficulties that your country has encountered during consultations, for example over timing, language and the need for additional information. As an*

*affected Party, have consultations under article 5 supported the prevention, reduction or control of possible significant transboundary environmental impacts?;*

In the Nord Stream gas pipe line case all the Concerned Parties didn't have the same definition of consultation. There was also some confusion about how to perform the consultation.

- g. *Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public;*

The permitting authority send the decision (in Swedish) to the point of Contact in Sweden. The Point of Contact send the decision to the Affected Parties. If there is a need for translation we ask the developer to translate the decision (this has only happened once).

- h. *Has your country carried out post-project analyses and, if so, on what kinds of project?;*

No.

- i. *Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your country's experiences describing, for example, means of cooperation (e.g. contact points, joint bodies, bilateral agreements), institutional arrangements, and how practical matters are dealt with (e.g. translation, interpretation, transmission of documents, etc.);*

The Nord Stream gas pipeline project in the Baltic Sea was successful since the four Parties of Origin together with Russia managed to perform a complete Espoo procedure for eighth Affected parties and Russia with a common umbrella EIA and extra notifications due to changes of the pipeline routing. This was accomplished by a group of Points of Contact, Focal Points and representatives from the permitting authorities that met 17 times during the more than three and a half year long Espoo procedure.

For the Skanled pipeline project Norway, Sweden and Denmark as both Parties of Origin and Affected Parties performed a Espoo process but the project was withdrawn.

- j. *Name examples of good practice cases, whether complete cases or good practice elements (e.g. notification, consultation or public participation) within cases. Would your country like to introduce a case in the form of a Convention's "case study fact sheet"?*

See above.

- k. *Identify the most common means of applying the Convention (e.g. through focal points, joint bodies, multilateral agreements).*

By the Point of Contact.

#### CO-OPERATION BETWEEN PARTIES IN 2006–2009

54. *Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries?*

The most common inconveniences are the different timeframes in the neighbouring countries. Although this is mostly solved in case by case, the problem remains and needs to be solved repeatedly unless some form of regulated common timeframes are agreed.

## EXPERIENCE IN USING THE GUIDANCE IN 2006–2009

55. *Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online? Describe your country's experience with using these guidance documents and how they might be improved or supplemented:*

a. *Guidance on public participation in EIA in a transboundary context;*

No specific help.

b. *Guidance on subregional cooperation;*

Not used.

c. *Guidelines on good practice and on bilateral and multilateral agreements.*

Yes, this guidance has been helpful.

## CLARITY OF THE CONVENTION

56. *Has your country had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear? Describe the transboundary EIA procedure as applied in practice, where this has varied from that described in part one above or in the Convention. Also describe in general the strengths and weaknesses of your country's implementation of the Convention's transboundary EIA procedure, which your country encounters when applying the Convention.*

There are some uncertainties regarding Article 5. Sweden, and as we understand most of our neighbouring countries, interpret the consultation as a possibility to give a statement which should be taken under consideration in the permitting decision. We do not regard Article 5 as a negotiation between two countries.

The Convention has two main steps, the notification and the consultation.

In the permitting process in Sweden where the EIA-process is an integrated component, there are usually more than these two steps. There can be some difficulties in involving the Affected Party in all these steps and sending the document on consultation many times, even if there are parts of the EIA-process that the Affected Party had asked for to be part of.

One difficulty in the practice in Sweden is that the developer is responsible for the EIA-process and report. No authority, including the responsible authority for the Espoo-convention, has the right to demand a certain content. Only the permitting authority have the right not to accept the final EIA. This can cause some difficulties in the preparation of the EIA and the possibility to send a sufficient EIA-report on consultation. In some cases the relevant quality of the EIA documentation has to be discussed with the developer before an acceptable EIA can be sent out.

## AWARENESS OF THE CONVENTION

57. *Has your country undertaken activities to promote awareness of the Convention among stakeholders (e.g. the public, local authorities, consultants and experts, academics, investors)? If so, describe them.*

Special information on Espoo cases are given on the web site of the Swedish Environmental Protection Agency.



58. *Does your country see a need to improve the application of the Convention in your country and, if so, how does it intend to do so? What relevant legal or administrative developments are proposed or ongoing?*

No overall need except that there is a problem with too short timeframes for consultation with the regional and local authorities when Sweden is Affected Party for some Finnish cases in the areas near the border. A solution could be to permanently delegate the role of the SEPA to the regional authority for such cases.

#### SUGGESTED IMPROVEMENTS TO THE REPORT

59. *Please provide suggestions for how this report may be improved.*

It has to be shortened and simplified. There are too many repetitive questions.

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