
**Questionnaire for the report of Sweden on the implementation of the
Convention on Environmental Impact Assessment in a Transboundary
Context in the period 2013–2015**

Information on the focal point for the Convention

1. Name and contact information: Lars Lennwall

Information on the point of contact for the Convention

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 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.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the Convention text (e.g., EIA Law of the Republic of ..., art. 5, para. 3, of Government Resolution No. ..., para. ... item...)

Article 1

Definitions

I.1. Is the definition of impact for the purpose of the Convention the same in your legislation as in article 1?

- (a) Yes
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of impact in the legislation

Your comments: The term impact is not defined in a separate section providing an explicit definition but the legislation provides for a definition through a paragraph stating the objective of the environmental impact statement.

I.2. Is the definition of transboundary impact for the purpose of the Convention the same in your legislation as in article 1? Please specify each below.

- (a) Yes
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of transboundary impact in the legislation

Your comments: The term transboundary impact is not defined in a separate section providing an explicit definition but the legislation provides for a definition through a paragraph stating the objective of the environmental impact statement.

I.3. Please specify how major change is defined in your national legislation:

An environmental impact statement shall be submitted together with a permit application to establish, operate or change activities referred to as in Chapter 9, 11 and 12 in the Environmental Code. The obligation to submit an environmental impact statement also applies to applications for authorization to the extension, expansion or modification of existing activities.

I.4. How do you identify the public concerned? Please specify (more than one option may apply):

-
- (a) Based on the geographical location of the proposed project X
- (b) By making the information available to all members of the public and letting them identify themselves as the public concerned X
- (c) By other means (please specify):
- Your comments:

Article 2

General provisions

I.5. Provide legislative, regulatory, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2):

- (a) Law on EIA:
- (b) EIA provisions are transposed into another law(s) (please specify): The Environmental Code (chapter 6) contains the main provisions on EIA. Several other acts have reference to Chapter 6 in the Environmental Code.
- (c) Regulation (please indicate number/year/name): The Ordinance (1998:905) on Environmental Assessments and Strategic Environmental Assessments and the Ordinance (2013:251) on Environmental Examination.
- (d) Administrative (please indicate number/year/name):
- (e) Other (please specify):

Your comments:

I.6. Please describe any differences between the list of activities in your national legislation and appendix I to the Convention, if any:

- (a) There is no difference, all activities are transposed in the national legislation as is
- (b) It differs slightly (please specify):

Your comments: The list of activities for which an EIA is required consists of far more activities than the activities listed in appendix I to the Convention.

I.7. Identify the competent authority/authorities responsible for carrying out the EIA procedure in your country (please specify):

- (a) There are different authorities at national, regional, local levels X
- (b) They are different for domestic and transboundary procedures
- (c) Please name the responsible authority/authorities:
- (d) There is no single authority responsible for the entire EIA procedure: X

Your comments:

I.8. Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it:

- (a) No
- (b) Yes X (please specify): *Swedish Environmental Protection Agency (Point of contact)*

Your comments: 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.

I.9. How does your country, as Party of origin and as affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to the Party of origin's public, as required in article 2, paragraph 6 (please explain):

Depending on the case and party concerned we sometimes have informal contacts about the Public participation, trying to use the same public meeting in the Party of origin if possible. By informing the affected party about the Public participation in the party of origin, in the notification and when submit the EIA-report, the affected party gives the possibility to arrange equivalent Public participation. In general we inform the affected party before the notification and the submission of the EIA-report to give the affected party preparedness for the Public participation.

Article 3 Notification

I.10. As Party of origin, when do you notify the affected Party (art. 3, para. 1)? Please specify:

- (a) During scoping
- (b) When the EIA report has been prepared and the domestic procedure started
- (c) After finishing the domestic procedure
- (d) At other times (please specify):

Your comments: 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.

I.11. Please define the format of notification:

- (a) It is the format as decided by the first meeting of the Parties in its decision I/4 (ECE/MP.EIA/2, annex IV, appendix)
- (b) The country has its own format (please attach a copy)
- (c) No official format used

Your comments:

I.12. As a Party of origin, what information do you include in the notification (art. 3, para. 2)? Please specify (more than one options may apply):

- (a) The information required by article 3, paragraph 2
- (b) The information required by article 3, paragraph 5
- (c) Additional information (please specify): Information about public hearing is included if it is possible to arrange jointly for the public on both side of the border. Contact information regarding the developer and the competent authority.

Your comments: Not all information required by article 3 paragraph 5 is available at the notification and therefore not always included. (scoping phase).

I.13. As a Party of origin, does your national legislation contain any provision on receiving a response to the notification from the affected Party in a reasonable time frame (art. 3, para. 3, “within the time specified in the notification”)? Please specify:

(a) National legislation does not cover the time frame X

(b) Yes, it is indicated in the national legislation (please indicate the time frame):

(c) It is determined and agreed with each affected Party case by case in the beginning of the transboundary consultations (please indicate the average length in weeks):

Your comments:

Please specify the consequence if a notified affected Party does not comply with the time frame, and the possibility of extending a deadline: If no answer is received in time, we remind the notified party in general. Inquiries about the possibility to extend the deadline are met positive if possible. Even late given response about participating in the EIA-procedure have always given the affected party right to participate in the next phase of the EIA-procedure.

I.14. How do you inform the public and authorities of the affected Party (art. 3, para 8)? Please specify:

(a) By informing the point of contact to the Convention listed on the Convention website¹ X

(b) Other (please specify):

Your comments: 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.

I.15. On what basis is the decision made to participate (or not) in the transboundary EIA procedure as affected Party (art. 3, para. 3)? Please specify:

(a) Notified ministry/authority of the affected Party responsible for EIA decides on its own based on the documentation provided by Party of origin

(b) Based on the opinions of the competent authorities of the affected Party

(c) Based on the opinions of the competent authorities and that of public of the affected Party

(d) Other (please specify): Case by case, see comments.

Your comments: The competent authority, the Swedish Environmental Protection Agency (SEPA), makes the decision if Sweden will participate or not. In most cases the decision is made based on the result of the circulation of the notification to authorities, municipalities and NGO:s and the result of the public participation. In some cases SEPA decides on its own or if necessary, consults expert authorities or the county administrative board before deciding if Sweden would participate or not.

¹ List available from http://www.unece.org/env/eia/points_of_contact.htm.

I.16. If the affected Party has indicated that it intends to participate in the EIA procedure, how are the details for such participation agreed, including the time frame for consultations and the deadline for commenting (art. 5)? Please specify:

- (a) Following the rules and procedures of the Party of origin
- (b) Following the rules and procedures of the affected Party
- (c) Other (please specify):

Your comments: Mostly SEPA accept the given conditions as Sweden don't have stipulated time frames. When the given time frame is not suitable we ask for or start negotiations about a postponed deadline.

Article 4

Preparation of the environmental impact assessment documentation

I.17. How do you ensure sufficient quality of the EIA documentation as Party of origin? Please specify:

(a) The competent authority checks the information provided and ensures it includes all information required under appendix II 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 permitting authorities have to ensure that the EIA report meet the legal requirements and thus have a sufficient quality before making it available for the public (publish a notice). Sweden sends the EIA report, or an adequate summary, on transboundary submission for comments after the permitting authority have published the notice.

Your comments:

I.18. How do you determine the relevant information to be included in the EIA documentation in accordance with article 4, paragraph 1? Please specify (more than one option may apply):

(a) By using appendix II

(b) By using the comments received from the authorities concerned during the scoping phase, if applicable

(c) By using the comments from members of the public during the scoping phase, if applicable

(d) As determined by the proponent based on its own expertise

(e) By using other means (please specify): We have national legislation which specify the required content of the EIA.

Your comments:

I.19. How do you determine "reasonable alternatives" in accordance with appendix II, paragraph (b)?

(a) On a case-by-case basis

(b) As defined in the national legislation (please specify):

- (c) Other (please specify):

Your comments: 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.

Article 5 Consultations on the basis of the environmental impact assessment documentation

(a) Public participation

I.20. How can the public concerned express its opinion on the EIA documentation of the proposed project (art. 5)? Please specify (more than one option may apply):

As Party of origin

- (a) By sending comments to the competent authority/focal point X
(b) By taking part in a public hearing X
(c) Other (please specify):

As affected Party

- (d) By sending comments to the competent authority/focal point X
(e) By taking part in a public hearing X
(f) Other (please specify):

Your comments: Public hearing is not always arranged.

I.21. Please indicate whether your national EIA legislation requires the organization of a public hearing on the territory of the affected Party in cases where your country is the country of origin:

- (a) Yes
(b) No X

Your comments: If a public meeting is requested from the affected party, Sweden will then, together with the affected party, arrange a public hearing if possible.

I.22. Please indicate whether your national EIA legislation requires the organization of public hearings in cases where your country is the affected Party:

- (a) Yes
(b) No X

Your comments: If a public hearing is requested in Sweden, SEPA will, together with the party of origin, arrange a public hearing in Sweden. At least three public hearings have been arranged in Sweden 2013-2015.

(b) Consultations

I.23. Does your national EIA legislation have any provision on the organization of transboundary consultations (expert, joint bodies, etc.) between the authorities of the concerned Parties? Please specify:

- (a) Yes, it is obligatory
- (b) No, it does not have any provision on that
- (c) It is optional (please specify):

Your comments:

**Article 6
Final decision**

I.24. Please indicate all points below that are covered in a final decision related to the implementation of the planned activity (art. 6, para. 1):

- (a) Conclusions of the EIA documentation
- (b) Comments received in accordance with article 3, paragraph 8, and article 4, paragraph 2
- (c) Outcome of the consultations as referred to in article 5 X
- (d) Outcomes of the transboundary consultations
- (e) Comments received from the affected Party Do not understand the difference between (d) and (e)
- (f) Mitigation measures
- (g) Other (please specify): There are a number of other points that should be included in the final decision, these are listed in Chapter 22 section 25 of the Environmental Code and include e.g. the environmental conditions.

I.25. 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, para. 1):

- (a) Yes X
- (b) No

Your comments:

I.26. Is there any regulation in the national legislation of your country that ensures the implementation of the provisions of article 6, paragraph 3?:

- (a) No
- (b) Yes (please specify): X Section 9 and 10 of the Ordinance (1998:905) on Environmental Assessments (EIA) and Strategic Environmental Assessments (SEA).

Your comments:

I.27. Do all activities listed in appendix I (items 1-22) require a final decision to authorize or undertake such an activity?:

- (a) Yes X
- (b) No (please specify those that do not):

Your comments:

I.28. For each type of activity listed in appendix I that does require a final decision, please indicate the legal requirements in your country that identify what is regarded as the “final decision” to authorize or undertake such an activity (art. 6 in conjunction with art. 2, para. 3), and the term used in the national legislation to indicate the final decision in the original language:

Your comments:

Article 7

Post-project analysis

I.29. Is there any provision regarding post-project analysis in your national EIA legislation (art. 7, para. 1)?:

- (a) No
- (b) Yes X (please specify the main steps to be taken and how the results of it are communicated):

Your comments: Section 9 and 10 of the Ordinance (1998:905) on EIAs and SEAs.

Article 8

Bilateral and multilateral cooperation

(a) Agreements

I.30. Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)?:

- (a) No X
- (b) Yes Please specify with which countries:

If publicly available, please also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.

I.31. What issues do these bilateral agreements cover (appendix VI)? (more than one option may apply):

- (a) Specific conditions of the subregion concerned
- (b) Institutional, administrative and other arrangements
- (c) Harmonization of the Parties' policies and measures
- (d) Developing, improving, and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis
- (e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into the EIA

(f) Establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities

(g) Undertaking joint EIA, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies

(h) Other, please specify:

Your comments:

(b) Procedural steps required by the national legislation

I.32. Please describe the steps required in your national legislation for a transboundary EIA procedure:

(a) When EIA in a transboundary context is part of a domestic EIA procedure:
X *See the schematic table enclosed*

(b) When EIA in a transboundary context is a separate procedure (please provide of how this procedure links to the domestic procedure and whether the steps are different):

Alternatively, this question can be answered or supported by providing a schematic flowchart showing these steps.

Your comments:

I.33. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?:

(a) No X

(b) Yes (please specify):

(i) Special provisions:

(ii) Informal arrangements:

Your comments:

I.34. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for nuclear power plants (NPPs)?:

(a) No X

(b) Yes (please specify):

(i) Special provisions:

(ii) Informal arrangements:

Your comments:

**Part two
Practical application during the period 2013–2015**

Please report on your country's practical experiences in 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.

II.1. Does your country object to the information on transboundary EIA procedures that you provide in this section being compiled and made available on the website of the Convention? Please specify (indicate “yes” if you object):

(a) Yes

(b) No x

Your comments:

1. Experience in the transboundary environmental impact assessment procedure during the period 2013–2015

Cases during the period 2013–2015

II.2. If your country’s national administration has a record of transboundary EIA procedures that were under way during the reporting period, in which your country was Party of origin or affected Party, please list them in the tables II.2 (a) and II.2 (b) below (adding additional rows as needed).

Table II.2 (a)

Transboundary EIA procedures: As Party of origin

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
1. Encapsulati on and final repository for spent nuclear fuel	13/12/2005	The case were under way during the period, but the submission took place in 2016			
2. Offshore Wind farm at Finngrund en	06/10/2006	No final EIA report has been submitted			
3. European Spallation Source	04/05/2009	Two months	One month (additional information)		12/06/2014
4. Sahavaara mine	04/12/2009	Two months		One Month	No final decision. Case closed
5. Airport Sälen-Trysil	17/12/2009	Two months			11/02/2013

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
6. <i>Dredging of the shipping fairway and dumping, Falkenberg port</i>	02/03/2011	One month			08/05/2013
7. <i>Offshore wind farm at Södra Midsjöbanken</i>	30/06/2011	Two month			No final decision
8. <i>Final repository for short lived low and medium radioactive waste</i>	07/11/2011	No submission yet			
9. <i>Hån Wind power plant</i>	20/03/2013	One month			No final decision
10. <i>Nord Stream</i>	08/04/2013	No submission yet			
11. <i>Offshore windfarm Stora Middelgrunden N 2000</i>	04/03/2014	No submission yet			
12. <i>Decommissioning of nuclear power plant Ringhals 1o2</i>	15/12/2015	Started as an information to Denmark and Norway. Denmark asked to be notified.	No submission yet		

Your comments: *It was not clear if “Cases under way 2013-2015” only means cases were the notification took place under that period or if the case in any way was open during that period.*

Sweden normally doesn't separate the submission of the EIA-report and the consultation period. How long the PP have been, are not always reported back to us as Party of origin, but we suggest that the PP is about the same length as the submission of the report. When the EIA-report is submitted to more than one affected Party, the actual length of PP could differ between countries.

Table II.2 (a)

Transboundary EIA procedures: As affected Party

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
1.					
2.					
3.					
4.					
...					

Your comments:

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.

II.3. Translation is not addressed in the Convention. How has your country addressed the question of translation? What difficulties has your country as Party of origin and affected Party experienced relating to translation and interpretation, and what solutions has your country applied? (Please specify, among others, the parts and type of the documentation translated, language, costs, etc.):

(a) As Party of origin: Outside the Nordic countries Sweden communicate in English regarding notification letter, scoping document, EIA report, expert documents etc. We also translate the non-technical summary and other core parts of the EIA into the language of the affected party, decided case-by-case together with the developer. It is the developer's duty to translate the documents. Sometimes the developer also translate the final decision, otherwise we summarise the final decision in English in a letter. Inside the Nordic countries Swedish is acceptable but we need additional translation regarding Finland.

We have had some problems with comments and communications in other languages (not English) that we have to translate into Swedish or English and that take both time and resources.

(b) As affected Party: Mostly no problems with translated documents from party of origin. In a few cases we have had to ask for additional translations to English (from German) of core parts of EIA-reports, expert documents and so on and we have got what we have asked for without any problems. We ask agencies, NGO:s and the public for comments in English if possible when the party of origin is a non-Nordic country. If they yet answer in Swedish, SEPA translate the comments on the agency's own expense, before sending them.

II.4. Describe any difficulties that your country has encountered during transboundary public participation (expert consultation, public hearing, etc.), including on issues of timing, language and the need for additional information: Very limited experiences regarding public participation beside the submission of the EIA-report. One public hearing after the submission of the report was arranged together with Finland in Sweden regarding

the Pyhäjoki NPP.

Some problems with notifications and informations about projects sent directly from developers in Party of Origin without necessary information about the case and the possible transboundary impacts and without any references to the Espooconvention. Also a few notifications without easy accessible contact information (no e-mail or phone number directly to the responsible official in charge of the matter).

II.5. Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects or that of an NPP?:

- (a) Yes
- (b) No

II.6. If you answered yes to question II.5, please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements, special and common provisions, etc.), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.):

- (a) For joint cross-border projects:
- (b) For NPPs:

II.7. Name examples of good practice cases, whether complete cases or good practice elements (e.g., notification, consultation or public participation) within cases:

II.8. Would your country like to introduce a case in the form of a Convention "case study fact sheet"?:

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

II.9. Has your country carried out post-project analyses in the period 2013–2015:

- (a) No
- (b) Yes (please indicate which projects, along with the challenges in implementation and any lessons learned):

2. Experience in using the guidance in 2013–2015

II.10. Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online?:

(a) Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7):

- No
- Yes (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(b) Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix):

- No
- Yes (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(c) Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8):

No

Yes X (please provide details): The notification and the translation of documents.

Your experience with using this guidance: Satisfactory

Your suggestions for improving or supplementing the guidance:

3. Clarity of the Convention

II.11. Has your country had difficulties implementing the procedures defined in the Convention, either as Party of origin or as affected Party, because of a lack of clarity of the provisions?:

No X

Yes (please indicate which provisions and how they are unclear):

4. Suggested improvements to the report

II.12 Please provide suggestions for how this report may be improved. It has to be short and simple.