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

|  |  |
| --- | --- |
| Name of officer responsible for submitting the national report: |  |
| Signature:  |  |
| Date: 2 August 2017 |  |

 Implementation report

 Please provide the following details on the origin of this report

|  |  |
| --- | --- |
| **Party: Sweden** |  |
| **National Focal Point:** |
| Full name of the institution:Ministry of the Environment and Energy |  |
| Name and title of officer:Lina Oskarsson, Deputy Director |  |
| Postal address:103 33 Stockholm |  |
| Telephone:+46-8-405 53 72 |  |
| Fax:+46-8-24 16 29 |  |
| E-mail:lina.oskarsson@gov.se  |  |
| **Contact officer for national report (if different):** |
| Full name of the institution: |  |
| Name and title of officer: |  |
| Postal address: |  |
| Telephone: |  |
| Fax: |  |
| E-mail: |  |

 I. Process by which the report has been prepared

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

*Answer:*

This report has been prepared by the Ministry of the Environment and Energy. The comments of the public have been an important part of this work. In December 2016 a draft report was published on the government website, where the public were able to make comments. A referral for comment procedure has also been held on the draft, giving a large number of public authorities and organisations the opportunity to present their comments. As a result of the comments received, the report has been updated, supplemented and modified. Out-of-date, old and redundant information has been deleted. Due to the length limit the English edition of the report is shorter than the Swedish. The annex with comments received and response to the comments has been excluded.

 II. Particular circumstances relevant for understanding
the report

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

*Answer:*

International conventions do not have direct effect so they must be incorporated in Swedish law to be applicable. However, by ratifying a convention Sweden becomes bound by the convention in terms of international law and national regulations can be interpreted in the light of the convention.

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

The actions of Swedish public authorities are examined by the Parliamentary Ombudsmen (JO), [www.jo.se](http://www.jo.se), and the Chancellor of Justice (JK), [www.jk.se](http://www.jk.se), on their own initiative or following a complaint, for example, from the public. The Parliamentary Ombudsmen exercise supervision of the application of acts and other statutes in public activities on behalf of the Riksdag. Their supervision covers the courts and other authorities as well as the officials employed by them. The starting point for their activities is the interest of the individual in being treated by public authorities according to the law and in an otherwise correct manner. The Office of the Parliamentary Ombudsmen is part of the constitutional protection of the fundamental rights and freedoms of the individual. The Chancellor of Justice also exercises supervision of public authorities and their officials in order to check that acts and other statues are followed. This supervision focuses mainly on discovering systematic faults and errors in public activities. Both the Parliamentary Ombudsmen and the Chancellor of Justice have the right to bring charges as special prosecutors against officials for offences committed when performing their duties. However, they are not able to order a public authority to act. But their decisions are generally followed by public authorities.

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

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

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

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

1. With respect to **paragraph 2,** measures taken to ensure that officials and authorities assist and provide the required guidance;

*Answer:*

The service duties of the public authorities are a fundamental principle of administrative law in Sweden. Their service duties are set out in sections 4 and 5 of the Administrative Procedure Act (1986:223), which state that every public authority shall provide information, guidance, advice and similar assistance to individuals in matters concerning the activities of the authority. They also have to receive visits and accept telephone calls. A person who has contacted the wrong authority has to be helped to find the right one. Questions from individuals have to be answered as soon as possible.

Work is under way to make Swedish authorities even more accessible to the public by, for example, making them more accessible 24 hours a day via digital tools, see the account given below of implementation of Article 5, paragraphs 2 and 3.

1. With respect to **paragraph 3,** measures taken to promote education and environmental awareness;

*Answer:*

Work to promote environmental education and awareness is under way both in the school system and in other contexts.

As part of Sweden’s work on Agenda 2030 and the global goals for sustainable development the National Agency for Education is working specifically on Goal 4, Quality education for all. The National Agency for Education and other stakeholders are collaborating with Uppsala University to draft a national action plan for further work on developing learning for environment and sustainable development in Sweden through the UNESCO-led GAP project (Global Action Programme on Education for Sustainable Development). This plan will be an important part of work on meeting target 4.7 on ensuring by 2030 that all learners acquire the knowledge and skills needed to promote sustainable development.

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

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

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

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

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

The Swedish University of Agricultural Sciences (SLU) has more than 30 educational programmes in which sustainability aspects are a clear part of the programme’s profile and it conducts extensive research in the area of the environment. The University also has the task of continuously conducting environmental analysis.

The Official Statistics Act (2001:99) requires there to be official statistics for public information, investigative activities and research. The statistics shall be objective and publicly available. Statistics Sweden (SCB) is responsible for coordinating the system of official statistics and presenting a selection of statistics about Sweden in texts, infographics and interactive diagrams on [www.sverigeisiffror.scb.se](http://www.sverigeisiffror.scb.se). The content is based on the needs in the syllabus for civics in compulsory school and upper secondary school. In 2016 an environmental part, divided up into energy, waste and emissions, was added to Sweden in Figures ([www.sverigeisiffror.scb.se/hitta-statistik/sverige-i-siffror/miljo](http://www.sverigeisiffror.scb.se/hitta-statistik/sverige-i-siffror/miljo)). In the consortium Swedish Environmental Emissions Data *[Svenska MiljöEmissionsData]* Statistics Sweden produced the brochure “Your right to environmental information – the Swedish PRTR” in 2016 as a commission from the Swedish Environmental Protection Agency. It is aimed at the general public and is intended to describe the Aarhus Convention and its Protocol and what information is available in the Swedish Pollutant Release and Transfer Register (PRTR) and how the register can be used.

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

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

The Keep Sweden Tidy Foundation teaches children and young people about environmental issues, primarily through the Green Flag school network – Sweden’s largest network for sustainable development. The Foundation works to reduce litter, increase recycling and promote the environmental responsibility of individuals and organisations. The Foundation provides information about its work on [www.hsr.se](http://www.hsr.se).

In cooperation with the Foundation the Swedish Chemicals Agency has produced a lesson plan to increase children and young people’s knowledge of the risks of hazardous substances (<http://www.hsr.se/det-har-gor-vi/skola-forskola/kemikaliesmart-skola-och-forskola>). In cooperation with Denmark, Finland, Iceland and Norway the Agency has also launched hannashus.se, which is intended to be a tool for teachers to use in instruction about chemicals and about important warning signs. It is hoped that this tool will increase awareness among both children and adults and reduce the number of accidents linked to the use of chemicals in everyday life.

Everyone who hunts in Sweden has to pay a game management fee to be used to promote game management (Section 49 of the Hunting Ordinance (1987:905)). These fees are gathered in a game management fund. Part of the fund is used to finance research on game according to a special research programme. The purpose of the research is to contribute knowledge about sustainable game management.

Public authorities and private bodies hold great quantities of information and work is underway all the time to provide information about environmental issues, partly through environmental information on the internet, see under article 5.

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

*Answer:*

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

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

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

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

Environmental NGOs in Sweden receive financial support. The Swedish Environmental Protection Agency distributes funds to organisations in the environmental area each year. In 2016 the Agency awarded some SEK 48 million to the non-profit association and umbrella organisation Swedish Society for Nature Conservation, which has since 2011 had the task of distributing grants to various outdoor activity organisations under the Ordinance (2010:2008) on government grants to outdoor activity organisations. The Agency has also distributed grants of about SEK 14.5 million to 16 different non-profit environmental organisations whose work contributes to meeting the environmental quality objectives or one of the priority areas in the EU’s Seventh Environmental Action Programme.

Each year the water authorities distribute grants to water councils, which are local bodies for collaboration on water matters that have representatives from business, public authorities and non-profit organisations.

Each year the Government awards grants from the game management fund to various organisations, including hunting organisations, to enable them to contribute to making objective, knowledge-based and readily accessible information about game management and game research available to individuals.

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

The Swedish Consumer Agency gives grants (SEK 13 million each year) to organisations working on consumer issues. The purpose of the activities of these organisations must be to strengthen the power of consumers and their ability to make active choices. A substantial part of these grants go to organisations and activities to do with sustainable consumption.

The National Heritage Board allocates grants to non-governmental organisations active in the cultural field and in building conservation every year.

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

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

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

*Answer:*

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

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

*Answer:*

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

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

*Answer:*

There are various forms of consultation with respect to ongoing work in international forums dealing with environmental matters. For example, consultations at national level are generally held ahead of meetings of parties and negotiations in international environmental conventions and other forums. They normally take the form of meetings between representatives of the Government and of stakeholders such as NGOs, sectoral organisations, researchers and relevant agencies.

The Ministry of the Environment and Energy generally invites representatives of business, public authorities and environmental NGOs to meetings prior to meetings of the EU Environment Council. This is done primarily for informational purposes and to exchange knowledge and experience on the topic.

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

*Answer:*

See under (v)

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

*Answer:*

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

In the UNECE Sweden has advocated the transparency and accessibility of environmental information according to the Shared Environmental Information System (SEIS).

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

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

*Answer:*

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

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

 IV. Obstacles encountered in the implementation of article 3

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

*Answer*:

-

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

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

*Answer*:

-

 VI. Website addresses relevant to the implementation of article 3

*Give relevant website addresses, if available:*

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

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

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

*Answer*:

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

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

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

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

As regards the prohibition of discrimination in article 3, point 9 it can be mentioned in particular that the constitution guarantees everyone staying in the country the freedom to procure and receive information and otherwise acquaint themselves with the utterances of others, freedom of information (Chapter 2, Article 1, first paragraph, point 2 of the Instrument of Government). In can also be mentioned that, in principle, foreign citizens are equated with Swedish citizens regarding the right to access official documents (Chapter 14, Article 5 of the Freedom of the Press Act).

Also, and in particular, describe:

(a) With respect to **paragraph 1,** measures taken to ensure that:

(i) Any person may have access to information without having to state an interest;

*Answer*:

The Constitution gives Swedish citizens the right to access to information in official documents held by public authorities that is not covered by secrecy. In principle, foreign citizens are equated with Swedish citizens regarding this right. When an individual asks to access an official document, the public authority must not request more information about the applicant’s identity than is needed to examine a question of secrecy. Nor may the public authority inquire about the purpose of the request unless this information is needed to enable the authority to examine whether there is an impediment to releasing the document (Chapter 2, Articles 1 and 14 of the Freedom of the Press Act). This means that information that is not covered by secrecy has to be released without the authority being permitted to find out who is requesting the information and for what purpose.

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

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

*Answer*:

Under chapter 2, article 13 of the Freedom of the Press Act, a person who wishes to access an official document is also entitled to obtain a transcript or copy of it. This also follows from the Act on Environmental Information held by Certain Private-sector Bodies.

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

*Answer*:

Article 4, point 1(b) of the Convention has been implemented to the letter in the Act on

Environmental Information held by Certain Private-sector Bodies. This means that environmental information shall be made available in the form requested except when it is already available in another form or it is reasonable to make it available in another form. If the information is made available in another form than that requested, the reasons for this shall be given. The regulations in the Constitution must also be regarded as consistent with the requirements of the Convention, partly because an official document has to be made available to the person who wishes to access it in such a form that it can be read, listened to or otherwise comprehended (chapter 2, article 12 of the Freedom of the Press Act). There is an explicit obligation for the public authorities to ensure that it is possible for individuals to contact them by fax and email and that they can reply in the same way (Section 5 of the Administrative Procedure Act (1986:223)). The public authorities have to meet high standards concerning accessibility and assistance, and information technology is a central tool in developing the service provided by the administration.

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

*Answer*:

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

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

(i) Provide for exemptions from requests;

*Answer*:

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

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

*Answer*:

The fundamental idea in the Swedish legal system is that, on its own, the interest of secrecy can never decide the strength of secrecy protection; instead, it must always be weighed against the interest of insight and the weight of the interest of insight can be different in different contexts. The balance between the interest of secrecy and the interest of insight is already made when a secrecy provision is introduced, and is expressed by the provision stating whether a presumption of public nature or a presumption of secrecy shall apply to the information covered by the provision. In addition, a public authority that receives a request for the release of environmental information covered by secrecy regulations (i.e. information for which there is a provision about secrecy) must always consider whether it is apparent that the information is of such importance from an environmental perspective that general awareness of the information has precedence over the interest to be protected by secrecy. Both the Public Access to Information and Secrecy Act and the Act on Environmental Information held by Certain Private-sector Bodies contain a secrecy-override rule for information about emissions to the environment to the effect that information that would otherwise be covered by secrecy may nonetheless be released under certain conditions. Both Acts state explicitly which secrecy provisions do not apply to information about emissions to the environment (chapter 10, section 5 of the Public Access to Information and Secrecy Act and section 7 of the Act on Environmental Information held by Certain Private-sector Bodies). A decision rejecting a request for environmental information can be appealed, see under article 9 for more information.

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

*Answer*:

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

1. With respect to **paragraph 6,** measures taken to ensure that the requirement to separate out and make available information is implemented;

*Answer*:

If the whole of

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

1. With respect to **paragraph 7,** measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;

*Answer*:

It follows from general principles of administrative law that a decision of an administrative authority to refuse to access an official document shall, in principle, contain the justification for the decision as well as information about how to appeal it (sections 20 and 21 of the Administrative Procedure Act). Reasons for the ruling and information about how to appeal it shall also be given regarding a decision of a municipal authority or by a court. There are no explicit provisions about a deadline by which refusal decisions must be made. The requirements concerning prompt processing that follow from current regulations and firmly established case law in matters of releasing documents have already been described. In addition, section 7 of the Administrative Procedure Act contains a general requirement that matters have to be handled promptly. Moreover, under chapter 2, article 15 of the Freedom of the Press Act, an appeal against a decision to refuse a request to access an official document always has to be examined promptly.

1. With respect to **paragraph 8,** measures taken to ensure that the requirements on charging are met.

*Answer*:

Under chapter 2, article 12 of the Freedom of the Press Act a document that may be released shall be made available free of charge at the place where it is held. A charge may be made for copies (chapter 2, article 13, of the Freedom of the Press Act). The Fees Ordinance (1992:191) applies to central government authorities. Under section 15 an authority shall make a charge if it releases a copy or a transcript of an official document following a special request. The charges that may be made are calculated to fully recover costs and therefore have to cover the authority's costs for paper and use of the copying machine, for example (see Parliamentary Ombudsmen 6032-10 and RÅ (Yearbook of the Supreme Administrative Court) 1985 2:9). If an order is for ten pages or more a fee of SEK 50 shall made under the general rule. A charge of SEK 2 is made for every additional page (Section 16). Section 15 does not provide support for charging for digital copies. In case law an authority has been held to have the right to make a charge under Section 4, point 8 for releasing a document in electronic form. (Administrative Court of Appeal in Stockholm, case 4805-14). According to the cost price principle, municipalities are not allowed to make charges that more than cover the costs of the service being provided. The basis for deciding municipal charges is set out in charge schedules adopted by the municipal assembly. The Act on Environmental Information held by Certain Private-sector Bodies contains provisions stating that reasonable reimbursement may be obtained for costs associated with releasing information and that there has, in that case, to be a pre-determined schedule of charges for this. The Act on the re-use of public administration documents (2010:566) contains provisions stating that when documents are re-used a public authority may not make charges that exceed the costs of reproducing, providing and disseminating the documents (section 7). This Act implements Directive 2013/37/EU on the re-use of public sector information.

 VIII. Obstacles encountered in the implementation of article 4

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

*Answer*:

-

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

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

*Answer*:

The land and environment courts have a database called the environment book *[miljöboken]* that makes it easier to find rulings concerning permits for certain activities and measures under the Environmental Code (1998:808) or the Act (1998:812) containing Special Provisions concerning Water Operations. The land and environment courts, the Land and Environment Court of Appeal, the Swedish Courts Administration and the country administrative boards are able to search the database. Questions from the public go through these authorities. The Ministry of Justice has appointed an inquiry chair to consider whether certain public authorities need direct access to this database and to propose legislation where required.

 X. Website addresses relevant to the implementation of article 4

*Give relevant website addresses, if available:*

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

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

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

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

(a) With respect to **paragraph 1,** measures taken to ensure that:

(i) Public authorities possess and update environmental information;

*Answer*:

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

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

*Answer*:

As a result of a number of reporting provisions a large quantity of environmental information is held by public authorities. One example is the provision in Chapter 26, Section 20 of the Environmental Code (1998:808) that the operator of an environmentally hazardous activity shall present an annual environmental report to the supervisory authority. Another is the provisions about safety reports in the Act (1999:381) on measures to prevent and limit the consequences of serious accidents involving chemicals.

A third is the provisions on public insight in sections 19–21 of the Nuclear Activities Act (1984:3). These sections provide that a party that holds a licence to operate a nuclear facility is obliged to provide a local safety board insight into the safety and radiation protection work at the facility. The insight shall enable the board to obtain information about the work performed or planned at the facility and to compile material in order to inform the public about this work. Requirements about the reporting of emissions of radioactive substances from nuclear facilities and certain non-nuclear facilities are set out in the regulations of the Swedish Radiation Safety Authority. There are also requirements concerning reporting of the results of local environmental monitoring around nuclear facilities.

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

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

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

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

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

*Answer*:

Operations that entail a danger that an accident will cause serious damage to people or the environment are covered by special provisions in the Act on Protection against Accidents (2003:778) on the obligation to take measures to prevent or limit damage. The operator is required to analyse the risks of such accidents and to inform the authorities of emissions of poisonous or harmful substances or if there is an imminent risk of such emissions.

If an accident that can cause serious harm to people or the environment does occur or if there is imminent risk of such an accident, the operator has to notify the county administrative board, the Swedish Police Authority and the municipality where the plant is located under the provisions of the Ordinance on Protection against Accidents (2003:789). There are also special provisions in the Ordinance requiring the county administrative board to inform the public in the event of an emergency that involves a risk of radiation. The warning and information system called VMA [Important Notice to the Public) is used in the event of accidents and serious incidents and to warn and inform about disturbances to critical functions in society and in connection with extraordinary events. VMA notices are always sent by radio and TV and are sometimes supplemented with sound transmitters outdoors. A special warning system has been developed for use in the event of accidents at nuclear power stations. A particular feature of this system is that an alarm to the general public is already triggered by the operator at a very early stage of an accident, as soon as a number of criteria set up by the authorities have been met. After that the relevant county administrative board takes over the handling of civil protection measures including information to the public.

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

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

*Answer*:

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

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

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

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

The public is given a guide to the information held by public authorities through [www.sverige.se](http://www.sverige.se).

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

The National Post and Telecom Agency is the sectoral and supervisory authority in the areas of electronic communication and email. One of this Agency’s responsibilities is to ensure that everyone has access to electronic communications, including people with disabilities.

Language Act (2009:600) the language of the public sector is to be cultivated, simple and comprehensible. The Ordinance on the responsibility of government agencies for the implementation of disability policy (2001:526) lays down that these authorities shall work to ensure that their information is accessible to people with disabilities. The Discrimination Act (2008:567) states that everyone working in the public administration has an individual responsibility not to discriminate when they assist the public by, for example, providing information, guidance or advice. This means that reasonable measures have to be taken to offer information that is accessible to a person with a disability. This can, for example, involve reading a text out loud or saving a document as an accessible pdf.

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

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

*Answer*:

Both central government authorities and municipalities provide environmental information on their websites. All public authorities in the environmental area have databases accessible via the internet that contain a large number of publications available for free download.

The eGovernment Delegation has adopted official guidelines for work on websites in the public sector. As a result of the work of the Delegation, 21 public authorities are collaborating in a programme for collaboration between public authorities and the Swedish Association of Local Authorities and Regions on digitalisation of the public sector in Sweden. Its aims include simplifying people’s everyday lives and realising a more open public sector that supports innovation and participation (<http://www.esamverka.se/>). This cooperation has improved the possibilities of taking a holistic approach and of exchanging data.

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

The website of the Swedish Environmental Protection Agency, [www.naturvardsverket.se](http://www.naturvardsverket.se), contains information about the Aarhus Convention and relevant external links as well as the

Environmental Objectives Portal ([www.miljomal.se](http://www.miljomal.se)), which is a website for information about the Swedish system of environmental objectives and for the follow-up and evaluation of the Swedish environmental objectives. The environmental objectives is an umbrella term for a generational goal, sixteen environmental quality objectives and milestone targets that cut across objectives and are steps on the path to environmental quality objectives and the generational goal. The generational goal and the environmental quality objectives form the basis of Swedish environmental policy and steer Sweden’s actions in the EU and in international contexts. In May 2017 a new website was launched for environmental work in Sweden, [www.sverigesmiljomal.se](http://www.sverigesmiljomal.se). Eight public authorities with responsibility for the environmental quality objectives and the county administrative boards are behind the website. The website is intended to inspire companies and municipalities to work on the environment in a structured way.

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

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

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

The Geodata Portal has been developed by Lantmäteriet, Sweden’s national cadastral agency, as part of the implementation of the INSPIRE Directive. Lantmäteriet has the task of coordinating Swedish infrastructure for access to and the exchange of geographical environmental information and of ensuring that there is always a functioning access point to the system on the internet (geodata.se). Some of the information is open data that is made accessible without cost to the public. Lantmäteriet also has a number of open view services that the public can access ([www.lantmateriet.se](http://www.lantmateriet.se)). The Geodata Portal gives the public a simple and integrated way of reaching the services of many organisations and of searching for, finding, viewing and combining geographical information from different sources. The Portal enables geodata producers to describe their information and make it accessible via metadata. The Geodata Portal is Sweden’s link to the European geodata portal, the INSPIRE Geoportal. Information about Lantmäteriet's geoportal is also available in English.

In 2016 Statistics Sweden expanded the Environment subject area in its Statistics Database ([www.statistikdatabasen.scb.se](http://www.statistikdatabasen.scb.se)) by adding new tables about waste generated and treated and emissions of greenhouse gases. New statistics are also available for regional air pollutants per subsector and municipal water and waste water services. The database has also been expanded with tables about water use in industry, protected nature, localities, smaller localities and recreational areas as well as the environmental sector.

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

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

In the Forest Data Portal *[Skogsdataportalen]* (<https://www.skogsstyrelsen.se/sjalvservice/karttjanster/skogsdataportalen/>) the public can search for and explore geographical information mainly produced by the Swedish Forest Agency. The basic data also comes from collection work carried out by other public authorities. Anyone who has access to their own geographical system or software can download data and use it in their own software. The map service Pearls of the Forest *[Skogens pärlor]* presents valuable areas of forest and cultural relics in Swedish forests. It contains information about everything from key biotopes and marsh forests to cultural relics and national parks. It also has information about species observations and reported and completed fellings. Parts of the content of the reports are also published, but owner and property unit data are not. The information is updated every day. The maps make it easier for various actors to see whether a particular area has been reported for felling.

The Swedish Species Observation System ([www.artportalen.se](http://www.artportalen.se)), which is managed by the Swedish Species Information Centre at the Swedish University of Agricultural Sciences, is an open reporting system for observations of Sweden’s plants, animals and fungi. There are about 56 million observations in the system of almost 30 000 species, more than 600 000 unique visitors and about 8 500 reporters (January 2017). The purposes for which the information is used include nature conservation work and planning as well as input for EU reporting and the production of the Red List according to the criteria of the International Union for Conservation of Nature (IUCN). The basic principle is that reported observations are shown openly. Information about protected species is handled under the applicable secrecy legislation (chapter 20, section 1 of the Public Access and Secrecy Act (2009:400)).

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

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

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

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

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

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

The collections of the Swedish Museum of Natural History are an important environmental archive with long time series. The Museum is working on digitalising its collections and is cooperating with several other natural history museums in the DINA project (<https://www.dina-project.net/wiki/DINA_project>) for a common web-based information management system. User-friendly portals are being developed for searching the collections ([www.dina-web.net/naturarv](http://www.dina-web.net/naturarv)) and to give access to data including DNA sequences for species determination ([www.dina-web.net/dnakey](http://www.dina-web.net/dnakey)). The Swedish Museum of Natural History has been commissioned by the Swedish Research Council to be the Swedish node of the Global Biodiversity Information Facility, GBIF ([www.gbif.se](http://www.gbif.se)), an initiative established by the OECD. The Museum also spreads organism-specific information about, for example, plants in the Virtual Flora *[Virtuella floran]* <http://linnaeus.nrm.se/flora/welcome.html> and the fish of the world, [www.fishbase.se](http://www.fishbase.se).

The Government has set up a council for digitalisation of the public sector in Sweden and designated development authorities that are to work for digital renewal, partly in order to increase the accessibility of digital information. The Swedish Environmental Protection Agency has been commissioned to lead work in 2016-2018 on improving the accessibility of environmental information by collaborating concerning existing information and developing new information (<http://www.naturvardsverket.se/Miljoarbete-i-samhallet/Miljoarbete-i-Sverige/Regeringsuppdrag/Digitalt-forst--smartare-miljoinformation/>). The purpose is to achieve greater use of environmental information and contribute to meeting the climate challenge and to attaining the national environmental quality objectives and the generational goal. The Swedish Environmental Protection Agency is focusing this commission on supporting the transition to sustainability that is already under way in society by giving organisations and individuals more possibilities of participating and exerting influence. Several initiatives are under way concerning collaboration about environmental information, The Swedish Environmental Protection Agency has, for instance, started a joint programme involving several actors on implementation of the requirements for the provision of information in the Industrial Emissions Directive (Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions).

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

In 2016 the Swedish National Archives was commissioned by the Government to promote the work of central government authorities in 2016–2018 on making information and open data accessible. This commission includes responsibility for managing the online guide
 [www.vidareutnyttjande.se](http://www.vidareutnyttjande.se) and managing and developing the Open Data and PSI (Public Sector Information) portal [www.oppnadata.se](http://www.oppnadata.se).

As regards adaptation to climate change, there is a common multi-agency knowledge centre with a common portal containing environmental information, the Climate Change Adaptation Portal ([www.klimatanpassning.se](http://www.klimatanpassning.se)).

The National Heritage Board provides continuous information about current work in the area of the cultural environment via [www.raa.se](http://www.raa.se). The website can also be used to reach search functions including the Archaeological Sites and Monuments database, the Data Base of Built Heritage (BeBR), Swedish Open Cultural Heritage (SOCH), the Cultural Heritage photographic database (Kulturmiljöbild), etc.

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

The Swedish Food Agency provides information about food and the environment on [www.slv.se](http://www.slv.se).

The Swedish Meteorological and Hydrological Institute (SMHI) publishes environmental information on [www.smhi.se](http://www.smhi.se).

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

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

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

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

*Answer*:

Sweden has a well-developed system for monitoring the state of the country’s environment. National environment monitoring is organised in ten programme areas (Mountains, Health-related environment monitoring, Agricultural landscape, Coastal and sea areas, Landscape, Air, Environmental toxins coordination, Forest, Fresh water and Wetlands) which each include several sub-programmes (the national monitoring programme). The Swedish Environmental Protection Agency is responsible for coordinating national environment monitoring.

and the Swedish Agency for Marine and Water Management are jointly responsible for implementing national environment monitoring and the national environment monitoring programme. Each year they publish information about the state of the environment in the form of reports for different parts of the programme. Published reports are searchable in the Environmental Data Portal.

The results of national environment monitoring can also be accessed from other actors: IVL Swedish Environmental Research ([www.ivl.se](http://www.ivl.se)), the Swedish University of Agricultural Sciences, the Geological Survey of Sweden, the Swedish Meteorological and Hydrological Institute (SMHI) and other authorities publish reports based on information from environment monitoring on their websites. Statistics about the state of and changes to forests are available at [www.slu.se/miljoanalys/statistik-och-miljodata/](http://www.slu.se/miljoanalys/statistik-och-miljodata/) and are part of Sweden’s official statistics.

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

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

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

*Answer*:

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

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

The

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

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

*Answer*:

Distributors of chemicals are obliged to classify and label their products and to supply product information sheets to professional, industrial recipients. As regards products, consumers and others receiving a product have the right to information about the content in the product of particularly hazardous substances that are included in the EU's Candidate List. The Swedish Chemicals Agency's website has a form that consumers can print out and use when they want to ask about the content of hazardous substances in products. The EU Biocidal Products Regulation (Regulation (EU) No 528/2012 concerning the making available on the market and use of biocidal products) contains rules about whether and how to label products treated with biocidal products. The purpose of the labelling is to provide information that a product contains biologically active substances and how consumers can use the product without harming their health or the environment. The Swedish Chemicals Agency has produced a fact sheet to provide information about this obligation, <http://www.kemi.se/global/faktablad/faktablad-om-regler-for-biocidbehandlade-varor.pdf>. On the Swedish Chemicals Agency’s website it is also possible to give tips about deficiencies in the handling of chemicals, and each year the Agency receives about 300 tips from companies and the public. This helps the Agency to protect people and the environment and to get companies to comply with their obligations.

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

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

The Swedish Forest Stewardship Council is an organisation that has developed a forestry standard and an environmental labelling of products from responsible forestry. Wood-based products can also be PEFC-labelled. PEFC (the Programme for the Endorsement of Forest Certification) evaluates and endorses national standards for certification that meet the organisation’s criteria for responsible forestry. IVL Swedish Environmental Research is responsible for the international system of certified environmental product declarations, EPD (Environmental Product Declaration). These declarations are intended to provide accessible, quality-assured and comparable information about the environmental impact of products and services.

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

Central government authorities covered by the Ordinance concerning environmental management at government agencies (2009:907) – there are now 185 of them – have to have an environmental management system that integrates environmental considerations into their activities so that that the direct and indirect environmental impact of their activities is taken into account in a systematic way. This means, for instance, that these authorities have to have an environmental policy and adopted environmental objectives for their activities as well as an action plan for work to achieve these objectives. Each year these authorities have to make a report to the Swedish Environmental Protection Agency on their environmental management work. The Swedish Environmental Protection Agency has to support these authorities in this work and to present a summary of their reports to the Government each year. The Agency also awards points for and ranks the environmental management work of Swedish authorities.

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

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

*Answer*:

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

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

*Answer*:

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

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

*Answer*:

Sweden has

ratified the Protocol on pollutant release and transfer registers (PRTR) to the Convention. In connection with ratification the previous pollutant emission register (KUR), was replaced by the “Swedish Pollutant Release and Transfer Register” *[”Utsläpp i siffror”]*, which can be reached via the website of the Swedish Environmental Protection Agency or direct at the address <http://utslappisiffror.naturvardsverket.se/>. This register contains a database of pollutant releases from about the 1 100 largest companies in Sweden conducting environmentally hazardous activities. The public can use the website to access information about national pollutant releases and the PRTR is thus accessible and searchable via the Internet.

In the EU a register of pollutant releases has been developed to prevent and limit the consequences of serious accidents involving dangerous substances and in order to provide easily accessible and comparable environmental information about pollutant releases from industry (<http://prtr.ec.europa.eu/#/home>).

 XII. Obstacles encountered in the implementation of article 5

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

*Answer*:

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

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

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

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

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

*Answer*:

In 2016 Statistics Sweden presented 25 statistical news items and published six articles in the environmental area in its periodical *Welfare* ([www.scb.se/Valfard](http://www.scb.se/Valfard)) or on its website ([www.scb.se/sv\_/Hitta-statistik/Artiklar](http://www.scb.se/sv_/Hitta-statistik/Artiklar)). Statistics Sweden has also increased the number of tables in its statistical database ([www.statistikdatabasen.scb.se](http://www.statistikdatabasen.scb.se)) from 140 in 2015 to 167 in 2016. Just under 18 000 withdrawals in the environmental area were made from its statistical database in 2016 compared with 11 000 in 2015.

The Kalmar County Administrative Board (the Water Authority for the South Baltic) has a joint project with Wikimedia Sweden on spreading water information more widely via Wikipedia.

 XIV. Website addresses relevant to the implementation of article 5

*Give relevant website addresses, if available:*

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

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

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

*Answer*:

There is a long tradition of public participation in decision-making processes in the environmental area. For almost 40 years there has been an environmental permit process for industrial activities and other environmentally hazardous activities, such as sewage treatment works and waste treatment plants. Permit processes involve consultations with the public before a permit application is submitted to the permit authority; the publication of notice of the application and the gathering of opinions from the public, among others; a public meeting before the permit authority; and

a notice publishing the ruling of the permit authority. In the main, Sweden lived up to the requirements of the Convention about giving the public the possibility to participate in decision-making on environmentally hazardous activities even before the Convention was ratified. Over the years this possibility has been expanded to cover more types of activities at the same time as the formal requirements concerning, for example, the application, the environmental impact assessment and other supporting information have increased and been made more specific.

Also, and in particular, describe:

(a) With respect to **paragraph 1,** measures taken to ensure that:

(i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;

*Answer*:

Permits are required under the Environmental Code (1998:808) to conduct the activities covered by Annex I to the Convention. There are provisions on environmental impact assessments and other supporting information in chapter 6 of the Environmental Code that guarantee public participation in these permit examinations in accordance with the Convention. There are also provisions on permit processes in other Acts that refer to the Environmental Code’s provisions on consultations. This applies, for example, to the Electricity Act (1997:857). The construction of overhead electrical power lines with a voltage of 200 kV or more and a length of more than 15 km (point 17 in the Annex to the Convention) is subject to a permit under the Electricity Act, which refers to Chapter 6 of the Environmental Code with respect to the procedure for preparing an environmental impact assessment when applying for a permit.

The Roads Act (1971:948) and the Railway Construction Act (1995:1649) also contain provisions that refer to Chapter 6 of the Environmental Code. All measures that involve the construction of a road or a railway in the meaning given in the relevant sectoral act have to follow a formal planning process that means that the party who intends to build the road or railway has to draw up a road or railway plan. During work on drawing up the plan the party who intends to build the road or railway has to consult with the country administrative board, the municipalities affected and individuals who are affected. The consultation has to relate to the location, design and environmental impact of the road or railway. If the road or railway is likely to have a significant environmental impact, a consultation has also to be held with the other central government authorities and the public and organisations that are likely to be affected and the consultation also has to relate to the content and design of the environmental impact assessment that has to accompany the road or rail plan. The county administrative board has to work for the environmental impact assessment to have the direction and scope needed for the examination of the plan. The consultation has to be started a soon as possible and be adapted to the need in the specific case. The consultation procedure may be simplified in certain cases, and a consultation does not need to be held on the detailed location and design of a road in certain cases. The procedures for publication and public scrutiny may also be simplified in certain cases. During the consultation the county administrative board has to examine whether the road or rail project is likely to have a significant environmental impact according to the criteria stated in the Environmental Impact Statement Ordinance (1998:905). If the project is likely to have a significant environmental impact, an environmental impact assessment that meets the requirements of Chapter 6, Section 7 of the Environmental Code has to be drawn up and approved by the county administrative board before notification of it is published. If the project is not likely to have a significant environmental impact, details of the predictable effects of the activity on human health and the environment have to be provided as supporting information along with the plan. Similarly, in certain cases there is no need for an environmental impact assessment drawn up especially for the road or rail plan. The party who intends to building a road or railway has to publish notice of the proposal of the road or railway plan and the supporting information for it and subject it to public scrutiny. If an environmental impact assessment has been prepared, notice of it has to be published and it has to be made available to the public in accordance with Chapter 6, Section 8 of the Environmental Code. The Swedish Transport Administration examines the question of adopting a road or rail plan after consultation with the county administrative board. An affirmed plan is equated with a permit issued under the Environmental Code. If the permissibility of a road or rail project has to be examined by the Government, the environmental impact assessment has to be approved by the county administrative board before notice of the matter is published.

Section 1 b of the Act (1983:293) on establishing, expanding and cancelling public fairways and public ports also refers to Chapter 6 of the Environmental Code regarding the procedure for preparing an environmental impact assessment. In the same way a number of other acts contain references to Chapter 6 of the Environmental Code regarding activities that, while requiring a permit under the Environmental Code, are, in addition, obliged to have a permit under other acts, for example the Nuclear Activities Act (1984:3) and the Continental Shelf Act (1966:314).

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

*Answer*:

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

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

*Answer*:

Under provisions in the Environmental Code, anyone who intends to conduct an activity that requires a permit or a decision on permissibility has to consult with the country administrative board, the supervisory authority, and individuals who are likely to be particularly affected. The corresponding process is also guaranteed in transboundary contexts. Even before the consultation, the party who intends to conduct the activity has to provide information about the location, extent and nature of the activity and its anticipated environmental impact to the authorities and to any individuals particularly affected. When an environmental impact assessment has been prepared in a case or matter concerning an environmentally hazardous activity or water operation, notification to this effect has to be published together with the notification of the application (Chapter 6, Section 8 of the Environmental Code). The Environmental Code also contains requirements concerning the contents of the notice. After that, the application and the environmental impact assessment have to be made available to the public, which has to be given the opportunity to comment on them before the case or matter is dealt with. The documents in a permit application have to be made available not only at the decision-making authority but also at a keeper of the file, which can, for example, be a municipal office near the place where the activity is to be conducted.

According to a supplement to the Environmental Code (Chapter 22, Section 3 a) a notice shall, if it refers to a “Seveso activity”, contain special information about that (as part of action to increase information to the public, see Govt Bill 2014/15:60 p. 60).

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

*Answer*:

One requirement for a functioning process is that the public is offered a reasonable amount of time to gather information, take a position, and submit comments. Under Chapter 6, Section 4 of the Environmental Code, consultation has to be held well in advance of submitting a permit application and preparing the environmental impact assessment required. If the Land and Environment Court summons the parties to the main hearing in the case in connection with the notice of the application and the environmental impact assessment, the hearing may be held three weeks after the date of the notice at the earliest (chapter 22, section 17 of the Environmental Code).

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

*Answer*:

Under the Environmental Code, the party who intends to conduct an activity has to provide information, even before the consultation, about the location, extent and nature of the activity and its anticipated environmental impact to the authorities and to any individual particularly affected.

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

*Answer*:

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

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

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

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

*Answer*:

Everyone is entitled to access the content of the information under the principle of public access to information. There is no charge for access to the information. The Environmental Code contains explicit provisions about what information an environmental impact assessment has to contain. The Code also contains provisions about what information has to be made available to the public when notice of an application and an environmental impact assessment is published.

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

*Answer*:

After publication of the notice of the application and the environmental impact assessment, the documents have to be made available to the public and the public has to be given the opportunity to state an opinion on them before the case or matter is dealt with (chapter 6, section 8 of the Environmental Code).

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

*Answer*:

### Under the provisions of the Environmental Code, the decision-making authority has to take account of the result of consultations and opinions submitted by the public on the environmental impact assessment and the application (chapter 6, section 9, of the Environmental Code).

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

*Answer*:

The land and environmental court has to issue its judgment on the permit as soon as possible in the light of the nature of the case and the other circumstances (chapter 22, section 21 of the Environmental Code). If a main hearing has been held, the judgement has to be delivered within two months of the conclusion of the hearing unless there are exceptional circumstances. The parties have to be informed of the contents of the judgement in writing or by making the judgement available through the keeper of the file. Notices of judgements in application cases are published to a great extent. This is equally true of the decisions of the county administrative boards in application matters. The Ordinance concerning the period for making judgments and orders available etc. (2003:234) also contains provisions about the period for making documents available about how documents are to be made available and about information to individuals. The Swedish principle of public access to information also means that everyone has to be able to read the text of the decision. The Administrative Procedure Act (1986:223), and the Administrative Court Procedure Act (1971:291) and the Court Matters Act (1996:242) also contain rules about the issuing of judgements and decisions. The provisions of the Environmental Code, the Code of Judicial Procedure (1942:740), the Administrative Procedure Act and the Administrative Court Procedure Act also regulate the content of a judgment or decision. Section 29 of the Industrial Emissions Ordinance (2013:250) states that when a judgment in a permit case is sent to the Swedish Environmental Protection Agency or the Swedish Board of Agriculture, the reviewing authority shall particularly draw the attention of the authority to the fact that the judgment or order relates to industrial emission activities so as to make it easier for the authorities mentioned to fulfil their obligation to inform the public under Section 28 of the Ordinance.

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

*Answer*:

When an authority re-examines a permit, it is largely the same provisions about environmental impact assessments and consultations that apply as when an application for a new permit is made by the operator. However, an environmental impact assessment is not required in cases or matters concerning the re-examination of permit that are initiated by a pubic authority. Nor is an environmental impact assessment required in cases or matters concerning the variation or cancellation of conditions. If a variation of conditions means that human health or the environment may be affected, notice of the application is generally given in local newspapers so that the public is made aware of the application and can present comments on it. This means that public participation is guaranteed in the same way for re-examination as for new activities. If the case or matter has included an environmental impact assessment, notice is also given of the authority’s judgment or decision.

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

*Answer*:

See under section XXXIII.

 XVI. Obstacles encountered in the implementation of article 6

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

*Answer*:

-

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

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

*Answer*:

-

 XVIII. Website addresses relevant to the implementation of article 6

*Give relevant website addresses, if available:*

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

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

*Answer*:

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

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

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

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

*Answer*:

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

For example, the remit of the All Party Committee on Environmental Objectives includes giving the Government advice on how to achieve the national environmental quality objectives adopted by the Riksdag. The Committee on Environmental Objectives is to work in a broad dialogue with the community, including NGOs, in order to gather knowledge and anchor proposed strategies. The Committee holds hearings and seminars and invites representatives of NGOs to these meetings. Two representatives of environmental NGOs in Sweden, the Swedish Society for Nature Conservation and the WWF, have been experts to the Committee since it started in 2010.

The Government is working in a broad dialogue with civil society organisations and public authorities to prepare a national forest programme. The aim is for forests to contribute both to jobs and sustainable growth throughout the country and to the development of a growing bioeconomy. The participants in this work include representatives of the Swedish Association for the Promotion of Outdoor Life, the Swedish Society for Nature Conservation, the Swedish Association for Hunting and Wildlife Management, the Swedish Ornithological Society and the WWF.

In 2016 the Government appointed a national coordinator for its Fossil-free Sweden Initiative, the purpose of which is to prepare plans leading to fossil freedom along with companies and other actors. The coordinator is to provide a platform for dialogue and cooperation, both between these actors and the Government and between the actors themselves. The initiative includes more than 170 actors from business, municipalities, regions and organisations including the Swedish Society for Nature Conservation and the WWF.

Under the Water Quality Management Ordinance (2004:660) the water authorities have to plan their work so as to enable and encourage the participation of everyone affected by the management of water quality. Before a water authority makes a decision on quality requirements for bodies of surface and ground water and protected areas, management plans and programmes of measures to enable the environmental quality standards to be met or processes other questions under the Ordinance that are of substantial importance, the authority has to consult with the authorities, municipalities, organisations, operators and individuals affected by the decision. A party that prepares a draft of a programme of measures shall, by publishing notices in local newspapers or by other means, give those affected by the programme of measures the opportunity to present comments on the draft for at least six months and shall then present the comments and how they have been taken into account in a separate compilation (chapter 5, section 4 of the Environmental Code and chapter 6, section 7 of the Water Quality Management Ordinance). The notice of the draft programme of measures has to state that the draft is available to the public at the water authority and all county administrative boards and municipalities in the area covered by the programme as well as the time during which, and to whom, comments have to be presented. When a programme of measures has been affirmed, the water authority has to publish a notice to this effect as soon as possible in a local newspaper. Information about water authority consultations is also announced on their websites. For example, in the most recent consultation period about management plans, programmes of measures and environmental quality standards, the Bottenviken Water Authority, along with the county administrative boards in its district, arranged 13 local meetings hosted by the water councils and a workshop that attracted a hundred participants. Along with the county administrative boards, the water authorities support the development of the water councils. The water councils, which bring together various stakeholders linked to the use and management of water in one or more catchment areas, are intended to anchor work on water management locally. They offer a broad network of contacts for the dissemination of information on water management matters.

The public is also given the possibility of influencing decisions on the programme for comprehensive research and development for the safe management and disposal of nuclear waste that a party holding a licence to operate a nuclear reactor has to submit to the Swedish Radiation Safety Authority every third year for review and evaluation (section 12 of the Nuclear Activities Act (1984:3) and section 25 of the Nuclear Activities Ordinance (1984:14)). In conjunction with the review and evaluation of the programme the Agency invites various parties in society to take part in the process and make comments. The Agency also seeks comments from representatives of public authorities, municipalities, the public and business on the national plan for the management of radioactive waste that is established in accordance with Directive 2011/70/Euratom establishing a Community framework for the responsible and safe management of spent nuclear fuel and radioactive waste.

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

 XXI. Obstacles encountered in the implementation of article 7

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

*Answer*:

-

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

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

*Answer*:

-

 XXIII. Website addresses relevant to the implementation of article 7

*Give relevant website addresses, if available:*

*Answer*:

-

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

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

*Answer*:

The Government and other legislative bodies generally use a consultation procedure in work on drafting rules of general interest. The frequent gathering of comments from public authorities and the public in the course of preparing matters is a characteristic and important part of political decision-making in Sweden. The obligation to prepare government business is regulated specially in the Constitution. The Instrument of Government states explicitly that in preparing Government business the necessary information and opinions shall be obtained from the public authorities concerned. Information and opinions shall also be obtained from local authorities as necessary. Organisations and individuals shall also be given an opportunity to express an opinion as necessary (Chapter 7, article 2 of the Instrument of Government). The Riksdag Committee on the Constitution also considers in its annual examination of the Government whether administrative matters have been handled in accordance with the applicable principles of administrative law. The Administrative Procedure Act (1986:223) states that when authorities handle matters they have to consider the possibility of obtaining information and opinions from other authorities by themselves if necessary. To make it easier, for example, for the public to make comments on proposals referred for consultation, more “e-democracy” is being developed so as to increase the accessibility of information and the opportunities for dialogue with the aid of electronic information technology.

 XXV. Obstacles encountered in the implementation of article 8

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

*Answer*:

-

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

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

*Answer*:

-

 XXVII. Website addresses relevant to the implementation of article 8

*Give relevant website addresses, if available:*

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

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

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

(a) With respect to **paragraph 1,** measures taken to ensure that:

(i) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;

*Answer*:

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

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

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

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

*Answer*:

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

Public authorities also have considerable possibilities of re-examining their decisions. If a public authority finds that the decision it has issued is manifestly wrong, the authority has an obligation, under Section 27 of the Administrative Procedure Act, to change the decision in certain circumstances.

Both the re-examination procedure and the appeal procedure are free of charge.

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

*Answer*:

As a general rule, a decision of a public authority in a matter that relates to the exercise of public authority vis-à-vis an individual has to state the justification for the decision in writing (section 20 of the Administrative Procedure Act; section 23 of the Ordinance (1996:271) on Cases and Matters in the General Courts). A decision to refuse a request for environmental information has to be in writing if so requested by the applicant (chapter 6, section 3 of the Public Access to Information and Secrecy Act and section 8 of the Act on Environmental Information held by Certain Private Sector Bodies).

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

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

*Answer*:

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

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

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

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

The general right of environmental NGOs to appeal matters including permit decisions was introduced in chapter 16, section 13 of the Environmental Code in 1999. After Sweden became a party to the Convention, this provision was amended so that it now clearly states that the possibilities of appealing also cover supervisory decisions under Chapter 10 of the Environmental Code (decisions concerning remedial measures in the event of serious environmental damage) and the re-examination of or conditions in judgments or decisions. The provision has also been amended to cover more types of organisations. In addition, the criterion for how many members an organisation must have to have the right of appeal has been amended by reducing the number of members from 300 to 100. Non-profit associations or other legal persons whose primary purpose is to promote nature conservation or environmental protection interests and that are not run for profit have been operating in Sweden for at least three years and have at least 100 members or show in some other way that the organisation has public support now have the right to appeal.

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

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

In NJA 2012 p. 921 the Supreme Court affirmed that organisations that meet the criteria in chapter 16, section 13 of the Environmental Code have the right to appeal, but in cases where an organisation does not meet the criteria an assessment has to be made of all the circumstances in the particular case. According to the judgment the criteria must never be viewed in isolation from their underlying purpose, to establish whether an organisation has been active in such a way that it can be considered to represent the public, specifically in order to monitor nature conservation or environmental protection interests. The court concluded in that case that a generous assessment should be made of the right of environmental NGOs to appal since they can base their right to appeal on representing public interests, even in situations when no individuals can invoke such interests. The court referred to the preparatory works (Govt Bill 1997/98:45 Part 1 p. 486) and the judgment of the Court of Justice of the European Union in case C-115/09.

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

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

*Answer*:

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

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

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

Operative inspection and enforcement of activities is mainly performed by municipal committees and departments. This inspection and enforcement means that the municipality supervises compliance with the law and provides information and advice to the operator of the activities. The municipalities supervise that the activities do not result in any detriment to human health or the environment. The operator has a responsibility to conduct self-monitoring, which means that the operator has to continuously plan and control their activities so as to prevent harm and detriment to human health or the environment. Inspection and enforcement includes checking that this self-monitoring is working. The national authorities for supervision guidance are responsible for inspection and enforcement guidance. This responsibility is often shared with the county administrative boards, which provide guidance in their county. Inspection and enforcement guidance is intended to support the municipalities’ inspection and enforcement so that they can conduct effective and equivalent supervision.

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

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

(d) With respect to **paragraph 4,** measures taken to ensure that:

(i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;

(ii) Such procedures otherwise meet the requirements of this paragraph;

*Answer*:

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

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

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

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

*Answer*:

Under Swedish law an appealable decision of a court or other public authority shall always contain information about how to appeal the decision (see, for example, Section 21 of the Administrative Procedure Act). As mentioned above, the public has access to the decisions.

 XXIX. Obstacles encountered in the implementation of article 9

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

*Answer*:

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

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

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

*Answer*:

The access to justice of the public affected has been developed through case law.

Case law has, for example, given individuals the right to appeal decisions by public authorities not to apply for withdrawal or review under Chapter 24 of the Environmental Code, see for example Environment Court of Appeal (MÖD) 2011:46, where an individual affected was given the right to appeal a decision of a county administrative board not to request the withdrawal of a permit for environmentally hazardous activities. Under case law the Land and Environment Court of Appeal has also given individuals the right, in other contexts, to appeal decisions of public authorities not to take supervisory measures following complaints, see for example MÖD 2000:43 and 2004.31 where nearby residents were held to have the right to appeal a decision of a supervisory authority not to intervene against environmentally hazardous activities.

Case law has given environmental NGOs the right to also appeal decisions other than those stated explicitly in chapter 16, section 13 of the Environmental Code, including supervisory decisions under the Environmental Code other than those made under chapter 10. The justification given noted that decisions on supervision are not explicitly exempted in chapter 16, section 13 of the Environmental Code and referred to article 9, point 3 of the Aarhus Convention and Sweden’s obligations under EU law. The courts have also given the expression ‘decision concerning permits or exemptions’ a broad interpretation (MÖD 2012:47, MÖD 2012:48, MÖD 2013:6, MÖD 2014:30 and the judgment of the Land and Environment Court of Appeal of 18 March 2014 in cases M 11609-13 and MÖD 2015:17).

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

According to firmly established case law environmental NGOs have the right to appeal decisions under the Hunting Ordinance (1987:905) on hunting of species protected by Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, the “Habitats Directive” (see the judgment of the Administrative Court of Appeal in Stockholm in cases 4390-12 and 4396-12 and subsequent judgments). After the Supreme Administrative Court concluded in case no 312-15 that a prohibition in the Hunting Ordinance on appealing the decision of the Swedish Environmental Protection Agency in an appealed matter was contrary to EU law to the extent that the decision applies to hunting of a species protected by the Habitats Directive, the Government codified case law by amending the Hunting Ordinance so that decisions concerning hunting of large predators and other species protected by the Habitats Directive and decisions concerning hunting of wild birds are always appealed to a general administrative court.

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

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

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

 XXXI. Website addresses relevant to the implementation of article 9

*Give relevant website addresses, if available:*

 Articles 10-22 are not for national implementation.

 XXXII. General comments on the Convention’s objective

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

*Answer*:

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

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

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

(a) With respect to **paragraph 1 of article 6 bis** and:

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

*Answer*:

Under chapter 13, section 12 of the Environmental Code a permit is required for the deliberate release of genetically modified organisms (GMOs) in the environment or the placing on the market of products containing or consisting of such organisms. An application for a permit has to be made to the supervisory authority that is responsible for the supervisory area. That authority also examines permit matters. What authority is responsible depends on what organism and what use are involved. The Swedish Board of Agriculture is responsible for land-based genetically modified plants and animals and the use of GMO as feed. The Swedish Agency for Marine and Water Management is responsible for the release of fish. The Swedish Chemicals Agency is responsible for biological pesticides. The Swedish Food Agency is responsible for food products. The Swedish Medical Products Agency is responsible for medicinal products. The Swedish Food Agency is responsible for forest trees.

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

The gene technology authorities have a common web portal that has information about the regulatory framework that applies to GMOs [www.genteknik.nu](http://www.genteknik.nu).

The Swedish Gene Technology Advisory Board has the task of following national and international developments in the area of gene technology, monitoring ethical matters and providing advice to promote ethically justified and safe use of gene technology in order to protect human and animal health and the environment. The Board also has the task of spreading knowledge about the development of gene technology.

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

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

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

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

a. The nature of possible decisions;

b. The public authority responsible for making the decision;

c. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis;

d. An indication of the public authority from which relevant information can be obtained;

e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;

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

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

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

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

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

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

*Answer*:

-

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

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

*Answer*:

-

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

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

*Answer*:

-

1. Follow-up on issues of compliance

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

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

*Answer*:

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