

PREFACE

The Swedish Environmental Code was adopted in 1998 and entered into force 1 January 1999. The rules contained within 15 acts have been amalgamated in the Code. As many similar rules in previous statutes have been replaced with common rules, the number of provisions has been reduced. The Environmental Code is nonetheless a major piece of legislation. The Code contains 33 chapters comprising almost 500 sections. However, it is only the fundamental environmental rules that are included in the Environmental Code. More detailed provisions are laid down in ordinances made by the Government.

The translation takes account of amendments that have been made since the Code entered into force up to 1 August 2000. References to the laws adopting the amendments are given in parentheses and show the reference number of the law in question. However, laws regulating transitional arrangements or dates of entry into force have not been included.

The two annexes specifying the environmental classes of petrol and diesel fuels are not included in the translation.

The Ministry of Environment publishes the translation as a service to interested persons but takes no legal responsibility for the translation or for any consequences arising from its use.

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THE ENVIRONMENTAL CODE

PART ONE

GENERAL PROVISIONS

Chapter 1. Objectives and area of application of the Environmental Code

Section 1 The purpose of this Code is to promote sustainable development which will assure a healthy and sound environment for present and future generations. Such development will be based on recognition of the fact that nature is worthy of protection and that our right to modify and exploit nature carries with it a responsibility for wise management of natural resources.

The Environmental Code shall be applied in such a way as to ensure that:

1. human health and the environment are protected against damage and detriment, whether caused by pollutants or other impacts;
2. valuable natural and cultural environments are protected and preserved;
3. biological diversity is preserved;
4. the use of land, water and the physical environment in general is such as to secure a long term good management in ecological, social, cultural and economic terms; and
5. reuse and recycling, as well as other management of materials, raw materials and energy are encouraged with a view to establishing and maintaining natural cycles.

Section 2 The provisions of chapters 3 and 4 shall only be applicable in connection with the consideration of matters referred to in chapter 7, the examination of activities for which permits are required pursuant to chapters 9, 11 and 12 and the Government's permissibility assessments referred to in chapter 17 and also to the extent provided for in the Civil Aviation Act (1957:297), the Continental Shelf Act (1966:314), the Roads Act (1971:948), the Certain Pipelines Act (1978:160), the Establishment, Enlargement and Closure of Public Navigation Channels and Public Ports Act (1983:293), the Certain Peat Deposits Act (1985:620), the Planning and Building Act (1987:10), the Minerals Act (1991:45), the Sweden's Economic Zone Act (1992:1140), the Construction of Railways Act (1995:1649), the Electricity Act (1997:857) and the Natural Gas Act (2000:599). (Law 2000:600)

Section 3 In addition to the provisions of the Environmental Code, the provisions of other Acts shall be applicable to activities that may cause damage or detriment to human health, the environment or other interests that are protected by this Code.

The provisions of the Work Environment Act (1997:1160) shall be applicable to prevention of illness and accidents at work and to other matters relating primarily to the work environment.

Section 4 The relevant provisions of the Boundary River Agreement of September 16, 1971 between Sweden and Finland Act (1971:850) shall be applicable to certain environmentally hazardous activities and certain water operations.

Section 5 The Government may, to the extent necessary in order to strengthen defence preparedness in special circumstances, issue rules for the total defence by way of derogation from this Code; this shall not apply, however, to areas in which provisions must be enacted by law.

Section 6 Provisions concerning the consequences of the Treaty on European Union and other instruments and of the decisions of the European Communities are contained in the Act (1994:1500) on the Occasion of Sweden's Accession to the European Union.

Section 7 Section 26 of the Roads Act (1971:948) shall be applicable to refuse collection in certain road areas and adjacent areas.

Chapter 1, section 2 a and chapter 3, section 1 of the Civil Aviation Act (1957:297) shall be applicable to the flying of aircraft at supersonic speeds and the environment-worthiness of aircraft.

Section 23 of the Certain Pipelines Act (1978:160) shall be applicable in certain cases to the laying and use of pipelines.

Chapter 2 section 3 of the Natural Gas Act (2000:599) shall be applicable to building of natural gas pipelines. (Law 2000:600).

Chapter 2. General rules of consideration etc.

Section 1 In connection with the consideration of matters relating to permissibility, permits, approvals and exemptions and of conditions other than those relating to compensation, and in connection with supervision pursuant to this Code, persons who pursue an activity or take a measure, or intend to do so, shall show that the obligations arising out of this chapter have been complied with. This shall also apply to persons who have pursued activities that may have caused damage or detriment to the environment.

For the purposes of this chapter, 'measures' shall mean measures that are not of negligible significance in individual cases.

Section 2 Persons who pursue an activity or take a measure, or intend to do so, must possess the knowledge that is necessary in view of the nature and scope of the activity or measure to protect human health and the environment against damage or detriment.

Section 3 Persons who pursue an activity or take a measure, or intend to do so, shall implement protective measures, comply with restrictions and take any other precautions that are necessary in order to prevent, hinder or combat damage or detriment to human health or the environment as a result of the activity or measure. For the same reason, the best possible technology shall be used in connection with professional activities.

Such precautions shall be taken as soon as there is cause to assume that an activity or measure may cause damage or detriment to human health or the environment.

Section 4 In the case of activities and measures for whose purposes land or water areas are used, unless on a purely temporary basis, a suitable site shall be selected with regard to the provisions of chapter 1, section 1 and chapters 3 and 4.

Sites for activities and measures shall always be chosen in such a way as to make it possible to achieve their purpose with a minimum of damage or detriment to human health and the environment.

Section 5 Persons who pursue an activity or take a measure shall conserve raw materials and energy and reuse and recycle them

wherever possible. Preference shall be given to renewable energy sources.

Section 6 Persons who pursue an activity or take a measure, or intend to do so, shall avoid using or selling chemical products or biotechnical organisms that may involve risks to human health or the environment if products or organisms that are assumed to be less dangerous can be used instead. The same requirement shall apply to goods that contain or are treated with a chemical product or a biotechnical organism.

Section 7 The rules of consideration laid down in sections 2 to 6 shall be applicable where compliance cannot be deemed unreasonable. Particular importance shall be attached in this connection to the benefits of protective measures and other precautions in relation to their cost. The cost-benefit relationship shall also be taken into account in assessments relating to total defence activities or where a total defence measure is necessary.

A decision reached in accordance with the first paragraph must not entail infringement of an environmental quality standard referred to in chapter 5.

Section 8 Persons who pursue or have pursued an activity or taken a measure that causes damage or detriment to the environment shall be responsible, until such time as the damage or detriment ceases, for remedying it to the extent deemed reasonable pursuant to chapter 10. Where this Code so provides, the person may be liable for compensation for the damage or detriment instead.

Section 9 If an activity or measure is likely to cause significant damage or detriment to human health or the environment, even where protective measures and other precautions are taken as required by this Code, the activity or the measure may only be undertaken in special circumstances.

An activity or measure must not be undertaken if it is liable to lead to a significant deterioration in the living conditions of a large number of people or substantial detriment to the environment.

The provisions of the first and second paragraph shall not be applicable where the Government permits the activity pursuant to chapter 17, section 1, 3 or 4.

Section 10 If an activity or measure is of particular importance for reasons of public interest, the Government may permit it even in the circumstances mentioned in section 9, second paragraph. Nevertheless, this shall not apply if the activity or measure is likely to be detrimental to public health. Conditions may be attached to decisions taken pursuant to the first paragraph in order to safeguard a public interest.

Chapter 3. Basic provisions concerning the management of land and water areas

Section 1 Land and water areas shall be used for the purposes for which the areas are best suited in view of their nature and situation and of existing needs. Priority shall be given to use that promotes good management from the point of view of public interest.

Section 2 Large land and water areas that are not, or are only to a small extent, affected by development projects or other environmental intrusion shall, to the extent possible, be protected against measures that may significantly affect their character.

Section 3 Land and water areas that are particularly vulnerable from an ecological point of view shall, to the extent possible, be protected against measures that may damage the natural environment.

Section 4 Agriculture and forestry are of national importance.

Agricultural land that is suitable for cultivation may only be used for development or building purposes if this is necessary in order to safeguard significant national interests where this need cannot be met satisfactorily from the point of view of public interest by using other land.

Forest land that is of importance for forestry shall, to the extent possible, be protected against measures that may be prejudicial to rational forestry.

Section 5 Land and water areas that are important for reindeer husbandry, commercial fishing or aquaculture shall, to the extent possible, be protected against measures that may significantly interfere with the operation of these industries.

Areas that are of national interest for the purposes of reindeer husbandry or commercial fishing shall be protected against measures referred to in the first paragraph.

Section 6 Land and water areas, as well as the physical environment in general, that are important for reasons of public

interest on account of their natural or cultural value or for outdoor recreation shall, to the extent possible, be protected against measures that damage the natural or cultural environment. Special consideration shall be given to the need for green spaces in and near urban areas.

Areas of national interest for the purposes of nature conservation, conservation of the cultural environment or outdoor recreation shall be protected against measures referred to in the first paragraph.

Section 7 Land and water areas that contain valuable substances or materials shall, to the extent possible, be protected against measures that may be prejudicial to their extraction.

Areas that contain deposits of substances or materials of national interest shall be protected against measures referred to in the first paragraph.

Section 8 Land and water areas that are particularly suitable as sites for facilities for industrial production, energy production, energy distribution, communications, water supply or waste treatment shall, to the extent possible, be protected against measures that may be prejudicial to the establishment or use of such sites.

Areas that are of national interest on account of facilities mentioned in the first paragraph shall be protected against measures that may be prejudicial to the establishment or use of such sites.

Section 9 Land and water areas that are important for total defence purposes shall, to the extent possible, be protected against measures that may be detrimental to the interests of the total defence.

Areas that are of national interest because they are needed for total defence installations shall be protected against measures that may be prejudicial to the establishment or use of such sites.

Section 10 Where any of the areas mentioned in sections 5 to 8 are of national interest for incompatible purposes, priority shall be given to the purpose or purposes that are most likely to promote sustainable management of land, water and the physical environment in general. If the area, or part of the area, is needed

for a total defence installation, priority shall be given to the defence interest.
Decisions taken pursuant to the first paragraph must not be contrary to the provisions of chapter 4.

Chapter 4. Special provisions concerning land and water management in certain areas in Sweden

Section 1 The areas mentioned in sections 2 to 7 are of national interest in their entirety in view of the natural and cultural assets that exist there. Development projects or other environmental interventions may only be undertaken in these areas where they are not contrary to the provisions of sections 2 to 7 and can be implemented in a manner that does not significantly damage the natural and cultural assets of these areas.

The provisions of the first paragraph and sections 2 to 6 shall not be an obstacle to the development of existing urban areas or local industry or the construction of installations that are needed for the purposes of the total defence. Where special circumstances exist, these provisions shall not prevent the erection of structures for the extraction of deposits of substances or materials referred to in chapter 3, section 7 second paragraph.

Section 2 In the following areas special consideration shall be given to the interests of tourism and outdoor recreation, in particular outdoor recreational exercise, in connection with assessments of the permissibility of development projects or other environmental intrusion:

- the coastal area and archipelago of Bohuslän from the Norwegian border to Lysekil;

- the coastal area of Halland;

- Kullaberg and Hallandsåsen and the adjoining coastal areas;

- the coastal area of Skåne from Örnahusen south of Skillinge to Åhus;

- the coastal areas and archipelagoes of Småland and Östergötland from Oskarshamn to Arkösund;

- the coastal areas and archipelagoes of Södermanland and Uppland from Oxelösund to Herräng and Singö;

- the coastal area and archipelago of Ångermanland from Storfjärden at the mouth of the Ångermanälven river to Skagsudde;

- the coastal area and archipelago of Norrbotten from Bondöfjärden to the Finnish border;

- Öland;

- Gotland;

the lake and ridge landscape around the Romeleåsen ridge in Skåne;

Lake Åsnen, including islands and shore areas, and the areas to the south around the Mörrumsån river and Lake Mien to Pukaviksbukten Bay and Listerlandet;

Lake Vänern, including islands and shore areas;

Lake Vättern, including islands and shore areas;

Tiveden forest and the areas around Lake Uden and Lake Viken and the area around the Göta Canal between Karlsborg and Sjötorp;

the Dalsland-Nordmarken area from Mellerud and Lake Ånimmen near Lake Vänern to the lake system from Dals-Ed in the south to Årjäng and Östervallskog in the north;

Fryksdalen from Kil to Torsby and the area around the upper reaches of the Klarälven river in Torsby municipality;

Lake Mälaren, including islands and shore areas;

the Malingsbo-Kloten area between Storå, Kopparberg, Smedjebacken and Skinnskatteberg;

the area around the Dalälven river from Avesta to Skutskär;

Lake Siljan and Lake Orsasjön, including islands and shore areas, and the area around the Oreälven river, Lake Skattungen and Lake Oresjön, including the area to the south from Gulleråsen and Boda to Rättvik;

the area around the Ljusnan river from Färila to Bergvik;

the Vindelådalen river valley;

the mountain area from the Transtrandsfjällen mountains in the south to Tretriksroset, with the exception of the mountain areas mentioned in section 5.

Section 3 Activities and operations referred to in chapter 17, section 1, points 1-11 and 17 must not be established in the coastal areas and archipelagoes of Bohuslän from the Norwegian border to Brofjorden, in Småland and Östergötland from Simpevarp to Arkösund, in Ångermanland from Storfjärden at the mouth of the Ångermanälven river to Skagsudde, or in Öland.

Section 4 In coastal areas and archipelagoes from Brofjorden to Simpevarp and from Arkösund to Forsmark, along the coast of Gotland, in Östergarn and Storsudret, Gotland and Färö, permanent recreation accommodation may only be built as a complement to existing buildings. Nevertheless, where special reasons exist, other recreation accommodation may be built, in

particular accommodation that satisfies the needs of outdoor recreational exercise or consists of simple holiday houses near the main centres of population.

In the areas mentioned in the first paragraph, activities and operations referred to in chapter 17, section 1, points 1-7 and 10-11 may only be established in locations where activities and operations already exist that are subject to a permit application procedure pursuant to those provisions.

Section 5 Buildings and structures may only be established in the Långfjället-Rogen, Sylarna-Helags, Skäckerfjällen, Burvattnet, Hotagsfjällen, Frostviken-Borgafjällen, Marsfjällen-Vardofjällen, Artfjället, Tärna-Vindelfjällen, Sarek-Mavas, Kebnekaise-Sjaunja, Rostu and Pessinkin mountain areas where they are necessary for the purposes of reindeer husbandry, the resident population, scientific research or outdoor recreational exercise. Other measures may only be taken in these areas if they do not affect their character.

Section 6 Hydroelectric power stations must not be built and water regulation and diversion for the purposes of power generation must not be undertaken in the Torneälven, Kalixälven, Piteälven and Vindelälven national rivers, including their water areas, source rivers and tributaries, nor in the following water areas, including their source rivers and tributaries:

The Dalälven river	The upstream section of the Västerdalälven river The Hummelforsen and Österdalälven rivers upstream of Trängslet
The Ljusnan river	The Voxnan river upstream of Vallhaga
The Ljungan river	The Ljungan river upstream of Lake Storsjön and the Gimån river upstream of Lake Holmsjön
The Indalsälven river	The Åreälven, Ammerån, Storån-Dammån and Härkan rivers

The Ångermanälven river

The Lejarälven river, the Storån river upstream of Lake Klumpvattnet, the Långselån-Rörströmsälven river, the Saxån river, the Ransarån river upstream of Lake Ransarn and the Vojmán river upstream of Lake Vojmsjön

The Vapstälven river
The Moälven river
The Lögdeälven river
The Öreälven river
The Umeälven river

The Tärnaån, Girjesån and Juktån rivers upstream of Lake Fjosoken

The Sävarån river
The Skellefteälven river

The source rivers upstream of Lake Sädvajaure, Lake Riebnes and the Malån river

The Byskeälven river
The Åbyälven river
The Luleälven river

The Stora Luleälven river upstream of Lake Akkajaure, the Lilla Luleälven river upstream of Lake Skalka and Lake Tjaktjajaure, and the Pärälven river

The Råneälven river
The Emån river
The Bräkneån river
The Mörrumsån river
The Fylleån river
The Enningdalsälven river

The Enningdalsälven river upstream of the Norwegian border

Hydroelectric power stations must not be built and water regulation and diversion for the purposes of power generation must not be undertaken in the following sections of river:

The Klarälven river	The section between Höljes and Edebäck
The Dalälven river	The Västerdalälven river downstream of Skiffsforsen and the Dalälven river downstream of Näs bruk
The Ljusnan river	The section between Hede and Svegsjön and the section between Laforsen and Arbråsjöarna
The Ljungan river	The section between Lake Havern and Lake Holmsjön and the section downstream of Viforsen
The Indalsälven river	The Långan river downstream of Lake Landösjön
The Ångermanälven river	The Faxälven river between Edsele and Lake Helgumsjön
The Umeälven river	The Tärnaforsen river between Lake Stor-Laisan and Lake Gäuta

The first and the second paragraph shall not apply to water operations that only make a minor environmental impact.

Section 7 The Ulriksdal-Haga-Brunnsviken-Djurgården area is a national urban park.

New development, new buildings and other measures shall only be permissible in national urban parks if they can be undertaken without encroaching on park landscapes or the natural environment and without detriment to any other natural and cultural assets of the historical landscape.

Chapter 5. Environmental quality standards

Provisions concerning environmental quality

Section 1 The Government may issue rules with respect to certain geographical areas or to the country as a whole concerning the quality of land, water, air or the environment in general if this is necessary in order to provide lasting protection for human health or the environment or to remedy adverse effects on human health or the environment (environmental quality standards).

The Government may instruct a public authority to issue environmental quality standards arising out of Sweden's membership of the European Union.

Matters to be specified in environmental quality standards

Section 2 Environmental quality standards shall specify the levels of pollution or disturbance to which the population may be exposed without any risk of significant detriment or to which the environment or nature may be exposed without any risk of substantial detriment.

The levels specified in environmental quality standards must be complied with after a specified date. They shall indicate:

1. the maximum or minimum occurrence in soil, surface water and groundwater, air or the environment in general of chemical products or biotechnical organisms;
2. the maximum levels for noise, vibration, light, radiation or other such impacts; or
3. the maximum or minimum level or value relating to the water level or the flow in water systems, watercourses, groundwater or parts thereof.

Environmental quality standards may also specify the maximum or minimum occurrence in surface water and groundwater of organisms that can serve as indicators of the state of the environment.

Environmental quality standards shall be reviewed whenever necessary.

Compliance with environmental quality standards

Section 3 Public authorities and municipalities shall ensure compliance with the environmental quality standards that are adopted pursuant to section 1 in connection with:

- decisions concerning permissibility, permits, approvals, exemptions and notifications,
- supervision; or
- the issuance of rules.

Municipalities and public authorities shall comply with environmental quality standards in conjunction with planning.

Section 4 Activities shall be pursued in such a way as not to infringe environmental quality standards.

Provisions pursuant to which permits must not be granted for activities which entail the infringement of an environmental quality standard are contained in chapter 16, section 5. Provisions pursuant to which permits or conditions attached to permits may be reviewed where the activity is significantly responsible for the infringement of an environmental quality standard are contained in chapter 24, section 5, point 2.

Action programmes

Section 5 An action programme shall be established if this is necessary for compliance with an environmental quality standard or in consequence of Sweden's membership of the European Union. In such cases the Government shall, in connection with the issuance of rules pursuant to section 1 or when the need arises, adopt such an action programme or decide that one or more public authorities or municipalities shall establish such action programmes. The Government may instruct a public authority to adopt an action programme arising out of Sweden's membership of the European Union.

In the event of failure to comply with an environmental quality standard for a geographical area because the environment is affected by an activity pursued outside the area, the Government or the authority appointed by the Government shall establish an action programme for the whole of the area in which there occur disturbances that affect the possibility of compliance with the standard.

Before a public authority or municipality establishes an action programme, it shall consult other authorities and municipalities that are affected and operators who are significantly affected. An action programme that is established by a municipality shall be adopted by the municipal council.

The action programme shall be sent to the authorities designated by the Government.

For the purposes of this section, 'municipalities' shall include associations of municipalities.

Section 6 An action programme may relate to any activities that may affect the levels of pollution or disturbance referred to in section 2 first paragraph. An action programme shall specify:

1. the environmental quality standard that is to be complied with;
2. the measures to be taken to ensure compliance with the environmental quality standard by the date referred to in section 2 second paragraph;
3. the authorities and municipalities which shall ensure that the specified measures are taken; and
4. the time limits by which the measures are to be completed.

Action programmes shall be reviewed whenever necessary, and at least once every five years.

Examination of action programmes

Section 7 The Government may provide that certain action programmes shall be examined by the Government.

Action plans

Section 8 The Government may establish any action plans that may be necessary in consequence of Sweden's membership of the European Union or decide that one or more authorities or municipalities or associations of municipalities shall establish such action plans.

Measurements and checks

Section 9 In connection with the issuance of the rules referred to in section 1 the Government shall also decide who shall carry out the measurements that are needed to check compliance with an environmental quality standard.

The Government or the authority appointed by the Government may issue rules concerning measuring methods and the presentation of results.

Chapter 6. Environmental impact statements and other decision guidance data

When environmental impact statements are required

Section 1 An environmental impact statement shall be submitted together with an application for a permit referred to in chapters 9, 11 and 12 or in rules issued pursuant to this Code. Such a statement shall also be submitted for the purposes of permissibility assessments pursuant to chapter 17.

The Government may provide that an environmental impact statement shall also be prepared for the purposes of applications for exemption or other matters governed by this Code or rules issued in pursuance thereof where this is necessary to make it possible to assess the environmental impact. The Government may also provide for exemptions from the requirement to prepare an environmental impact statement pursuant to the first paragraph where the environmental impact of the activities is likely to be minor.

Section 2 Where it is necessary to facilitate an assessment of environmental impact, the Government may provide that an environmental impact statement shall be submitted:

1. in a matter governed by another Act which provides that human health or the environment shall be taken into account in connection with application of the Act;
2. in matters other than those referred to in section 1 to which the Environmental Code is applicable.

The provisions of this chapter shall be applicable to environmental impact statements referred to in the first paragraph, unless other provision is made.

The purpose of environmental impact assessments

Section 3 The purpose of an environmental impact assessment is to establish and describe the direct and indirect impact of a planned activity or measure on people, animals, plants, land, water, air, the climate, the landscape and the cultural

environment, on the management of land, water and the physical environment in general, and on other management of materials, raw materials and energy. Another purpose is to enable an overall assessment to be made of this impact on human health and the environment.

The purpose of an environmental impact assessment involving an activity covered by the Act (1999:381) on Measures to Prevent and Limit the Consequences of Serious Chemical Accidents, is also to identify and assess factors surrounding the activity that may affect its safety. (Law 1999:385)

Early consultations and decisions concerning a significant environmental impact

Section 4 Persons who intend to pursue an activity or take a measure for which a permit or decision concerning permissibility is required pursuant to this Code or to rules issued in pursuance thereof shall consult the county administrative board at an early stage. They shall also consult private individuals who are likely to be affected and must do so in good time and to an appropriate extent before submitting an application for a permit and preparing the environmental impact statement that is required in accordance with section 1. Prior to consultation, a person who intends to pursue an activity shall submit information about the location, extent and nature of the planned activity and its anticipated environmental impact to the county administrative board and any private individuals affected.

The provisions of the first paragraph shall also apply to matters for which an environmental impact statement is required pursuant to section 1 second paragraph.

Following the consultation, the county administrative board shall decide whether the activity or measure is likely to have a significant environmental impact. Such a decision shall not be appealable. Before the decision is taken, an opinion shall be obtained on the matter from the supervisory authority, provided that the latter is not a county administrative board.

The Government may specify activities and measures that are always likely to have a significant environmental impact.

Extended consultations, including an environmental impact assessment

Section 5 If the county administrative board decides pursuant to section 4 that the activity or measure is likely to have a significant environmental impact, an environmental impact assessment procedure shall be held. In such a procedure the person who intends to undertake the activity or measure shall consult the other government agencies, the municipalities, the citizens and the organizations that are likely to be affected. The consultation shall relate to the location, scope, design and environmental impact of the activity or measure and the content and structure of the environmental impact statement.

Section 6 If an activity or measure is likely to have a significant environmental impact in another country, the responsible authority designated by the Government shall inform the competent authority in that country about the planned activity or measure and give the country concerned and the citizens who are affected the opportunity to take part in a consultation procedure concerning the application and the environmental impact assessment.

Such information shall also be supplied where another country which is likely to be exposed to a significant environmental impact so requests.

Contents of environmental impact statements

Section 7 An environmental impact statement relating to an activity or measure that is likely to have a significant environmental impact shall contain the information that is needed for the purpose referred to in section 3, including:

1. a description of the activity or measure with details of its location, design and scope;
2. a description of the measures being planned with a view to avoiding, mitigating or remedying adverse effects, for example action to prevent the activity or measure leading to an infringement of an environmental quality standard referred to in chapter 5;
3. the information that is needed to establish and assess the main impact on human health, the environment and management of

land, water and other resources that the activity or measure is likely to have;

4. a description of possible alternative sites and alternative designs, together with a statement of the reasons why a specific alternative was chosen and a description of the consequences if the activity or measure is not implemented; and

5. a non-technical summary of the information specified in points 1-4.

If the county administrative board decides pursuant to section 4 third paragraph that the activity or measure is likely to have a significant environmental impact, it may require that a report describing similar ways of achieving the same purpose be submitted in conjunction with the description of alternative designs mentioned in the first paragraph, point 4.

In the case of activities or measures that are not likely to have a significant environmental impact, the environmental impact statement shall contain the information specified in the first paragraph to the extent necessary in view of the nature and scope of the activity or measure.

An application in application cases shall, according to chapter 22, section 1, first paragraph, point 6 contain a security report if the activity applies on the Act (1999:381) on Measures to Prevent and Limit the Consequences of Major Chemical Accidents. (Law 1999:385)

Notification and opportunity to comment

Section 8 When an environmental impact statement is prepared in a case or matter relating to environmentally hazardous activities or water operations, notification thereof shall be published together with the notice of the application referred to in chapter 19, section 4 and chapter 22, section 3. If an environmental impact statement has been prepared for another case or matter concerning an activity or measure that is likely to have a significant environmental impact, notification thereof shall be published. If an application has been submitted, notification of the environmental impact assessment shall be published together with notification of the application. The application and the environmental impact statement shall thereafter be made available to the public, which shall be given the opportunity to comment on them before the case or matter is dealt with.

When a judgment or a decision is delivered in the case or the matter, it shall be published. At the same time, details shall also be published of how the public can obtain access to information about the decision. The responsible authority in the state with which consultation has taken place pursuant to section 6 shall also be informed.

Approval and consideration of environmental impact statements

Section 9 The authority that processes an application in a case or matter in which an environmental impact statement is required shall, by separate decision or in connection with the decision on the case or matter, state whether the environmental impact statement satisfies the requirements laid down in this chapter. Such decisions may not be appealed against separately, but only in connection with an appeal against the decision on the case or matter.

When examining applications, the authority shall consider the content of the environmental impact statement and the result of the consultations and opinions referred to in sections 4 to 6 and 8.

The cost of environmental impact statements

Section 10 The cost of an environmental impact statement and an environmental impact assessment procedure shall be borne by the person submitting an application referred to in section 1 or who is otherwise required to prepare an environmental impact statement.

Plans and planning documents

Section 11 Authorities which are required to apply this Code shall ensure that any plans required pursuant to the Planning and Building Act (1987:10), together with the relevant planning documents, that are needed to clarify matters relating to management of land and water are made available in the case or matter.

If the authority so requests, the municipality must supply plans required pursuant to the Planning and Building Act and the relevant planning documents.

Section 12 The county administrative board shall collate any studies, programmes and other planning documents in the possession of government agencies that are relevant to land and water management in the county. Upon request, the county administrative board must make such planning documents available to the municipalities and authorities responsible for applying this Code and to any person who is required to prepare an environmental impact statement.

Section 13 In an individual case the Government may decide that one or more municipalities must declare to the Government or some other authority how the municipality or municipalities, in their planning pursuant to the Planning and Building Act (1987:10), intend to:

1. implement an action programme pursuant to chapter 5, section 5 or otherwise facilitate compliance with environmental quality standards referred to in chapter 5; and
2. safeguard interests relating to management of land and water pursuant to chapters 3 and 4.

Government authorities shall notify the Government if the need for such a declaration arises.

PART TWO

PROTECTION OF NATURE

Chapter 7. Protection of areas

The right of access to private land etc.

Section 1 Any person who exercises the right of access to private land or is in the countryside for any other reason shall treat it with due care and consideration.

National parks

Section 2 A land or water area that belongs to the state may with the consent of Parliament be designated a national park by the Government for the purpose of preserving a large contiguous area of a certain landscape type in its natural state or essentially unchanged.

Section 3 Rules concerning the upkeep and management of national parks and restrictions on the right to use land or water in national parks may be issued by the Government or the authority appointed by the Government.

Nature reserves

Section 4 A land or water area may be declared a nature reserve by a county administrative board or a municipality for the purpose of preserving biological diversity, protecting and preserving valuable natural environments or satisfying the need of areas for outdoor recreation.

Any area that is needed for the purpose of protecting, restoring or establishing valuable natural environments or habitats for

species that are worthy of preservation may also be designated a nature reserve.

Section 5 A decision establishing a nature reserve shall contain a statement of the reasons for the decision.

The decision shall also specify any restrictions on the right to use land and water areas that are necessary in order to achieve the purpose of the reserve, such as prohibitions against development, the erection of fencing, landfill sites, excavation, quarries, cultivation, ditching, planting, logging, hunting, fishing and the use of pesticides. Such a restriction may include prohibition of access to the area throughout the year or during parts of the year.

If new reasons subsequently emerge or it becomes evident that further restrictions must be imposed in order to attain the purpose of protection, the municipality or the county administrative board may adopt a decision to that effect.

Section 6 Where it is necessary in order to fulfil the purpose of a nature reserve, the county administrative board or the municipality may require owners of property and holders of special rights thereto to accept the following intrusions in the area:

1. the building of roads, car parks, trails, rest hostels, camping sites, bathing places, sanitary facilities or similar amenities;
2. public access to land in places where the public does not normally have right of access;
3. thinning, clearing, haymaking, planting, grazing, the erection of barriers or similar measures; or
4. studies of animal and plant species and of soil and water conditions.

Section 7 In exceptional circumstances a county administrative board or municipality may cancel, wholly or in part, a decision it has taken pursuant to sections 4 to 6.

A county administrative board or municipality may in special circumstances grant exemptions from the rules it has issued for a nature reserve. A decision to grant an exemption shall cease to apply if work on the measure to which the exemption refers does not commence within two years or if it is not completed within five years of the date when the decision gained legal force.

As provided in section 29, government permission is required in certain cases before a decision to withdraw protection or grant an

exemption can be taken with reference to special protection areas or special areas of conservation referred to in section 28.

A decision to withdraw protection or grant an exemption may only be taken if reasonable compensation is made in the nature reserve or in some other area for the encroachment on the natural asset.

Section 8 Decisions relating to the establishment or alteration of nature reserves must not conflict with detailed development plans or area regulations adopted pursuant to the Planning and Building Act (1987:10). Nevertheless, minor modifications may be made if this does not conflict with the purposes of the plans or the regulations.

Culture reserves

Section 9 A land or water area may be designated a culture reserve for the purpose of preserving valuable cultural landscapes. The provisions of sections 4 to 6 shall be applicable to such an area. The fact that there is a building or structure in the area that is protected as a historical building, a church monument or an immovable antiquity pursuant to the Act (1988:950) concerning Ancient Monuments and Finds shall not prevent the area being designated a culture reserve.

Sections 7 and 8 shall also be applicable to decisions taken pursuant to this section.

Natural monuments

Section 10 A distinctive natural object may be designated a natural monument by a county administrative board or a municipality if it is in need of special protection or care. The designation may also include the land area that is required in order to preserve the natural object and give it sufficient space.

The provisions of sections 5 to 8 concerning nature reserves shall also apply to natural monuments.

Habitat protection areas

Section 11 Small land and water areas that constitute habitats for endangered animal and plant species or are otherwise particularly worthy of protection may be designated habitat protection areas by the Government or the authority appointed by the Government. Such designations may relate to individual areas or all the areas of a certain type in the country or part of the country.

Activities or measures that are liable to damage the natural environment must not be undertaken in habitat protection areas. If the Government designates all areas of a certain type as habitat protection areas, it may in connection with such a decision issue rules concerning the granting of exemptions for such activities or measures. Exemptions may only be granted in special circumstances.

The Government or the authority appointed by the Government may take the necessary measures to conserve habitat protection areas. Before a measure is taken, the owner of the area and any holders of special rights thereto shall be notified.

A decision establishing a habitat protection area shall take effect immediately even if it is appealed against.

Wildlife and plant sanctuaries

Section 12 If an animal or plant species needs special protection in a specific area, over and above the prohibitions imposed in chapter 8, sections 1 and 2 or the prohibitions and restrictions provided for in the legislation on hunting and fishing, a municipality or a county administrative board may issue rules restricting the right to hunting or fishing or the right of the public or the owner of the land to enter the area.

Shore protection areas

Section 13 Shore protection applies by the sea, lakes and watercourses.

The purpose of shore protection is to assure public access to outdoor recreation facilities and to maintain good living conditions for plant and animal species on land and in water.

Section 14 Land and water areas shall be protected up to 100 metres from the shoreline at the normal average water level (shore protection area). The Government or the authority appointed by the Government may extend this area to not more than 300 metres from the shoreline if this is necessary in order to fulfil any of the purposes of shore protection.

A decision extending the shore protection shall take effect immediately even if it is appealed against.

Section 15 The Government or the authority appointed by the Government may provide that a shore area which is obviously of little consequence for fulfilment of the purposes of shore protection shall be exempted therefrom.

In special circumstances, the Government or the authority appointed by the Government may provide that a shore protection area which is to be included in a detailed development plan or area regulations pursuant to the Planning and Building Act (1987:10) shall no longer be protected. If the zone ceases to be covered by a detailed development plan or area regulations, it shall once again be protected.

Section 16 The following shall be prohibited in shore protection areas:

1. the erection of new buildings;
2. the alteration of buildings in order to serve a purpose that is significantly different from that for which they were previously used;
3. digging or other preparations for the purpose of the construction works referred to in points 1 and 2;
4. the erection of other structures or works which prevent or deter the public from entering an area in which it would otherwise have been able to move freely or which significantly affect the living conditions of animal and plant species; or
5. other measures which significantly affect the living conditions of animal and plant species.

Section 17 The prohibitions laid down in section 16 shall not apply to:

1. buildings, structures, works or measures that are necessary for the purposes of agriculture, fishing, forestry or reindeer husbandry and are not used for residential purposes; or

2. activities or measures permitted by the Government in accordance with chapter 17, section 1, 3 or 4 or for which a permit is granted pursuant to this Code or to rules issued in pursuance thereof.

The Government or the authority appointed by the Government may provide that the prohibitions referred to in section 16 shall not apply to buildings, structures or works which represent a complement to existing buildings on a plot of land and which are situated further from the shore than the main building.

Section 18 A county administrative board may grant exemptions from the provisions of section 16 in special circumstances. If an exemption is granted, the county administrative board shall decide the extent to which land may be used as a building site or otherwise for the designated purpose.

A decision to grant an exemption shall cease to apply if work does not start on the measure for which the exemption was granted within two years or the measure is not completed within five years of the date when the decision gained legal force.

Environmental protection areas

Section 19 Large land and water areas may be designated environmental protection areas by the Government if special rules are necessary because the area or part of the area is affected by pollution or is not consistent with an environmental quality standard.

Section 20 The Government or, following government authorization, a county administrative board shall issue any rules for environmental protection areas concerning protective measures, restrictions and other precautions with respect to activities in the area that are necessary in order to fulfil the purpose of the area. County administrative boards may in special circumstances grant exemptions from the rules issued for an environmental protection area.

Chapter 10 contains special provisions concerning environmental hazard zones.

Water protection areas

Section 21 A land or water area may be designated a water protection area by a county administrative board or a municipality for the purpose of protecting surface water or groundwater supplies that are, or are likely to be, used as water catchments.

Section 22 The municipality or the county administrative board shall issue rules for water protection areas imposing any restrictions on the right to dispose of property in the area that may be necessary in order to fulfil the purpose of the area. Where necessary, the municipality or the county administrative board may stipulate that signs or fences shall be put up and that another's land may be used for this purpose. The rules shall take effect immediately even if they are appealed against.

The county administrative board or the municipality may in special circumstances grant exemptions from the rules issued for a water protection area.

Marine research

Section 23 In order to protect the marine environment, the Government or the authority appointed by the Government may provide that marine research must not be undertaken in Swedish territorial waters from research vessels that are registered in or belong to another state unless permission has been granted for or notification submitted of the research.

Permission for such research may be subject to a time limit and to certain conditions.

Temporary prohibitions

Section 24 Following a proposal that an area or an object be protected as a nature reserve, a culture reserve, a natural monument or a water protection area or that an area or object that is already protected be enlarged, a municipality or a county administrative board may impose a prohibition for a specified period of not more than three years against measures without prior permission which would affect the area or object and conflict with the purpose of the intended protection. In special circumstances the prohibition may be extended for a period of not more than one year. In exceptional

circumstances the prohibition may be extended for not more than one additional year thereafter.

A prohibition imposed pursuant to the first paragraph shall take effect immediately even if it is appealed against.

Review of interests

Section 25 In connection with the consideration of matters relating to protected areas referred to in this chapter, private interests shall also be taken into account. Restrictions on the rights of private individuals to use land or water under safeguard clauses provided in this chapter must therefore not be more stringent than is necessary in order to achieve the purpose of the protection.

Section 26 Exemptions from prohibitions or other rules issued pursuant to this chapter may only be granted in accordance with sections 7, 9 to 11, 18, 20 and 22 where this is consistent with the purpose of the prohibition or rule.

List of areas of unspoiled nature

Section 27 The Government or the authority appointed by the Government shall continuously keep a list of areas of unspoiled nature for which protection is to be provided in accordance with international undertakings or national objectives relating to the protection of such areas. The list shall specify the international undertaking or national objective that justifies inclusion of the area in the list.

The areas included in the list shall be given priority in future protection measures.

Special protection areas and special areas of conservation

Section 28 The Government may designate an area of unspoiled nature as a special protection area if, in accordance with Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds, as last amended by Commission Directive 97/49/EC, the area is particularly important for the protection of such birds.

An area that is recognized as an area of Community interest by the Commission of the European Communities shall be designated

a special area of conservation by the Government pursuant to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, as last amended by Council Directive 97/62/EC.

The Government may, following consultation with the Commission, cancel a designation referred to in the first or the second paragraph if the area's natural assets no longer justify the designation.

Section 29 A decision to withdraw, wholly or in part, protection from an area designated a special protection area or a special area of conservation, to grant an exemption from safeguard measures or to grant a permit under such measures must not be taken without permission from the Government.

This shall not apply to decisions granting an exemption or a permit where it is clear that the activity will not cause more than minor damage to the area's natural assets.

Bylaws

Section 30 Bylaws relating to the right to travel and be in an area protected by the provisions of this chapter and to other matters of order in the area may be issued by the Government or the authority appointed by the Government if this is necessary in order to achieve the purpose of protection. A municipality may issue such rules if it decides to establish a protection area.

The bylaws shall take effect immediately even if they are appealed against.

Delegation of powers to municipalities

Section 31 The Government or the authority appointed by the Government may decide that the powers invested in a county administrative board pursuant to section 18 shall be delegated to a municipality.

Chapter 8. Special provisions concerning the protection of animal and plant species

Section 1 Rules prohibiting the killing, injury or capture of wild animals or the taking of or causing of damage to the eggs, spawn, roe or nests of such animals in the country or any part of it may be issued by the Government or the authority appointed by the Government. Such rules may be issued where there is a risk of a wild animal species becoming extinct or being subjected to exploitation or where they are necessary for compliance with Sweden's international undertakings with respect to the protection of such a species. Nevertheless, these prohibitions shall not apply in cases where such an animal must be killed, injured or captured in order to defend a person or valuable property against attack.

Special provisions shall apply to the killing or capture of wild animals of certain species where such an act takes place in connection with hunting or fishing.

Section 2 Rules prohibiting the removal of, the causing of damage to or the taking of seeds or other parts from wild plants in the country or any part of it may be issued by the Government or the authority appointed by the Government. Such rules may be issued where there is a risk of a wild plant species becoming extinct or being subjected to exploitation, or where it is necessary for compliance with Sweden's international undertakings with respect to the protection of such a species.

Section 3 In order to protect wild animal or plant species or the natural environment, the Government or the authority appointed by the Government may issue rules prohibiting, or special conditions concerning, the release of specimens of animal or plant species into the natural environment.

This shall not apply where such regulations exist in other legislation.

Provisions relating to genetically modified organisms are contained in chapter 13.

Section 4 In order to protect wild animal or plant species, the Government or the authority appointed by the Government may issue rules concerning imports and exports, transportation,

housing, preparation and exhibition of, or trade in, animals and plants. Such rules may be issued where they are necessary for compliance with Sweden's international undertakings in that area or for other reasons. The rules may also govern any corresponding dealing with eggs, spawn, roe or nests or with other products extracted from animals or plants.

The rules may impose prohibitions against, or the requirement to obtain a permit for, or other special conditions relating to, the measures referred to in the first paragraph.

Section 5 Any rules issued or decisions taken in individual cases pursuant to the provisions of this chapter shall take effect immediately even if they are appealed against.

PART THREE

SPECIAL PROVISIONS CONCERNING CERTAIN ACTIVITIES

Chapter 9. Environmentally hazardous activities and health protection

Definitions

Section 1 'Environmentally hazardous activities' shall mean:

1. the discharge of wastewater, solid matter or gas from land, buildings or structures onto land or into water areas or groundwater;
2. any use of land, buildings or structures that entails a risk of detriment to human health or the environment due to discharges or emissions other than those referred to in point 1 or to pollution of land, air, water areas or groundwater; or
3. any use of land, buildings or structures that may cause a detriment to the surroundings due to noise, vibration, light, ionizing or non-ionizing radiation or similar impact.

Section 2 'Wastewater' shall mean:

1. discharge water, sewage or other liquid impurities;
2. water used for cooling;
3. water that is diverted for the purpose of draining land included in a detailed development plan, where drainage is not carried out for the benefit of a specific property or properties; or
4. water that is diverted for the purpose of draining a burial ground.

Section 3 'Detriment to human health' shall mean any disturbance that is liable to have adverse effects on health in medical or hygienic terms which are not minor or temporary.

General provisions concerning environmentally hazardous activities and health protection

Section 4 Where special reasons exist on account of the need to protect human health or the environment, the Government may issue rules or decisions for a certain part of the country prohibiting:

1. the discharge of wastewater, solid matter or gas from land, buildings or structures; or
2. the depositing of solid matter.

This shall be applicable where such activities may lead to pollution or adverse impact on water areas, land or groundwater.

Section 5 In order to protect human health or the environment, the Government may, where this appears more appropriate than issuing decisions in individual cases, issue rules in cases other than those referred to in section 4 laying down prohibitions, protective measures, restrictions and other precautions relating to environmentally hazardous activities. Such rules may also be issued for the purposes of compliance with Sweden's international undertakings. In special circumstances the Government may authorize an authority to issue such rules.

Where necessary, the Government may issue rules requiring precautions to be taken that go beyond the scope of Sweden's obligations as a Member State of the European Union or of its international undertakings.

Permit and notification requirements for environmentally hazardous activities

Section 6 The Government may provide that the following activities may not be undertaken without prior permission or notification:

1. the building or operation of certain kinds of factories, other facilities or other environmentally hazardous activities;
2. the discharge of wastewater onto land or into water areas or groundwater;
3. the discharge or depositing of solid waste or other solid matter where this is liable to pollute land, water areas or groundwater; and

4. environmentally hazardous activities referred to in points 1-3 where the production or treatment process or other parameters are modified, provided that the changes are not minor.

Even where a permit is not required pursuant to the first paragraph, the supervisory authority may in individual cases order an operator to apply for a permit where the activity involves the risk of significant pollution or other significant detriment to human health or the environment.

Persons who pursue or intend to pursue an environmentally hazardous activity may apply for a permit for the activity in accordance with this Code even where such a permit is not compulsory.

Section 7 Wastewater shall be diverted and purified or treated in some other way in order to avoid detriment to human health or the environment. Appropriate sewerage systems or other works shall be established for this purpose.

The Government may issue rules prohibiting the establishment or alteration of such sewerage systems or other works without prior permission or notification.

The Government may delegate the issuance of rules referred to in the second paragraph to a municipality.

Section 8 Applications for permits for environmentally hazardous activities shall be considered by environmental courts.

The Government may provide that applications for permits for certain kinds of activities shall be considered by county administrative boards. If an environmentally hazardous activity is likely to have little environmental impact, the Government may provide that the permit application shall be considered by a municipal committee. Permit applications relating to the Swedish Armed Forces, the National Fortifications Administration, the Defence Matériel Administration or the National Defence Radio Centre shall always be considered by a county administrative board.

Notification of environmentally hazardous activities shall be made to the Surgeon-General of the Swedish Armed Forces or the municipality or county administrative board concerned in accordance with the Government's instructions.

Special provisions concerning health protection

Section 9 Dwellings and public premises shall be used in such a way as to prevent detriment to human health and shall be kept free of vermin and other pests.

The owners or tenants of the property in question shall take any measures that may be reasonably required to prevent or eliminate detriment to human health.

Section 10 Groundwater collection structures shall be established and used in such a way as to ensure that detriment is not caused to human health.

If a permit is not required pursuant to chapter 11, the municipality may require that a permit must nevertheless be obtained from or prior notification submitted to the municipality before a new groundwater collection structure is established and used in an area where there is a scarcity of fresh groundwater or a risk of scarcity in the future. This shall apply where necessary in order to prevent detriment to human health. The municipality may also require notification to be submitted of existing structures in specified areas.

Section 11 The Government may provide that certain animals must not be kept without a permit from the municipality in areas included in detailed development plans or area regulations where such rules are necessary in order to prevent detriment to human health.

The Government may delegate the issuance of such rules to a municipality.

Section 12 The Government or the authority appointed by the Government may issue any rules that are necessary for the purposes of health protection in cases other than those mentioned in sections 10 and 11. The Government may delegate the issuance of such rules to the municipality.

Rules issued pursuant to the first paragraph may stipulate that activities which are liable to cause damage or detriment to human health must not be pursued or that certain structures must not be established without prior permission from or notification to the municipality.

Section 13 Municipal rules that are issued for the purpose of protection against detriment to human health must not involve unnecessary coercion of the public or any other unjustified restriction on individual freedom.

Chapter 10. Polluted areas

Responsibility for investigation and after-treatment

Section 1 This chapter shall be applicable to land and water areas, buildings and structures that are so polluted that they may cause damage or detriment to human health or the environment.

Section 2 Persons who pursue or have pursued an activity or taken a measure that is a contributory cause of the pollution (operators) shall be liable for the after-treatment of areas, buildings and structures referred to in section 1.

Section 3 If an operator is not able to carry out or pay for the after-treatment of a polluted property, the person who acquired the property and was aware of the pollution at the time of acquisition or ought to have detected it then shall be liable for after-treatment. If the property acquired is a private residential property within the meaning of chapter 2, section 13 of the Income Tax Act (1999:1229), only an acquirer who was aware of the pollution shall be liable. In the case of a polluted building or structure, the same shall apply to the person who acquired the property on which the building or structure is situated. Acquisition of a land leasehold shall be regarded as acquisition of property.

The first paragraph shall not be applicable where a bank acquires a property in order to protect a claim pursuant to chapter 2, section 8 of the Banking Act (1987:617). (Law 1999:1231)

Section 4 After-treatment liability shall mean that the person who is liable for after-treatment shall, to the extent reasonable, carry out or pay for any after-treatment measures that are necessary in order to prevent or combat subsequent damage or detriment to human health or the environment. When the extent of liability is determined, account shall be taken of the length of time that has elapsed since the pollution occurred, whether the person liable was obliged to prevent future damage and any other relevant circumstances. Where an operator can show that he was only responsible for the pollution to a limited extent, this shall also be

taken into account in connection with determination of the extent of liability.

The Limitation of Claims Act (1981:130) shall not be applicable to liability for after-treatment.

Section 5 The owner of a property that is after-treated may, despite the fact that he is not liable under section 2 or section 3, be obliged to the extent reasonable to bear the costs corresponding to the rise in value of the property as a result of after-treatment.

Section 6 If several operators are liable in accordance with section 2, they shall accept joint and several liability to the extent that the liability is not limited in accordance with section 4 first paragraph. An operator who shows that his or her responsibility for the pollution is so insignificant that it does not by itself justify after-treatment shall, however, only be liable to the extent that corresponds to his share of responsibility.

The payment made by the liable persons shall be shared between them as appears reasonable with regard to the extent to which each of them was responsible for the pollution and to other relevant circumstances.

Section 7 If several property owners or land leaseholders are liable pursuant to section 3, they shall accept joint and several liability to the extent that the liability is not limited in accordance with section 4 first paragraph.

The payment made by the liable persons shall be shared between them as appears reasonable with regard to their knowledge of the circumstances at the time of the acquisition and to other relevant circumstances.

Section 8 Sections 2, 3, 4, 6 and 7 shall be applicable to liability for the cost of investigating pollution in land and water areas, buildings and structures referred to in section 1.

The owner of a property, building or structure referred to in the first paragraph may be obliged, even though he is not liable under section 2 or section 3, to bear to the extent reasonable the costs of investigation in consideration of the benefit that he is likely to derive from the investigation, his financial situation and any other relevant circumstances.

Compulsory notification

Section 9 Regardless of whether or not the area was previously deemed to be polluted, the owner or user of a property shall immediately notify the supervisory authority where any pollution is discovered on the property that may cause damage or detriment to human health or the environment.

Environmental hazard zones

Section 10 County administrative boards shall by decision declare a land or water area an environmental hazard zone if it is so seriously polluted that it is necessary, in view of the risks to human health or the environment, to impose restrictions on the use of the land or to prescribe other precautions. The danger to human health or the environment of the pollution, its degree, the likelihood of its spreading and the vulnerability of the surrounding environment shall be taken into account when a decision is taken concerning such a declaration.

Section 11 A county administrative board may order any person liable pursuant to section 8 to submit, subject to a penalty of a fine, any investigation that is needed for the purposes of the permit application procedure. The injunction issued by the county administrative board may require that access must be given to the area for the purposes of after-treatment in accordance with chapter 28, section 5. The county administrative board may also cause necessary investigations to be performed at the expense of the person who is liable.

Section 12 When an area is declared an environmental hazard zone, the county administrative board shall impose restrictions on the use of the land or attach conditions to certain measures that property owners or others wish to take or require that the supervisory authority be notified thereof.

The restrictions and the notification requirement mentioned in the first paragraph may relate to digging, excavation and earthworks, development, other land use and other measures which may cause:

- an increase in the input of pollutants into the area and the surrounding land;

- any other deterioration of the environmental situation; or
- difficulties for future after-treatment measures.

The county administrative board may also decide that such measures must not be taken or that a property must not be transferred until the necessary site investigations have been performed.

Section 13 The county administrative board shall alter or issue new conditions, or cancel the decision to declare an area an environmental hazard zone when it has been after-treated or when the pollution there has diminished for some other reason so that the restrictions imposed on the use of the land or other precautionary measures are no longer necessary.

Section 14 The Government or the authority appointed by the Government may issue further rules relating to environmental hazard zones.

Chapter 11. Water operations

Content of the chapter

Section 1 This chapter contains provisions relating to water operations and water structures. Provisions relating to water operations and water structures are also contained in chapter 6, section 5 of the Act (1998:812) Containing Special Provisions concerning Water Operations.

Definitions

Section 2 'Water operations' shall mean:

1. the construction, alteration, repair and removal of dams or other water structures in water areas, filling and piling in water areas, the removal of water from or digging, blasting and cleansing in water areas, as well as other measures in water areas whose purpose is to change the depth or position of the water;

2. the diversion of groundwater and the erection of structures for this purpose;

3. recharging in order to increase the volume of groundwater, as well as the erection of structures and other measures for this purpose; and

4. measures undertaken to drain land, except for the purpose of diverting wastewater or measures to lower or empty a water area or to provide protection against water where the purpose is to increase permanently the suitability of a property for a certain purpose (land drainage).

Section 3 A 'water structure' shall mean a structure erected for the purpose of water operations, together with the control devices associated with the structure.

Section 4 A 'water area' shall mean an area that is covered with water at the highest anticipated water level.

Section 5 'Water catchment' shall mean the removal of surface water or groundwater for the purposes of water supply, heat generation or irrigation.

'Water regulation' shall mean manipulation of the flow of a watercourse for the purposes of other water operations.

'Diversion of water' shall mean water regulation performed by transferring surface water from one water area to another.

Special conditions applying to water operations

Section 6 Water operations may only be undertaken if the benefits from the point of view of public and private interests are greater than the costs and damage associated with them.

Further provisions relating to certain water structures are contained in sections 19 and 20 of the Electricity Preparedness Act (1997:228).

Section 7 Water operations shall be implemented in such a way as not to be prejudicial to other activities which are likely to involve the same water source in the future and which serve important public or private purposes. This requirement shall apply where the operations can be implemented in such a manner without unreasonable expense.

Section 8 Persons who intend to carry on water operations that may be detrimental to fishing must, at their own expense, make and in future maintain any arrangements that are necessary for the passage of fish or the sustainability of fishing, supply water for this purpose and comply with any other conditions that may be necessary in the context of the operations to protect fishing in the water in which the water operations are carried on or in adjacent water areas. If the benefit of a disputed installation or a condition cannot reasonably be considered to justify the expense incurred by the operator for compliance, the operator may be discharged from such an obligation.

The provisions of this section relating to fish shall also apply to aquatic molluscs and crustaceans.

Provisions under which fishing fees may be charged instead of the imposition of conditions pursuant to subsection (1) are contained in chapter 6, section 5 of the Act (1998:812) Containing Special Provisions concerning Water Operations.

Permit requirement for water operations

Section 9 Subject to the provisions of this chapter, a permit must be obtained for water operations within the meaning of this Code. Applications for water operation permits shall be considered by the environmental courts. However, applications for land drainage permits shall be considered by county administrative boards unless they must be considered by the environmental courts pursuant to chapter 7, sections 19 and 20 of the Act (1998:812) Containing Special Provisions concerning Water Operations.

Persons who wish to carry on water operations may apply for a permit even where a permit is not required for such operations

Provisions pursuant to which a permit must be applied for before a groundwater diversion structure is closed are contained in section 23.

Section 10 If a permit for water operations is required, large-scale works connected with the operations must not commence until the permit is granted.

Section 11 A permit referred to in this chapter shall not be required for:

1. water catchments for the personal consumption or heat supply of a one- or two-family property or agricultural and forestry property;
2. the erection of structures for the breeding of fish, mussels or crustaceans; or
3. the erection of structures for heat generation not related to water catchments.

Section 12 Permits referred to in this Code shall not be required where public or private interests are manifestly not harmed by the impact of water operations on water conditions.

It follows from section 13 that the first paragraph does not apply to land drainage or, where the Government so requires, to other measures taken for the purpose of draining land.

Section 13 Land drainage must not be carried out without a permit. Furthermore, a permit shall be required, to the extent required by the Government, for other measures taken to drain land where such measures are likely to have a permanent adverse effect on flora and fauna.

However, a permit shall only be required for drainage of agricultural land with drain pipes having a maximum diameter of 300 millimetres if the activity is likely to be detrimental to public or private interests.

Permits for land drainage or other measures to drain land shall be made subject to any conditions that are necessary to limit or combat damage to public or private interests. A time limit for completion of the measures shall be specified in the permit.

Permits referred to in this Code shall not be required for land drainage in connection with peat extraction for which a licence has been granted in accordance with the Certain Peat Deposits Act (1985:620).

Section 14 The Government may prohibit land drainage for which a permit would be required pursuant to this chapter in areas where the conservation of wetlands is particularly desirable.

In special circumstances, county administrative boards may grant exemptions from prohibitions imposed pursuant to the first paragraph.

If an exemption is granted pursuant to the second paragraph, a permit for land drainage must be applied for in accordance with section 9. A decision granting an exemption shall cease to be valid if a permit for land drainage is granted.

Section 15 A permit referred to in this chapter shall not be required for cleansing operations for the purpose of maintaining the depth or position of the water or immediately restoring a watercourse that has moved from its previous position or otherwise changed its course.

If the works affect a property belonging to another, the owner shall always be notified before work commences.

Notification of the contemplated works must be made to the county administrative board prior to commencement if they may be detrimental to fishing.

Section 16 Work may commence without prior permission if it is necessary, due to damage or the need to prevent damage, to without delay carry out alterations or repairs for which a permit is required. However, an application for approval of the operations shall be submitted as soon as possible.

Measures contrary to the provisions concerning the storage and release of water may be undertaken without prior permission where

this is necessary in order to avert danger to life or health, to save valuable property or for similar reasons. However, an application for approval of the measures shall be submitted as soon as possible.

Responsibility for maintenance

Section 17 Owners of water structures shall maintain them in such a way as to prevent damage being caused to public or private interests by changes in water conditions. If the structure was built on another's land by virtue of a special right, and ownership of the structure is transferred to the landowner following expiry of that right, the previous rightholder shall continue to be responsible for maintenance.

Persons who are granted the right to use another's water structure pursuant to chapter 28, section 12 shall be responsible for maintaining the structure together with the owner, unless an environmental court rules otherwise.

Sections 20 and 21 and chapter 24, section 4 second paragraph contain provisions concerning transfer of the maintenance responsibility.

Section 18 Persons who are responsible for maintaining a dam for water regulation shall pay compensation for damage caused by the failure of the dam to give the intended protection against escaping water (dam damage). This shall apply even where the damage is not caused either by the person responsible for maintenance or by a person for whom the former is responsible.

Nevertheless, where a person responsible for maintenance shows that the dam damage was caused by an act of war or similar act in connection with an armed conflict, civil war or riots, he shall not be held responsible.

Removal etc.

Section 19 Permission pursuant to the provisions of this Code shall always be granted for the removal of a surface water structure unless an order is issued pursuant to section 20.

Section 20 Instead of granting permission to remove a surface water structure the environmental court may, at the request

of the owner of a property which would be damaged by the removal, order that the responsibility for maintaining the structure and discharging any other obligations of the owner of the structure shall be transferred to the owner of the property until further notice.

Following an undertaking to comply, such an order may also be issued to the state, a municipality or a water management association in order to safeguard public interests.

No order shall be issued if the owner of the property is not likely to be able to discharge his obligations or if, with regard to the applicant or to public interests, it appears more appropriate to remove the structure.

If the owner of a water structure suffers loss on account of its retention, the person who assumes responsibility for the structure shall pay reasonable compensation for the loss.

Section 21 If a property is transferred to a new owner, and the previous owner is responsible pursuant to section 20 first paragraph for maintaining the structure following the transfer, the new owner shall discharge the obligations associated with the transfer.

Transfers pursuant to section 20 first paragraph shall be recorded in the real estate register. (Law 2000:228)

Section 22 If the closure, wholly or in part, of a groundwater diversion structure entails risks for public or private interests, the owner of the structure shall obtain permission from the environmental court.

Reasonable compensation shall be paid if such a measure causes damage to another's property due to a permanent change in water conditions.

Water operations that have been examined elsewhere

Section 23 Permission shall be granted for the following types of water operations, subject to the provisions of chapter 2, section 9:

1. water operations imposed as a condition for carrying on the operations in a decision concerning other operations pursuant to chapter 17, section 1 or section 3;

2. the construction of bridges and other water operations connected with roads, railways, underground railways or tramways, the construction of which has been examined separately;
3. the laying of pipelines in water for which a licence has been granted pursuant to the Certain Pipelines Act (1978:160);
4. operations for which a quarrying licence has been granted pursuant to the Certain Peat Deposits Act (1985:620),
5. the laying of natural gas pipes in water for which a licence has been granted pursuant to the Natural Gas Act (2000:599). (Law 2000:600).

Chapter 12. Quarries, agriculture and other activities

Quarries

Section 1 A permit must be obtained from the county administrative board for the quarrying of rock, stone, gravel, sand, clay, soil, peat or other types of soil. Nevertheless, landowners may take such measures without a permit for their own personal use, subject to rules issued pursuant to the second paragraph.

The Government or the authority appointed by the Government may provide that measures referred to in the first paragraph for the personal use of the landowner must not be taken without permission. The duty to obtain a permit pursuant to this subsection may be imposed if the measures are likely to be inconsistent with sound management of the natural resources mentioned in the first paragraph or to cause damage to the environment that is not inconsiderable.

The first and second paragraph shall not apply to:

1. measures in water areas for which a permit is required pursuant to chapter 11;
2. measures for which a permit is required in accordance with the Continental Shelf Act (1966:314); or
3. quarrying of peat for which a processing licence has been granted pursuant to the Certain Peat Deposits Act (1985:620).

Section 2 In connection with the consideration of applications for quarrying permits, the demand for the material to be extracted shall be balanced against the damage that the quarrying is likely to cause to wild flora and fauna and the environment in general. A permit must not be granted for a quarrying operation that is likely to be detrimental to the habitat of any endangered, rare or care-demanding animal or plant species.

The need of cultivable agricultural land shall be taken into account in connection with the consideration of applications for permits for the quarrying of topsoil.

Section 3 Quarrying permits may only be granted if a security is furnished for fulfilment of the conditions attached to

the permit. In special circumstances, the county administrative board may waive the requirement to furnish a security. Further provisions relating to securities are contained in chapter 16, section 3.

Section 4 The owners or other possessors of the land shall accept any measures that are carried out in accordance with the conditions attached to the quarrying permit.

Section 5 The Government or the authority appointed by the Government may issue rules to the effect that operators of quarries for which a permit is required pursuant to this Code or to rules issued in pursuance thereof or operators of stone-crushing plants shall supply any information about the operations that may be required as guidance for nature conservation planning.

The Government may require holders of quarrying permits referred to in the first paragraph to notify the county administrative board of the name of the quarry operator.

Where the operator of a quarry for which a permit has been granted is not known, the holder of the permit shall be deemed to be the operator for the purposes of application of this section and of any rules issued in pursuance thereof.

Notice of consultation

Section 6 If an activity or measure for which a permit or notification is not required pursuant to other provisions of this Code is liable to have a significant impact on the natural environment, notice of consultation shall be made to the supervisory authority in accordance with the provisions of chapter 26 or with rules issued in pursuance thereof.

The Government or the authority appointed by the Government may issue rules to the effect that notice of consultation shall always be given, at national or local level, in the case of activities or measures that may damage the natural environment. The Government or the authority appointed by the Government may also issue rules specifying the information to be supplied in such a notice.

Activities or measures which must be notified for consultation may not commence earlier than six weeks after submission of the notice unless the supervisory authority decides otherwise.

The authority referred to in the first paragraph may order persons who are required to submit a notice of consultation to take any measures that are necessary to limit or combat damage to the natural environment. If such measures are not sufficient the authority may, where necessary in order to protect the natural environment, prohibit the activity. Provisions concerning the right to compensation in the case of such an injunction or prohibition are contained in chapter 31.

Environmental concerns in agriculture

Section 7 For the purposes of sections 8 and 9 'agricultural land' shall mean arable and grazing land belonging to a property that is taxed as an agricultural holding. However, the provisions of those sections shall not apply to agricultural land:

1. which belongs to a property that was established for purposes other than agriculture and has subsequently not been taxed; or
2. which is designated for purposes other than agriculture in detailed development plans or area regulations pursuant to the Planning and Building Act (1987:10).

Section 8 The Government or the authority appointed by the Government may issue rules to the effect that natural and cultural assets must be treated with care and consideration in connection with the management of agricultural land and with other agricultural land use, such as protection of the agricultural and cultural landscape and of flora and fauna. However, these rules must not be so intrusive as to create significant difficulties for current land use in the relevant part of the property.

Section 9 The Government or the authority appointed by the Government may provide that agricultural land may only be withdrawn from agricultural production upon notification to the county administrative board, unless the measure is of little significance for agriculture on the holding or for the natural and cultural environment.

The first paragraph shall not apply to land that is used for activities whose permissibility has been considered separately.

Section 10 The Government or the authority appointed by the Government may issue any rules that may be appropriate for the purposes of environmental protection regarding:

1. limitation of the number of animals on a holding;
2. precautions in connection with manure management; and
3. crop husbandry.

Game enclosures

Section 11 Game enclosures must not be set up without permission from the county administrative board in areas where the public has unrestricted right of access.

The need to protect outdoor recreation facilities and the natural environment shall be taken into account in connection with the consideration of permit applications.

Permission for game enclosures in a shore protection area may only be granted in special circumstances.

Provisions concerning permit requirements

Section 12 The Government may require permits to be obtained for activities or measures wherever necessary in consequence of Sweden's membership of the European Union.

Chapter 13. Genetic engineering

Area of application

Section 1 The provisions of this chapter shall be applicable to contained use and deliberate release of genetically modified organisms. The provisions shall also be applicable where products containing or consisting of such organisms are placed on the market.

The purpose of these provisions is, in addition to that set forth in chapter 1, section 1 first paragraph, to ensure that special attention is paid to ethical concerns in connection with activities referred to in the first paragraph.

Section 2 The Government may issue rules allowing exemptions from the applicability of this chapter in the case of organisms resulting from the use of tried and tested genetic modification methods that are known not to involve any risks in terms of health and the environment.

Definitions

Section 3 An 'organism' shall mean a biological entity capable of replication or of transferring genetic material.

Section 4 A 'genetically modified organism' shall mean an organism in which the genetic material has been altered in a way that does not occur naturally by mating or natural recombination.

Section 5 'Contained use' shall mean an activity in which organisms are genetically modified, cultured, stored, used, transported, destroyed, disposed of or used in any other way, and for which specific containment measures are used to limit their contact with the general population and the environment. (Law 2000:119)

Section 6 'Deliberate release' shall mean any intentional introduction of genetically modified organisms into the environment without containment.

Section 7 The term 'placing on the market' shall mean supplying or making a product available to third parties.

Compulsory investigations for the purpose of assessing the potential risk of damage

Section 8 An investigation shall be carried out prior to the contained use and deliberate release of genetically modified organisms. It shall constitute a proper basis for an acceptable assessment of the damage to health and the environment that the organisms are liable to cause. The investigation shall be made in accordance with scientific knowledge and proven experience. Such an investigation shall also be made before a product containing or consisting of genetically modified organisms is placed on the market.

Section 9 The Government or the authority appointed by the Government may issue further rules concerning investigations referred to in section 8.

Ethical concerns and precautions

Section 10 Special attention shall be paid to ethical concerns in connection with the contained use and deliberate release of genetically modified organisms and the placing on the market of products containing or consisting of such organisms.

Section 11 The Government or the authority appointed by the Government may issue special rules concerning precautions.

Permit and notification requirements

Section 12 A permit shall be obtained for the deliberate release of genetically modified organisms or the placing on the market of products containing or consisting of such organisms.

Section 13 A permit shall only be granted if the activity is justifiable on ethical grounds.

Section 14 The Government or the authority appointed by the Government may issue rules concerning the precautions that must be taken to protect human health or the environment before a permit referred to in section 12 can be granted.

Section 15 The Government or the licensing authority may issue rules concerning exemptions from the permit requirement laid down in section 12.

Section 16 The Government or the authority appointed by the Government may issue rules concerning permit or notification requirements for contained use of genetically modified organisms if this is necessary for health or environmental reasons.

Section 17 Permit applications and notifications shall be submitted to the authority appointed by the Government.

Permit applications shall be processed within the time limit decided by the Government.

Permits shall be valid for five years unless otherwise stated in the relevant decision.

Labelling

Section 18 The Government or the authority appointed by the Government may require any person who places a product containing or consisting of genetically modified organisms on the market to label it.

The Swedish Gene Technology Advisory Board

Section 19 A special board, the Swedish Gene Technology Advisory Board, shall monitor developments in genetic engineering, review ethical issues and give advice on the uses of genetic engineering.

The Government shall issue provisions establishing the functions of the Swedish Gene Technology Advisory Board and its composition and working arrangements.

Chapter 14. Chemical products and biotechnical organisms

Area of application

Section 1 The provisions of this chapter shall be applicable to chemical products and biotechnical organisms.

The Government or the authority appointed by the Government may provide that the provisions of this Code that relate to chemical products shall be applicable to products that contain or are treated with a chemical product if there is a risk that such products may, on account of their characteristics, be prejudicial to human health or the environment or to other interests that are protected by this Code.

Definitions

Section 2 A 'chemical product' shall mean a chemical substance or a preparation of chemical substances.

Section 3 A 'biotechnical organism' shall mean a product that is produced specifically as a control agent or for any other technical purpose and which, wholly or in part, consists of or contains living microorganisms, including viruses, or nematodes, insects or arachnids.

Section 4 The 'handling' of chemical products or biotechnical organisms shall mean any activity or measure involving manufacture, processing, treatment, packaging, storage, transport, use, disposal, destruction, processing, sale, transfer and similar procedures.

Section 5 A 'chemical pesticide' shall mean a chemical product that is intended to prevent or deter animals, plants or microorganisms, including viruses, from causing damage or detriment to human health or damage to property. (Law 2000:119)

Section 6 A 'biological pesticide' shall mean a biotechnical organism that is produced specifically to prevent or deter animals, plants or microorganisms, including viruses, from causing damage or detriment to human health or damage to property.

Environment and health impact assessments

Section 7 Manufacturers and importers of chemical products or biotechnical organisms shall ensure that an appropriate investigation is carried out as a basis for assessment of the damage to human health or the environment that the product or organism is liable to cause. The investigation shall be carried out in accordance with scientific knowledge and proven experience. It shall include an assessment of the characteristics of the product in terms of health and environmental protection and shall specify:

1. the substances or organisms to which the dangerous characteristics of the product or organism are attributable;
2. the nature and degree of the dangerous characteristics;
3. any measures that are necessary in order to protect human health or the environment in connection with handling; and
4. the measures that are necessary in connection with disposal of waste from the product or organism.

Product information

Section 8 Manufacturers or importers of chemical products or biotechnical organisms or anyone who places such products or organisms on the market shall supply any information that is necessary in order to protect human health or the environment (product information) by labelling the products or by some other means. (Law 2000:119)

Obligation to supply information

Section 9 Professional users, importers and exporters of chemical products or biotechnical organisms shall, to the extent required by the Government or, following government authorization, the authority appointed by the Government, supply that authority with any information about the products or organisms and their handling that may be necessary in order to

assess the health or environmental risks associated with the product or organism and its handling, importation or exportation.

Product registers

Section 10 Chemical products that are professionally manufactured in or imported into Sweden shall be listed in a product register in accordance with the rules issued by the Government or the authority appointed by the Government. The register shall be kept by the authority appointed by the Government.

The Government may require a corresponding product register to be kept for biotechnical organisms.

Prior notification

Section 11 The Government or the authority appointed by the Government may require that persons who intend to manufacture or import a chemical product or biotechnical organism that has not previously been used in Sweden shall report any such manufacture or importation and present the results of relevant research and other information. Such reports shall be submitted to the authority appointed by the Government within the time limit decided by the Government or the authority.

Permits

Section 12 The Government or the authority appointed by the Government may issue rules concerning permits for:

1. imports of particularly dangerous chemical products and biotechnical organisms from countries that are not Member States of the European Union;
2. professional distribution of particularly dangerous chemical products and biotechnical organisms; and
3. other handling of particularly dangerous chemical products and biotechnical organisms.

Approval of pesticides

Section 13 Chemical or biological pesticides must not be imported from countries that are not Member States of the European Union or placed on the market or used without prior approval pursuant to section 14 from the Government or the authority appointed by the Government.

Section 14 Approval may be given if the pesticides is acceptable from the point of view of health and environmental protection and is needed for the control purposes referred to in section 5 or 6.

Approval may also be given if the requirements are fulfilled in accordance with Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market, as last amended by Commission Directive 1999/80/EC, or according to the European Parliament and the Council Directive 98/8/EC of 16 February 1998 concerning the placing of biocidal products on the market.

Approval may be granted for a period not exceeding five years. However, in special circumstances approval may be granted for a period not exceeding ten years. (Law 2000:119)

Section 15 The Government or the authority appointed by the Government may issue rules concerning approval of chemical and biological pesticides. (Law 2000:119)

Authorization of exemptions

Section 16 In special circumstances, the Government or the authority appointed by the Government may grant exemptions from the permit or approval requirements laid down in sections 12 to 15. In exceptional circumstances, the Government or the authority appointed by the Government may waive these requirements in individual cases.

Such rules or decisions may require notification to be made before a chemical product or biotechnical organism is offered for sale or used.

Precautions in connection with the use of pesticides

Section 17 Chemical products or biotechnical organisms other than those approved for placing on the market and use as chemical or biological pesticides or exempted pursuant to sections 13 to 16 may only be used as control agents where it is established that their use does not involve any risks to human health or the environment.

Spreading of pesticides

Section 18 Chemical or biological pesticides shall be spread in such a way as not to damage human health or the environment or cause other detriment and to minimize the environmental impact. Measures shall be taken to prevent the pesticide being spread outside the designated area of spreading.

Chemical or biological pesticides must not be spread from aircraft. In exceptional circumstances, the Government or the authority appointed by the Government may grant exemptions from this prohibition in individual cases.

Section 19 Chemical or biological pesticides used for the purpose of controlling deciduous brush must not be spread over forest land. Individual tree-trunks must not be treated with such agents.

The Government or the authority appointed by the Government may grant exemptions from this prohibition where necessary for scientific experiments.

Section 20 Unless otherwise is provided in the second paragraph, the authority appointed by the Government may grant exemptions from section 19, first paragraph, where the requirement imposed by section 6 of the Forest Conservation Act (1979:429) concerning forest regeneration cannot reasonably be satisfied by mechanical clearing methods. The situation and nature of the forest land, the composition of the forest stands, the effects of spreading on wildlife habitats and other public interests shall be taken into account in this connection.

A municipality may decide not to grant an exemption pursuant to the first paragraph for an area within the municipality in view of the importance of the area for outdoor recreation, nature

conservation, the well-being of the local population or some other local interest.

Provisions concerning fuels

Section 21 In order to combat emissions into the air of substances that may cause detriment to human health or the environment the Government may issue rules concerning fuels that relate to their quality and characteristics, combustion, trade, distribution or importation into Sweden.

The Government may delegate the issuance of such rules to an authority or a municipality.

Section 22 Petrol for engine propulsion or heating purposes shall be graded and supplied by professional manufacturers or importers of such petrol in accordance with the environmental classes specified in Annex 1 to this Code. It is prohibited to offer for sale any petrol for engine propulsion falling under the CN code nos. 2710 00 27, 2710 00 29, 2710 00 32, 2710 00 34, 2710 00 36 according to the EEC Regulation 2658/87, which does not comply with the environmental specifications of environmental class nr 2.

Diesel fuel and paraffin which is intended for engine propulsion, with the exception of aviation kerosene, shall be graded and supplied by professional manufacturers or importers of such fuels in accordance with the environmental classes specified in Annex 2 to this Code. It is prohibited to offer for sale any dies55

55el fuel falling under CN code no. 2710 00 66 according to the EEC Regulation 2658/87, and intended to be used in motor vehicles referred to in Directive 70/220/EEC and Directive 88/77/EEC, which does not comply with the environmental specifications of environmental class nr 3. (Law 1999:1325)

Compulsory notification of adverse effects

Section 23 Manufacturers of a chemical product or biotechnical organism or anyone who places such product or organism on the market shall immediately notify the authority appointed by the Government of any new information that becomes available after the granting of a permit or approval which indicates that the chemical product or biotechnical organism or

residues of an active substance in the product or organism may have adverse effects on human health, groundwater or the environment in general.

This duty to supply information shall also apply in the case of chemical products and biotechnical organisms that are not subject to permit or approval requirements where new information becomes available according to which the product or organism may have carcinogenic, mutagenic or reproduction-toxic properties that are liable to affect its classification or labelling.

Authorization to issue additional rules concerning conditions, permit requirements or prohibitions etc.

Section 24 The Government or the authority appointed by the Government may, as regards the handling, importation and exportation of chemical products and biotechnical organisms, issue additional rules concerning matters referred to in sections 7, 8, 17, 18 and 23 and chapter 2, sections 2, 3 and 6. The same shall apply to provisions that are necessary in consequence of Sweden's membership of the European Union.

Where it is necessary for reasons of health or environmental protection, the Government or the authority appointed by the Government may also, in cases other than those mentioned in sections 12 to 15 and 21:

1. prohibit the handling, importation into Sweden or exportation out of Sweden of a chemical product or biotechnical organism without prior permission or approval; and
2. lay down special conditions for the handling, importation or exportation of such products or organisms.

Section 25 Where it is of particular importance for reasons of health and the environment, the Government or the authority appointed by the Government may in cases other than those mentioned in this chapter prohibit the handling, importation and exportation of chemical products and biotechnical organisms.

Chapter 15. Waste and producer responsibility

Definitions

Section 1 'Waste' shall mean any object, matter or substance belonging to a specific waste category which the holder disposes of or intends or is required to dispose of.

The Government shall issue rules concerning waste categories referred to in the first paragraph.

Section 2 'Household waste' shall mean waste generated by households and comparable waste from other sources.

Section 3 'Waste management' shall mean activities or measures involving the collection, transport, recycling and removal of waste.

Section 4 A 'producer' shall mean:

1. a professional manufacturer, importer or vendor of a product or packaging; or
2. a person whose professional activities generate waste which requires special measures with respect to waste disposal or the environment.

Section 5 For the purposes of this chapter 'property owner' shall mean the person who owns the property or who is deemed to be the owner pursuant to chapter 1, section 5 of the Property Tax Assessment Act (1979:1152).

Producer responsibility

Section 6 The Government or the authority appointed by the Government may issue rules concerning the duty of producers to ensure that waste is collected, removed, recycled, reused or removed in a manner that satisfies the requirements for acceptable waste management in terms of health and the environment. Such rules may be issued with respect to waste from the articles or

packaging manufactured, imported into Sweden or sold by the producers and to waste generated by their activities.

Section 7 Rules issued pursuant to section 6 may also lay down requirements concerning the composition, reusability and recyclability of packaging.

These rules may also require producers to:

1. label products or packaging;
2. supply any information that is relevant to producer responsibility concerning the substances and materials contained in products or packaging and concerning collection and reuse and recycling potential or other factors.

Municipal waste collection and disposal obligation

Section 8 Unless other provision is made pursuant to section 6, municipalities shall ensure that:

1. household waste generated in the municipality is transported to a waste treatment plant where necessary in order to protect human health and the environment and safeguard private interests; and
2. household waste generated in the municipality is recycled or removed.

When planning and deciding how to discharge this obligation, the municipality shall take into account the extent to which owners and tenants can dispose of household waste themselves in a manner that is acceptable in terms of protection of human health and the environment. In its planning and decisions the municipality shall also ensure that the removal of waste is appropriate to the needs of various built environments.

Such plans and decisions shall define the conditions in which owners and tenants of properties may themselves dispose of household waste and, where rules issued pursuant to section 10 are applicable, any other waste generated on their premises.

Section 9 The Government or the authority appointed by the Government may issue detailed rules concerning waste disposal. The Government may delegate the issuance of such rules to municipalities.

Section 10 Where it is necessary for reasons of human health or the environment, the Government may with respect to waste other than household waste generated in the municipality issue rules requiring:

1. the municipality to arrange for removal of the waste;
2. the municipality to ensure that the waste is recycled or disposed of.

The above provisions shall not apply in cases where rules concerning producer responsibility are issued pursuant to section 6.

The Government may delegate the issuance of rules referred to in the first and the second paragraph to municipalities.

Municipal waste management regulation

Section 11 All municipalities shall adopt a municipal waste management regulation which shall contain the rules on waste disposal that are applicable in the municipality and a waste disposal plan. The regime shall define the conditions referred to in section 8 third paragraph. The waste disposal plan shall contain information concerning waste in the municipality and concerning the municipality's measures to reduce the quantity and hazardousness of such waste.

The Government or the authority appointed by the Government may issue rules concerning the content of waste disposal plans.

Section 12 Where a decision concerning a municipal waste management regulation is to be taken by a municipality following government authorization, it shall be adopted by the municipal council.

Section 13 In connection with the preparation of a draft municipal waste management regulation, the municipality shall, by appropriate means and to the extent reasonable, consult any property owners and authorities that may have a substantial interest in the matter.

Before the draft municipal waste management regulation is adopted, it shall be displayed for public scrutiny for a period of at least four weeks.

Section 14 A notice announcing the display of the draft municipal waste management regulation for public scrutiny shall be published in the local newspaper before the start of the period of display. The notice shall include information about the main content of the draft, where it is to be displayed and the period during which objections can be submitted and to whom.

Section 15 The provisions of sections 13 and 14 shall also apply to any amendments to a municipal waste management regulation.

Municipalities need not display draft amendments to a municipal waste management regulation for public scrutiny if they only concern a small number of property owners or if the amendments are limited in scope.

Section 16 The Government may issue rules requiring operators whose professional activities generate waste to give the municipality any information that may be necessary for the purposes of its waste management regulation. The Government may delegate the issuance of such rules to municipalities.

Section 17 Apart from their obligations under the municipal waste management regulation, municipalities must remove household waste if the owner or tenant of a property so requests and the request is not unreasonable in view of the circumstances.

Waste management

Section 18 Where a municipality or a producer is responsible for removing waste, it must not be composted or buried or otherwise recycled or removed by the owner or tenant of the property.

However, the provisions of the first paragraph shall not apply to waste that can be disposed of on the property without any risk of detriment to human health or the environment.

In individual cases the municipality may, in the case of waste would otherwise have been disposed of by the municipality, allow owners or tenants of properties to dispose of waste generated on their premises themselves, if they can do so in a manner that is safe for human health and the environment and there are special reasons for granting such an exemption.

Even where a permit is not required, a permit application may be submitted to the municipality for activities or measures referred to in the second paragraph.

Section 19 If it is necessary for the purposes of reuse or recycling or for other health or environmental reasons, the Government may issue rules requiring certain kinds of waste to be stored and transported separately from other waste and may issue any other rules that are necessary for this purpose. The Government may delegate the issuance of such rules to public authorities or municipalities.

Section 20 If it is necessary for the purposes of reuse or recycling or for other health or environmental reasons, the Government may issue rules prohibiting the landfilling of combustible and organic waste.

The Government or the authority appointed by the Government may issue rules concerning exemptions or waive the prohibitions mentioned in the first paragraph in individual cases.

Section 21 If the municipality is responsible for arranging for the transport of waste, such removal may not be undertaken by any party other than the municipality or the person engaged by the municipality for the purpose.

If a producer is responsible for arranging for the transport of waste, the Government may issue rules prohibiting persons other than the producer or the person engaged for the purpose by the producer from undertaking such transport.

Authorization to issue rules concerning certain kinds of waste

Section 22 If it is necessary in order to promote the reuse of parts or the recycling of materials from scrap vehicles in the sense of the Motor Vehicle Disposal Act (1975:343), the Government or the authority appointed by the Government may issue rules concerning professional dismantling and similar professional disposal of scrap vehicles.

Section 23 If it is necessary for the purposes of reuse or recycling or for other health or environmental reasons, the Government may issue rules:

1. concerning professional pre-treatment, including dismantling and separation, of waste consisting of electrical and electronic equipment; and

2. stipulating that persons engaged in the professional pre-treatment, including dismantling and separation, of waste consisting of electrical and electronic equipment shall employ personnel or use quality systems that are certified by a body accredited pursuant to the Technical Verification Act (1992:1119).

Section 24 If it is necessary for the purposes of reuse or recycling or for other health or environmental reasons, the Government may issue rules prohibiting the landfilling, incineration and shredding of waste consisting of electrical and electronic equipment prior to pre-treatment in accordance with section 23.

Authorization to issue rules concerning permit requirements etc.

Section 25 Where necessary for health or environmental reasons, the Government or the authority appointed by the Government may issue rules to the effect that:

1. waste may only be professionally transported by persons who hold a licence or are registered by the authority appointed by the Government, or that special conditions shall apply to such activities; and

2. persons whose professional activities generate waste other than household waste shall deliver the waste for removal to a person who holds a transport licence or is registered with the appointed authority.

Applications for permits referred to in the first paragraph, point 1 shall be submitted to the authority appointed by the Government.

Section 26 The Government or the authority appointed by the Government may issue rules requiring persons whose professional activities generate waste other than household waste or who professionally handle such waste to supply information about the nature, composition and quantity of the waste and about its origin and where the waste is deposited. This information shall

be given to the municipal committee that is the supervisory authority.

Section 27 If it is necessary for health or environmental reasons, the Government or the authority appointed by the Government may issue rules requiring professional waste collectors or persons who professionally undertake the removal or recycling of waste for third parties to be registered with the authority appointed by the Government. This shall not apply to persons who must obtain permits or submit notification in accordance with rules issued pursuant to section 25 or with other provisions of this Code.

Authorization to issue rules concerning waste in consequence of Sweden's membership of the European Union

Section 28 The Government or the authority appointed by the Government may issue any rules concerning waste, waste disposal planning and restrictions with respect to waste transports that are necessary in consequence of Sweden's membership of the European Union.

Authorization to issue rules for the defence sector

Section 29 The Government or, where the Government so decides, the Surgeon-General of the Swedish Armed Forces may issue special rules for the Swedish Armed Forces, the National Fortifications Administration, the Defence Matériel Administration or the National Defence Radio Centre that differ from the provisions of this chapter.

Littering

Section 30 Leaving litter out of doors in places to which the public has access or which are within its view shall be prohibited.

Dumping

Section 31 Waste, whether in the form of solid matter, liquids or gas, must not be dumped in Sweden's territorial waters or economic zone. Waste must not be dumped from Swedish vessels or aircraft in the open sea. Waste intended for dumping in the open sea must not be taken out of the country or Sweden's economic zone.

The provisions relating to dumping shall also be applicable to the incineration of waste.

Section 32 The provisions of section 31 first paragraph shall not apply to discharges of harmful substances from vessels which are governed by the Measures against Pollution from Ships Act (1980:424).

Section 33 The Government or the authority appointed by the Government may by decision in individual cases grant exemptions from section 31 first paragraph where waste can be dumped without detriment to human health and the environment. If the dumping of waste causes damage that was not anticipated when the permit was granted, the authority that granted the permit may issue an injunction for the purpose of remedying the damage. If the damage is not remedied or if conditions or rules are not complied with, the permit may be withdrawn.

PART FOUR

CONSIDERATION OF CASES AND MATTERS

Chapter 16. General provisions concerning the consideration of cases and matters

Reviewing authorities

Section 1 The Government, county administrative boards and other administrative authorities, municipalities, the environmental courts, the Superior Environmental Court and the Supreme Court shall deal with cases and matters governed by this Code, or rules issued in pursuance thereof. However, the provisions relating to criminal proceedings in general shall be applicable to cases concerning penalties or forfeiture referred to in chapter 29.

Detailed rules concerning the cases and matters to be dealt with by the respective reviewing authorities are contained in chapter 17, sections 1 to 4, chapter 18, sections 1 to 2, chapter 19, sections 1 to 2, chapter 20, section 2, chapter 23, section 1 and chapter 23, section 9.

Decisions or judgments relating to the withdrawal of permits, exemptions and approvals and to prohibitions against continued activities and reviews of permits or conditions shall be taken by the licensing authority.

Permits, approvals and exemptions

Section 2 Permits, approvals or exemptions granted pursuant to this Code or to rules issued in pursuance thereof may be valid for a limited period. The Government may issue further rules concerning such time limits.

Conditions may be attached to permits, approvals and exemptions granted pursuant to this Code or to regulations issued in pursuance thereof.

Application cases are defined in chapter 21, section 1 and chapter 22, section 1 contains provisions concerning the contents of applications in such cases. The Government may issue rules concerning the content of applications in other cases.

Section 3 The validity of a permit, approval or exemption may be made subject to the requirement that the person who intends to pursue the activity must furnish a security for the costs of after-treatment and any other restoration measures that may be necessary as a result. The state, municipalities, county councils and associations of municipalities shall not be required to furnish a security.

If there is cause to assume that the security furnished is no longer sufficient, the authority which is considering the application for a permit, approval or exemption may require an additional security to be furnished.

The type of security shall be governed by chapter 2, section 25 of the Enforcement Code. Securities shall be examined by the licensing authority and lodged with the county administrative board.

Section 4 Permits and exemptions must not conflict with detailed development plans or area regulations adopted pursuant to the Planning and Building Act (1987:10). Nevertheless, minor departures may be allowed if they are not contrary to the purpose of the plan or the rules.

Section 5 Permits, approvals and exemptions must not be granted for new activities which are likely to be instrumental in infringing environmental quality standards. However, an activity may be permitted where the operator takes measures as a result of which the detriment caused by other activities is terminated or reduced, thus materially improving the possibility of complying with the environmental quality standard.

Section 6 A permit, approval or exemption may be refused to a person who did not discharge his obligations under a previous permit, approval or exemption. The same shall apply to a person who has previously omitted to apply for the necessary permit, approval or exemption. Where such omission has occurred, a permit, approval or exemption may also be refused if the applicant or a person who, by reason of the ownership structure or the

division of responsibilities, is closely associated with the applicant's activities, is or was similarly associated with the activity in which the omission occurred.

Section 7 In connection with the consideration of cases and matters pursuant to this Code, attention shall be paid to other activities or special structures that are likely to be necessary for efficient operations.

Section 8 Where two or more persons who pursue or intend to pursue an activity agree to take measures to prevent or combat detriment to human health and the environment, the conditions referred to in section 2 second paragraph may apply to two or more activities. This shall only be contemplated where it is calculated to increase the likelihood of compliance with the environmental quality standards referred to in chapter 5 or to secure benefits in terms of health and the environment in some other way.

Matters referred to in the first paragraph may be resolved by a joint decision to grant a permit subject to certain conditions for the activities or by separate decisions laying down the same conditions for both parties.

Section 9 Permits and exemptions and decisions to withdraw permits or exemptions may be issued subject to the obligation to carry out or pay for the following measures:

1. a special examination of the area concerned;
2. specific measures for conservation of the area; and
3. specific measures to compensate for any encroachment on public interests due to the activity.

The provisions of this section shall be without prejudice to the obligations of persons who are liable for after-treatment pursuant to chapter 10.

Section 10 If a water operation is pursued without permission, the burden of proof shall rest on the operator to establish the water conditions that prevailed prior to commencement of the operation.

Section 11 If cases or matters governed by this Code that concern permits or exemptions for various activities are dealt with simultaneously, and the activities cannot be pursued concurrently as requested in the applications because they relate to the same

natural resource or for some other reason, the activities shall, if possible, be modified so that they can commence without significant detriment to either of them. If such modification is impossible, priority shall be given to the activity that is most consistent with the provisions of chapter 3.

The first paragraph shall not apply where an association is established for the respective activities pursuant to the Act (1998:812) Containing Special Provisions concerning Water Operations.

Right of appeal

Section 12 Appeals may be made against appealable judgments or decisions by:

1. any person who is the subject of a judgment or decision against him;
2. local employees' associations that organize workers in the activity to which the decision relates in the case of judgments and decisions concerning permits for environmentally hazardous activities;
3. national employees' organizations within the meaning of the Codetermination at Work Act (1976:580), the corresponding employers' organizations and consumer associations in the case of decisions taken by a county administrative board or a central administrative authority pursuant to an authorization issued in accordance with chapter 14, provided that the decision does not relate to an individual case; and
4. authorities, municipal committees or other bodies which have a right of appeal pursuant to specific provisions in this Code or to rules issued in pursuance thereof.

The provisions of this section shall be without prejudice to the right of appeal provided by the Code of Judicial Procedure.

Section 13 Appeals may be made against appealable judgments or decisions concerning permits, approvals and exemptions issued pursuant to this Code by non-profit associations whose purpose according to their statutes is to promote nature conservation or environmental protection interests. The right of appeal against judgments and decisions shall be subject to the requirement that the association has operated in

Sweden for at least three years and has not less than 2,000 members.

However, non-profit associations may not appeal against decisions relating to the Swedish Armed Forces, the National Fortifications Administration, the Defence Matériel Administration or the National Defence Radio Centre.

An environmental organization that wishes to appeal against a judgment or decision referred to in the first paragraph must do so within the time limit fixed for the parties to the case or for other claimants with a right of appeal in the case or matter.

Chapter 17. The Government's consideration of permissibility

Compulsory consideration of permissibility

Section 1 The Government shall consider the permissibility of new activities or operations of the following kinds:

1. iron and steel works, metallurgical works and ferro-alloy plants;
2. pulp plants and paper mills;
3. crude oil refineries or heavy petrochemical plants;
4. plants for the manufacture of basic chemicals or fertilizers;
5. cement plants;
6. nuclear installations that are subject to examination by the Government pursuant to the Nuclear Activities Act (1984:3) and plants for the extraction of uranium-bearing materials or other substances that can be used for the production of nuclear fuel;
7. combustion plants with an input power of not less than 200 megawatts;
8. wind farms consisting of clusters of three or more wind turbines with a total output of not less than 10 megawatts;
9. facilities for the storage of not less than 50 million normal cubic metres of natural gas;
10. facilities for the treatment of hazardous waste where most of the waste that is to be treated in the facility is from other establishments and more than 10,000 tonnes of hazardous waste are incinerated per year or otherwise recycled or disposed of at the facility;
11. structures for the extraction of substances or materials in the areas mentioned in chapter 4, section 5;
12. hydroelectric power plants designed for an installed generator output of not less than 20 megawatts;
13. water regulation facilities with a water reservoir capacity of not less than 100 million cubic metres per year or 10 million cubic metres per week;
14. diversion or other removal of water from watercourses or lakes with a normal low flow without water regulation of not less than 10 cubic metres per second at the point of outlet, where the

amount of water used is such that the flow is less than four-fifths of the normal unregulated low flow;

15. groundwater catchments supplying more than 10,000 cubic metres of water per day, unless nine-tenths of the water removed is restored to the groundwater reservoir;

16. regulation, diversion or removal operations apart from those already mentioned which affect Lake Vänern, Lake Vättern, Lake Mälaren, Lake Hjälmaren, Lake Storsjön in Jämtland or Lake Siljan, where the operations are likely to be substantial or intrusive;

17. the construction of platforms for offshore oil or gas extraction and of anchorages or moorings for such platforms, other than temporary ones, for the purposes of repairs, conversion or some other reason;

18. motorways, expressways and other roads with at least four traffic lanes that are not less than ten kilometres in length;

19. long-distance railway lines and the construction of at least five kilometres of new tracks for existing long-distance railway lines;

20. public navigation channels;

21. airports with a runway length of at least 2,100 metres.

Section 2 In special circumstances the Government may in individual cases decide not to examine an activity mentioned in section 1.

Consideration of permissibility following exercise of reserved rights

Section 3 In individual cases the Government may reserve the right to consider the permissibility of an activity or operation for which an assessment pursuant to section 1 is not compulsory, where:

1. with regard to the interests to be promoted by this Code in accordance with chapter 1, section 1, the scope of the activity is or is likely to be substantial or intrusive;

2. the activity is likely, outside areas designated as special protection areas or special areas of conservation pursuant to chapter 7, section 28 the first or the second paragraph, to cause damage to the area's natural assets that is not inconsiderable;

3. chapter 4, section 6 third paragraph is applicable to the activity.

The reserved right mentioned in the first paragraph, point 2 shall only apply to activities for which a permit is required pursuant to this Code or to rules issued in pursuance thereof.

Where a case or matter is the subject of an ongoing permit application procedure pursuant to this Code, the Government shall immediately notify the environmental court or authority which is considering the application of the reservation.

Section 4 In connection with the consideration of an activity mentioned in section 1 or section 3, the Government may reserve the right to consider the permissibility of another activity where the application relates to permits for both activities and they are related, or the question of modification or priority between the activities arises pursuant to chapter 16, section 11. Section 3 third paragraph shall be applicable to such a reserved right.

Notification

Section 5 If an authority or municipality is advised of the existence of an activity referred to in section 3 in its jurisdiction, it shall notify the Government thereof.

Approval by municipal councils

Section 6 The Government may only permit an activity referred to in section 1, points 1 to 11 and 17 if it has been approved by a municipal council.

The same shall apply to government permission for activities referred to in section 3, first paragraph, point 1 or section 4 other than water operations or transport facilities.

Without prejudice to the first paragraph, the Government may permit an activity referred to in section 1, point 6 that involves intermediate storage or final disposal of nuclear material or waste or an activity referred to in section 1, point 7, 8, 9 or 10, if the activity is of the utmost importance with regard to the national interest. However, this shall not apply where another site is considered more appropriate for the activity or if an appropriate site has been designated for the activity in another municipality which is likely to approve the site.

Safeguards for public interests

Section 7 Where the Government rules that an activity is permissible in accordance with this chapter, it may lay down special conditions in order to safeguard public interests.

Chapter 18. The Government's reviews of decisions etc. which have been appealed against

Section 1 Following appeals, the Government shall review:

1. decisions by government agencies relating to the establishment, alteration or withdrawal of the status of national parks, nature reserves, culture reserves, natural monuments, shore protection areas, environmental protection zones or water protection areas, excluding matters relating to compensation; and
2. decisions taken by the Surgeon-General of the Swedish Armed Forces pursuant to this Code or to rules issued in pursuance thereof, and
3. other decisions when it is stipulated appeal to the Government. (Law 1999:368)

Section 2 Where a permit is required for an activity or operation, the Government shall review matters mentioned in chapter 17, section 1 that are referred to it.

Chapter 19. Consideration of matters by administrative authorities and municipalities

General provisions concerning the consideration of matters

Section 1 Administrative authorities and municipalities shall consider matters in accordance with the provisions of this Code or rules issued in pursuance thereof.

Appeals against decisions by municipalities relating to the establishment, alteration or withdrawal of the status of nature reserves, culture reserves, natural monuments, shore protection areas or water protection areas, with the exception of decisions concerning compensation, may be lodged with the competent county administrative board unless other provision is specifically made. Appeals against decisions by municipal committees in individual cases may be lodged with the county administrative board, unless other provision is specifically made.

Appeals against decisions by county administrative boards and other government agencies in individual cases may be lodged with an environmental court pursuant to chapter 20, section 2, second paragraph.

Section 2 Where an administrative authority or municipality rules that an activity or measure may only be permitted in accordance with chapter 2, section 9 first paragraph or section 10, the authority or municipality shall refer the matter to the Government for a decision, together with its own opinion. The same shall apply to the Government's consideration of permissibility pursuant to chapter 17, section 1 or where the Government reserves the right to consider permissibility in accordance with chapter 17, section 3.

Pursuant to chapter 17, section 5, activities referred to in chapter 17, section 3 must be reported to the Government.

Section 3 The provisions of chapter 21, section 3 relating to proceedings in environmental courts shall also apply to county administrative boards where the matter would otherwise have been dealt with by a municipality.

Special provisions concerning examination of environmentally hazardous activities

Section 4 County administrative boards and municipal committees shall:

1. give persons affected by the activity the opportunity to comment by publishing notices in local newspapers or by other suitable means;
2. consult government and municipal authorities which have a substantial interest in the matter;
3. hold a meeting with persons affected by the matter and arrange an on-site inspection if this is necessary for the purposes of the investigation; and
4. notify persons who have submitted applications or presented comments through another person and give them the opportunity to comment, subject to section 17 of the Administrative Procedures Act (1986:223).

Section 5 The following provisions shall be applicable to matters dealt with by county administrative boards or municipal committees:

1. chapter 22, section 1 first paragraph concerning the form and content of applications;
2. chapter 22, section 2 concerning the submission of applications and any deficiencies in them;
3. chapter 22, section 3, concerning the content of notices;
4. chapter 22, section 6, concerning the right to sue;
5. chapter 22, section 9, concerning the right to act as the legal representative for a property;
6. chapter 22, section 12, concerning experts;
7. chapter 22, section 13, concerning on-site inspections;
8. chapter 22, section 25, first paragraph, points 1 to 3 and 5 to 11, the last sentence of the second paragraph and the third paragraph, concerning the content of judgments relating to permits;
9. chapter 22, section 26, concerning separate judgments;
10. chapter 22, section 27, first paragraph, the second sentence of the second paragraph and the first sentence of the third paragraph, concerning postponed matters and provisional rules;
11. chapter 22, section 28, the first sentence of the first paragraph, concerning enforcement orders; and

12. chapter 23, section 3, concerning separate appeals relating to experts referred to in chapter 22, section 12. (Law 1999:385).

Chapter 20. Courts

Courts

Section 1 The district courts so designated by the Government shall be regional environmental courts.

The Superior Environmental Court shall be the Svea Court of Appeal.

The final court of appeal shall be the Supreme Court.

Section 2 The environmental courts shall be the first instance for the hearing of cases concerning:

1. environmentally hazardous activities which are application cases within the meaning of chapter 21, section 1 first paragraph;

2. water operations and water structures within the meaning of chapter 11 and in the Act (1998:812) Containing Special Provisions concerning Water Operations, with the exception of operations involving land drainage, which shall be examined by the competent county administrative board;

3. land drainage which are referred by a county administrative board or reported by a property registration authority in accordance with the Act (1998:812) Containing Special Provisions concerning Water Operations;

4. compensation for damage and intrusion pursuant to chapter 28, sections 2 to 5;

5. compensation and compulsory public acquisitions referred to in this Code and acquisition in connection with water operations, unless other provision is specifically made;

6. compensation for environmental damage and compulsory purchase referred to in chapter 32 and actions relating to prohibitions or precautions referred to in chapter 32, section 12;

7. the allocation of joint and several liability between several parties pursuant to chapter 10, sections 6 and 7 at the suit of one of the liable parties;

8. the award of prospective fines pursuant to this Code at the petition of the authority that issued the injunction. Section 6 second paragraph of the Prospective Fines Act (1985:206) shall be applicable to injunctions issued subject to a penalty of a fine.

In accordance with chapter 19, section 1, third paragraph, the environmental courts shall, unless other provision is made, review appeals against decisions taken by county administrative boards and other government agencies pursuant to this Code or to rules issued in pursuance thereof or pursuant to the Act (1998:812) Containing Special Provisions concerning Water Operations. Pursuant to chapter 26, section 17 second paragraph, environmental courts shall review decisions by the Enforcement Service to provide assistance which have been appealed against.

Section 3 Subject to the provisions of this Code or other legislation, the existing provisions concerning civil actions in ordinary courts shall also be applicable to environmental courts and the Superior Environmental Court and to reviews of cases arising out of this Code by the Supreme Court. The Court Proceedings Act (1996:242) shall be applicable to the examination of cases.

When an environmental court deals with a case relating to the award of prospective fines in a separate action, this aspect of the case shall be examined in accordance with the rules of the Code of Judicial Procedure concerning actions in which the maximum penalty for the offence is a fine.

Subject to the provisions of this Code or other legislation, the provisions of the Judicial Procedure in Administrative Matters Act (1971:291) shall be applied by environmental courts in cases referred to them following an appeal and in reviews of appeals against decisions in such cases that are lodged with the Superior Environmental Court. However, section 7 a of the Judicial Procedure in Administrative Matters Act shall not be applicable to appeals against decisions or judgments that are lodged by non-profit associations pursuant to chapter 16 section 13 of this Code.

Environmental courts

Section 4 An environmental court shall consist of a president, who shall be a legally qualified district court judge, an environmental adviser and two expert members. The court may also comprise an additional qualified judge and an additional environmental adviser.

Environmental advisers shall have technical or scientific training and experience of environmental issues. One of the expert members shall have experience of matters falling within the area of

responsibility of the Swedish Environmental Protection Agency. The president shall decide, with reference to the nature of the case, whether the other expert member shall have experience of industry or of local government.

Section 5 Unless other provision is made by this Code, environmental courts shall be competent in the composition of the president and an environmental adviser in proceedings apart from main hearings. The same shall apply to main hearings in cases referred to in chapter 1, section 3 a second and third paragraph of the Code of Judicial Procedure. However, if such cases are decided on the merits without a main hearing, the composition shall be that mentioned in section 4, unless the court finds that the composition of the president and one environmental adviser is sufficient and the parties agree, or if the case is a simple one.

In a case referred to in section 3 third paragraph, the environmental court shall consist of the president and one environmental adviser. In the case of decisions as to substance relating to permits, the composition shall be that mentioned in section 4.

Section 6 The Government or the authority appointed by the Government shall appoint the president, appoint or engage environmental advisers and appoint expert members to serve on environmental courts.

Section 7 The Government shall define the judicial districts of the environmental courts.

Section 8 Cases concerning the conduct of environmentally hazardous activities, water operations, water structures and compensation arising out of water operations shall be tried by the environmental court in whose district the activity is, was or will be mainly pursued.

Cases relating to compensation for damage and intrusion pursuant to chapter 28, sections 2 to 5 and to public intervention pursuant to this Code shall be tried by the environmental court in whose district most of the damage and intrusion has occurred or will occur.

Cases relating to compensation for environmental damage referred to in chapter 32 shall be tried by the environmental court in whose district the harmful activity is or was mainly pursued.

Any person who pursues or intends to pursue an activity that is liable to cause damage referred to in chapter 32, section 3 may apply for examination of the question of compensation to the court in whose district the activity is or will be mainly pursued.

Section 9 A matter referred to an environmental court following an appeal against the decision of an authority shall be tried by the environmental court in whose district the authority that originally dealt with the matter is situated.

Where cases are tried jointly, the court that is competent to try one of the cases shall also be competent to try the other cases.

The question of the environmental courts' competence in relation to one another shall not be examined by a higher court except in cases referred to in chapter 10, section 20 second paragraph of the Code of Judicial Procedure.

Section 10 When a vote is taken, legally qualified judges shall first give their opinion, followed by the environmental advisers and lastly the expert members. The president shall have the casting vote except in cases relating to the award of prospective fines, where the most lenient opinion shall prevail.

The Superior Environmental Court

Section 11 In order to fulfil its functions as the Superior Environmental Court, the Svea Court of Appeal shall appoint environmental advisers in addition to legally qualified judges. They shall have technical or scientific training and experience of environmental issues. The Government or the authority appointed by the Government shall appoint or engage environmental advisers.

The Superior Environmental Court shall be competent when four members, at least three of whom shall be legally qualified judges, are present. If one of the legally qualified members is prevented from attending after the main hearing has commenced, the court shall be competent nevertheless. No more than five members may attend.

In matters relating to leave to appeal, the Superior Environmental Court shall consist of three legally qualified judges. However, an environmental adviser may be included in the court instead of one of the legally qualified members.

Chapter 21. Cases in environmental courts

Section 1 Application cases are cases:

1. concerning permits for environmentally hazardous activities referred to in chapter 9, section 6 which, pursuant to the provisions of chapter 9, section 8, shall not be considered by county administrative boards or municipalities;

2. concerning permits for water operations referred to in chapter 11, section 9 which shall not be considered by county administrative boards;

3. concerning approval pursuant to chapter 11, section 16 of alteration or repair works that have been carried out or of measures taken contrary to existing rules concerning the storage and release of water, where the works or measures do not include land drainage which falls within the jurisdiction of the county administrative board;

4. concerning permits referred to in chapter 11 for the removal of a water structure or permit application procedures referred to in chapter 11, section 22;

5. concerning extension pursuant to chapter 24, section 2 second paragraph of the time limit for completion or commencement of an activity;

6. concerning withdrawal of a permit or prohibition of continued activities pursuant to chapter 24, section 3;

7. concerning reviews referred to in chapter 24, sections 5 to 9 and chapter 7, sections 13 to 15 of the Act (1998:812) Containing Special Provisions concerning Water Operations; and

8. cases referred to in chapter 7, section 1 of the Act (1998:812) Containing Special Provisions concerning Water Operations.

Where application cases relate exclusively to a certain party or parties and the ruling may only be binding upon these parties, the environmental court may, if the applicant gives his consent, rule that the case shall be examined in accordance with the provisions of chapter 7 of the Act (1998:812) Containing Special Provisions concerning Water Operations that relate to summons cases.

Section 2 Proceedings in cases that are not application cases within the meaning of section 1 shall be instituted by summons applications, unless other provision is specifically made. Chapter 7

of the Act (1998:812) Containing Special Provisions concerning Water Operations shall be applicable to certain summons cases. Pursuant to chapter 20, section 3 third paragraph of this Code, certain cases shall be governed by the Judicial Procedure in Administrative Matters Act (1971:291).

Section 3 Cases and matters arising from this Code may be dealt with at a single trial even in cases or matters other than those referred to in chapter 14, sections 1 to 7 of the Code of Judicial Procedure if the applicant is the same and the cases or matters relate to the same activity or related activities. If an environmental court examines such a case or matter, an application in a similar matter may be submitted to the court even where it would otherwise have been examined by a county administrative board or a municipality. Where a matter that has been examined by an administrative authority or a municipality is considered together with an application case, the provisions of chapter 20, section 3 third paragraph concerning application of the provisions of the Judicial Procedure in Administrative Matters Act (1971:291) shall not be applicable.

When examining a case or matter referred to in the first paragraph, an environmental court may reserve the right to examine a similar matter that is being considered by a county administrative board or a municipality.

Section 4 If a person brings an action before an environmental court for the prohibition of an environmentally hazardous activity or for an injunction upon a person who pursues or intends to pursue such an activity to take precautionary measures, the environmental court may not, where a permit application for the activity required by this Code is pending or is submitted for consideration before the court has taken a decision, make a ruling until a decision has been delivered on the application.

Section 5 If, pursuant to chapter 26, section 9 first paragraph, a supervisory authority prohibits environmentally hazardous activities or decides that persons who pursue, or intend to pursue, such an activity shall take precautionary measures, and if a permit application is submitted pursuant to this Code, the environmental court may, where the applicant furnishes a security for costs and damage, decide that the decision of the supervisory

authority shall not be executed until a decision is taken on the application or the court provides otherwise.

Chapter 2, section 25 of the Enforcement Code shall be applicable to the type of security. The security shall be examined by the court and shall be lodged with the county administrative board.

Section 6 If an environmental court has tried a case relating to a matter governed by this Code, the question whether the case should be dealt with by a court other than an environmental court or by an authority other than a court may only be examined by a higher court if:

1. an appeal is lodged with the court or an action is brought there by a party so entitled;
2. the environmental court has examined a question relating to the title to a property or to the division of property;
3. the environmental court has examined a question for which a separate procedure is required by this Code; or
4. the environmental court has examined a question relating to liability for an offence.

Section 7 Where an environmental court finds that an activity or measure can only be permitted in accordance with chapter 2, section 9 first paragraph or section 10, it shall refer the matter to the Government for a decision, together with its own opinion. The same shall apply to the Government's consideration of permissibility pursuant to chapter 17, section 1 or where the Government reserves the right to assess permissibility pursuant to chapter 17, section 3.

Where an environmental court finds that a case before the court also relates to a public interest of great importance other than those referred to in chapter 1, section 1, it shall refer the matter to the Government for a decision, together with its own opinion. The same shall apply where the Swedish Environmental Protection Agency requests that the case be referred to the Government for the same reason. Where the matter concerns a decision by a public authority relating to the Swedish Armed Forces, the National Fortifications Administration, the Defence Matériel Administration or the National Defence Radio Centre, the court shall always refer the matter to the Government for a decision, together with its own opinion.

Chapter 22. The procedure for application cases in environmental courts

Section 1 An application in an application case shall be made in writing. It shall contain:

1. any information, drawings and technical descriptions that are necessary for an assessment of the nature and scope of the activity or measure;
2. an environmental impact statement pursuant to chapter 6 and information about any consultations that have taken place pursuant to chapter 6, sections 4 to 6;
3. any information that is necessary for an assessment of compliance with the general rules of consideration laid down in chapter 2;
4. proposals for any protective measures or other precautions that may be necessary in order to prevent or remedy the adverse effects of the activity;
5. proposals for control of the activity, and
6. a security report in those cases where the Act (1999:381) on Measures to Prevent and Limit the Consequences of Major Chemical Accidents is applicable on the activity.

In cases relating to water operations, applications shall also contain the following:

1. information as to whether or not any properties are affected by the operations and, where applicable, the names and addresses of the owners of the properties and any holders of special rights thereto; and
2. a statement of the compensation amounts offered by the applicant to each party to the case, unless it is appropriate to postpone the submission of such information on account of the scope of the operations.

Chapter 7, section 4 of the Act (1998:812) Containing Special Provisions concerning Water Operations contains further provisions concerning the content of applications in cases relating to water operations in certain circumstances. (Law 1999:385)

Section 2 The application documents shall be submitted in the number of copies that the environmental court considers necessary.

If the number of copies of application documents submitted is not sufficient, or if the environmental court considers the application incomplete, it shall order the applicant to correct the fault within a specified period. If the applicant does not comply with the injunction, the court may rule that the fault shall be remedied at the applicant's expense or, where the fault is so serious that the application cannot be used as a basis for examination of the case, it may reject the application.

Section 3 When an application is to be considered, the environmental court shall publish a notice. The notice shall contain:

1. a brief presentation of the application and, where the case relates to water operations, information about any properties that may be affected;
2. information about the provisions of sections 7, 10 and 19;
3. the time limit for the submission of comments pursuant to section 10;
4. a notice to the effect that summonses and other communications in the case to the parties shall be inserted in all the local newspapers or certain specified newspapers, and that, unless they are sent separately to a party, they shall be made available by the keeper of the file; and
5. the name and address of the keeper of the file.

The environmental court shall appoint one or more persons to keep copies of the documents in the case (keepers of the file).

The notice shall be published in a local newspaper without delay. In cases relating to water operations a copy of the notice shall be sent to each party to the case who is mentioned in the application or otherwise known to the court.

If the application relates to real estate that belongs to several properties, a copy of the notice need not be sent to each of the members of the association. If the association is known to have a board, a copy of the notice shall be sent to the board.

Section 4 A copy of the application documents and the notice shall be sent to the Swedish Environmental Protection Agency, the Legal, Financial and Administrative Services Agency, the Swedish Rescue Services Agency and the National Board of Fisheries. However, if the activity does not affect public fishing interests or some other public interest, the documents need not be transmitted.

The notice shall also be sent to the municipalities concerned and the municipal committee or committees in the field of environmental and health services and to county administrative boards and other government agencies which may be affected by the application. (Law 1999:385)

Section 5 The notice shall be communicated to:

1. the governing board or other operator of any canal or lock system, other public navigation channel or public port or floatway which is affected by the application;
2. the governing board of any water association affected by the application and the governing board or other manager of any association referred to in this Code or corresponding previously applicable provisions;
3. the owners of any hydroelectric power plants, if the application relates to utilization of the power generated;
4. the owner of any property to which a hydropower development right is attached which supplies cooperative power, in the case of applications mentioned in chapter 7, section 1 second paragraph, point 3 of the Act (1998:812) Containing Special Provisions concerning Water Operations; and
5. any holder of a permit which is the subject of an application referred to in chapter 21, section 1 first paragraph, point 6 or 7 of this Code.

Section 6 The Swedish Environmental Protection Agency, the Legal, Financial and Administrative Services Agency, the Swedish Rescue Services Agency and the competent county administrative board shall, where necessary, plead in the case in order to safeguard environmental interests and other public interests.

Municipalities may plead in the case in order to safeguard environmental interests and other public interests in the municipality.

The National Board of Fisheries shall, if documents have been sent to it pursuant to section 4, deliver an opinion on the effects of the water structure or operations on public fishing interests and propose any rules that may be necessary to protect fishing. If the Board considers that an on-site inspection is necessary before it can deliver an opinion, it shall notify the environmental court to that effect, and the court shall appoint an expert investigation pursuant to section 12. (Law 1999:385)

Section 7 Owners of properties that are affected by an application in a case relating to water operations shall state the names of holders of easements, rights of use or rights to electric power pertaining to the property. If the owner of a property fails to do so without a valid reason, and if such parties incur loss as a result, he shall be liable for the loss.

Section 8 If the environmental court is notified or otherwise advised of a party only after publication of the notice, he shall, unless he has pleaded in the case, be given suitable opportunity to make a statement. However, the proceedings must not be delayed.

Section 9 If there is a dispute concerning a property affected by the activity which is the subject of the case, the litigant who possesses the property with a claim to title shall have the right to represent the property in the case until such time as it is lawfully won from him.

A new owner must not alter any agreements entered into by the previous owner or any other measures taken in the case that are binding upon the previous owner. If the previous owner received communications and summonses in the case, new notices or summonses need not be communicated to the new owner.

Section 10 Comments on the application shall be made in writing and submitted in triplicate to the environmental court within the time fixed by the court. One copy shall be sent to the applicant.

Section 11 The continuing preparatory proceedings may take place in writing or orally.

During the preparatory stage the environmental court shall ensure that the direction and scope of the judicial inquiry are appropriate.

The court shall decide the subject of preliminary oral hearings and which parties are summoned to them. Summonses shall be served upon the parties or published in the local newspaper.

Default judgments may not be delivered in connection with preliminary oral hearings. The parties may refer to documentation that they have submitted. A statement should be made of the content of this documentation.

Section 12 If a special investigation or valuation is necessary for an assessment of the case, the environmental court may appoint one or more experts to deliver an opinion in the case after making a preliminary investigation. Such an investigation shall be performed without delay. If it is necessary in view of the nature of the case or the purpose of the investigation, the court shall notify the parties by suitable means of the time when the investigation is to take place.

Section 13 Where appropriate, an environmental court may instruct one or more members of the court to carry out an on-site inspection. The court shall notify the parties by suitable means of the time when the inspection is to take place. A record shall be made of the inspection.

Section 14 At the request of the applicant, the environmental court may decide without a main hearing that measures may be taken to prevent or mitigate damage or adverse effects before a final decision is taken concerning such measures. In that case, the applicant shall be required to lodge a security with the county administrative board for the compensation he may be obliged to pay as a result of the measures. Chapter 2, section 25 of the Enforcement Code shall be applicable to the type of security.

The decision shall enter into force immediately, but it may be altered where the circumstances so require.

Section 15 If it appears from the opinion mentioned in section 12 or otherwise that the operations to which the application relates affect properties that are not mentioned in the notice referred to in section 3, the environmental court shall, in application of that section, give the owners and holders of special rights to such properties the opportunity to comment.

Where it is more appropriate, the court may summon the parties to the main hearing in the case. The summonses shall be issued not later than eight days before the notice of the main hearing is communicated to the parties in accordance with the provisions that apply to the service of writs in civil actions.

Section 16 When the case is ready for the main hearing, the environmental court shall fix a time and place for it.

If a main hearing is manifestly unnecessary, it need not be held. Where the parties so request, it shall be held nevertheless. The

notice shall state that a ruling may be given in the case or matter on the basis of the documents alone. Main hearings need not be held in matters referred to in section 26 second paragraph. The same shall apply to cases referred to in chapter 42, section 18 first paragraph, points 1, 3 and 4 of the Code of Judicial Procedure.

The details of the time and place of the main hearing shall be communicated to the parties in good time in accordance with the procedure determined for summonses to them. Where there is cause, the summons shall specify the matters to be examined at the main hearing.

If it is necessary for a party to appear in person at the main hearing, the environmental court shall issue an injunction subject to a penalty of a fine. The injunction shall be served upon the party.

The main hearing may be held even if a party does not appear. However, a default judgment must not be delivered.

Section 17 If the environmental court finds that a case can be examined without preliminary proceedings, it may summon the parties to the main hearing in the case by notice. In that case, sections 3 to 9 and 12 to 16 shall be applicable. The main hearing may be held three weeks after the date of notice at the earliest.

Section 18 An inspection shall be made in the case, unless this is unnecessary.

Section 19 Claims for compensation arising out of water operations or a measure referred to in chapter 11, section 22 and comments in response to the opinion on the operations referred to in section 12 shall be submitted in writing or orally at the main hearing at the latest. The environmental court may reject claims and comments submitted later unless they are made in response to observations made at the inspection or other circumstances that become known during the main hearing.

Section 20 At the start of the main hearing the president or another member should make a brief presentation of the application and the claims that have been entered in the case. The parties may refer to documentation submitted for the purposes of clarification of technical matters. A report shall be made on the content of this documentation.

Where the main hearing is postponed, the case shall be resumed at the same stage as at the end of the previous proceedings. However, if the members of the court who take part in the later proceedings were not present at the previous proceedings, a new main hearing shall be opened in the case. Evidence presented at the previous proceedings need not be presented again where it may be assumed to be unnecessary or where this would involve unreasonable cost or great inconvenience.

Section 21 The judgment of the environmental court shall be based on the findings of the inspection and any other proceedings before the court and on the content of the documents.

The judgment shall be delivered as soon as possible in view of the nature of the case and other circumstances. If a main hearing has been held, a judgment shall be delivered within two months of the conclusion thereof, unless exceptional circumstances exist.

The obligation laid down in chapter 17, section 9 seventh paragraph of the Code of Judicial Procedure to notify the parties of the content of the judgment shall be deemed to be discharged by making a copy of the judgment available through the appointed keeper or keepers of the file.

Section 22 When a party to a case relating to water operations considers that he is entitled to a higher compensation than that offered by the applicant, the environmental court may adjust the compensation payable to the other parties by the amounts necessary to ensure that the estimates are based on uniform criteria. The compensation awarded must not be lower than the amount offered by the applicant in the case.

However, where a separate agreement is concluded between the parties, the compensation awarded must not differ from the amount agreed upon.

Section 23 Where necessary for the application of chapter 6, section 18 third paragraph of the Expropriation Act (1972:719), the environmental court shall estimate the value of a property concerned without any special rights that reduce this value.

Section 24 Before the environmental court delivers a judgment on compulsory purchase of part of a property, a map and a description of the area shall be drawn up and its boundaries shall

be marked in accordance with the rules applying to property registration.

Section 25 A judgment granting a permit for an activity shall, where appropriate, include provisions concerning:

1. the period of validity of the permit;
2. the purpose, situation, scope, safety and technical design of the activity;
3. supervision, inspections and checks;
4. liability for compensation or for implementing preventive measures and the manner of payment;
5. the obligation to pay charges or fees;
6. any conditions that are necessary to prevent or limit any harmful impact or other detriment;
7. any necessary conditions concerning the handling of chemical products in connection with the activity, where such handling may be detrimental to the external environment;
8. any necessary conditions concerning waste disposal and recycling and reuse where handling, recycling or reuse may be detrimental to the external environment;
9. any necessary measures relating to the management of land, water and other natural resources;
10. any necessary measures relating to after-treatment and the furnishing of securities;
11. any necessary measures to prevent major chemical accidents and limit the consequences of the accidents for human health and the environment,
12. the period during which claims relating to unforeseen damage may be submitted;
13. any loss of water or other assets that holders of permits referred to in chapter 31, sections 22 and 23 must accept without compensation; and
14. litigation costs.

If the permit relates to works for water operations, the judgment shall specify the time within which these works shall be completed. The maximum period shall be ten years. The time limit for commencement of the environmentally hazardous activities shall be stated.

The environmental court may leave it to the discretion of the supervisory authority to lay down conditions of minor importance.

Chapter 7, section 6 of the Act (1998:812) Containing Special Provisions concerning Water Operations contains further

provisions concerning the content of judgments relating to water operations and structures. (Law 1999:385)

Section 26 At the request of the applicant the environmental court may rule on the question of the permissibility of the activity in a separate judgment, unless the matter must be decided by the Government pursuant to chapter 17, section 1, 3 or 4.

If the court rules that the activity is permissible and it is important that it be completed without delay, the court may grant permission for the work that must be carried out in a separate judgment. Pursuant to section 16 second paragraph, a main hearing shall not be necessary.

If a separate judgment is delivered, the court may decide to stay the proceedings in the rest of the case until the judgment has gained legal force.

Section 27 Where the effects of the activity cannot be predicted with sufficient certainty, the environmental court may, in granting permission for the activity, postpone the question of compensation or other conditions until information is available about the effects of the activity.

In connection with the postponement decision, the court shall, with respect to any damage or loss that is likely to be substantial, issue provisional directions concerning compensation or protective measures. Where necessary in order to combat adverse effects, provisional directions concerning protective measures or other precautions may be issued.

A ruling shall be made without delay on the matters postponed. The compensation awarded must not be lower than the amount fixed provisionally.

Where a certain aspect of the case is postponed, the court shall require the applicant, as a condition for making use of the permit for the activity, to lodge a security with the county administrative board for the final compensation and for the compensation fixed provisionally, which shall not be paid before he makes use of the permit. Chapter 2, section 25 of the Enforcement Code shall be applicable to the type of security.

The Limitation of Claims Act (1981:130) shall not apply to compensation claims that are subject to a postponement decision.

Section 28 Where appropriate, the environmental court may order that a permit for an activity may be used even where the

judgment has not gained legal force. In that case, the applicant shall lodge a security with the county administrative board for any compensation that may be payable for a water operation if the court's judgment is altered. Chapter 2, section 25 of the Enforcement Code shall be applicable to the type of security.

If, after receiving a permit for an activity pursuant to this Code, the applicant is ordered to prevent or mitigate damage or to pay compensation, the court may rule that the judgment shall be executed as if it had gained legal force.

If an appeal is made against a judgment to which an order is attached pursuant to the first or second paragraph, the Superior Environmental Court may set aside the order until the appeal against the judgment is examined in other respects.

Chapter 23. Proceedings in the Superior Environmental Court and the Supreme Court

Proceedings in the Superior Environmental Court

Section 1 Unless other provision is made, appeals against judgments delivered by environmental courts may be made to the Superior Environmental Court. The time limits for appeals laid down in chapter 50, sections 1 and 2 and chapter 52, section 1 of the Code of Judicial Procedure shall also apply to cases referred to them following an appeal.

Leave to appeal shall be required for an appeal to the Superior Environmental Court against a judgment or decision delivered by an environmental court. Where leave to appeal is required, the judgment or decision of an environmental court shall contain a statement to that effect and a copy of the provisions of section 34 a of the Judicial Procedure in Administrative Matters Act (1971:291).

Section 2 Section 34 a of the Judicial Procedure in Administrative Matters Act (1971:291) shall be applicable to the consideration of applications for leave to appeal.

If leave to appeal is not granted, the judgment or decision of the environmental court shall remain in force. A statement to that effect shall be included in the decision of the Superior Environmental Court.

Section 3 Separate appeals may be made against decisions delivered by environmental courts concerning matters referred to in chapter 22, section 14 and chapter 7, section 21 of the Act (1998:812) Containing Special Provisions concerning Water Operations. Appeals against decisions referred to in chapter 7, section 12 second paragraph of the Act (1998:812) Containing Special Provisions concerning Water Operations may only be made in connection with an appeal against a judgment or final decision in the application case.

Section 4 Where appropriate, the Superior Environmental Court may instruct one or more members of the court to carry out an on-site inspection. The court shall notify the parties by suitable means of the time when the inspection is to take place. A record shall be made of the inspection.

A judgment or decision of the Superior Environmental Court must not be based on a study relating to technical characteristics performed by an environmental adviser unless the parties have been given an opportunity to comment on it. However, this shall not apply where the findings of the study only differ slightly from previous evidence in the case.

Section 5 Where the applicant appeals against the judgment or decision of an environmental court in a application case concerning which a notice was published pursuant to chapter 22, section 3, the Superior Environmental Court may, instead of issuing an order for service of the notice on the opposite parties, decide that a copy of the appeal shall be sent to the keeper or keepers of the file appointed by the environmental court and issue a notice concerning the appeal.

Such a notice shall state:

1. that a copy of the documents in the case will be made available by the keeper or keepers of the file;
2. that summonses and other communications in the case to the parties shall, unless they are sent separately to a party, be inserted in a specified local newspaper or newspapers and shall be made available by the keeper or keepers of the file;
3. that a reply shall be submitted to the Superior Environmental Court within the period fixed by the court, which shall be not less than three weeks after publication of the notice.

The notice shall be inserted in the local newspaper or newspapers selected by the environmental court for communications in the case.

The notice shall be deemed to have been served when the directions laid down in this section have been complied with.

Section 6 A case in which an appeal is made against the judgment may be decided by the Superior Environmental Court without a main hearing or oral hearing, where such a hearing would not affect the judicial examination. However, where the parties and opposite parties request a main hearing or an oral hearing, such a hearing shall be held unless it is obviously unnecessary.

In a main hearing the Superior Environmental Court may arrange for the facts of the case to be presented to the extent it finds appropriate.

If the Superior Environmental Court finds it necessary, in reviewing an appeal in a application case, to impose a prospective fine or other penalty on any of the parties for failure to appear, the injunction shall not be communicated to the party by a notice referred to in section 5 but shall be served upon him.

Section 7 In other respects, chapter 21, section 7 and chapter 22, sections 12, 21 and 23 to 28 of this Code and chapter 7, sections 5 and 7 of the Act (1998:812) Containing Special Provisions concerning Water Operations shall be applicable to application cases tried by the Superior Environmental Court. The Superior Environmental Court may rule that a permit for an activity granted by the environmental court may be used even where the judgment has not gained legal force. Chapter 22, section 28 first paragraph shall be applicable to such a ruling.

Proceedings in the Supreme Court

Section 8 Appeals may not be made against judgments and decisions of the Superior Environmental Court in cases which in the first instance were tried by a municipality or an administrative authority.

Section 9 Appeals against judgments or decisions of the Superior Environmental Court may be made to the Supreme Court, unless other provision is made. The provisions of sections 5 and 6 and the first sentence of section 7 concerning proceedings in the Superior Environmental Court shall be applicable to proceedings in the Supreme Court.

Chapter 24. Validity and reviews etc. of permits

Consequences of judgments and decisions delivered pursuant to the Environmental Code

Section 1 If a judgment or decision delivered in an application case referred to in chapter 21, section 1 (1) of this Code or chapter 7, section 1 of the Act (1998:812) Containing Special Provisions concerning Water Operations that relates to a permit for an activity governed by this Code has gained legal force, the permit shall be valid against all other parties as far as the matters examined in the judgment or decision are concerned. The same shall apply to decisions concerning permits for environmentally hazardous activities taken by municipalities or county administrative boards pursuant to chapter 9, section 8 and decisions taken by county administrative boards concerning permits for land drainage pursuant to chapter 11. Permits relating to the erection of water structures shall provide the right to retain the structure. However, pursuant to this chapter, chapter 7, sections 20 and 22, chapter 9, section 5 and chapter 10, section 12 of this Code or chapter 2, section 10 and chapter 7, sections 13 to 17 of the Act (1998:812) Containing Special Provisions concerning Water Operations, the scope of permits may be restricted, they may be altered or new conditions may be attached, or they may be withdrawn and further activity prohibited. Such measures may also be implemented by means of a summary order or prohibition pursuant to chapter 26, section 9 fourth paragraph.

For the purposes of this chapter, the term 'permit' shall also include approval of work or measures referred to in chapter 11, section 16.

Judgments and decisions revising the terms of permits shall have the same effect as judgments and decisions granting permits.

Section 2 A permit shall lapse if the holder fails to comply with the conditions attached to the relevant judgment or decision concerning the time limit for completion of the works or the time limit for commencement of the activity.

If the holder of the permit shows that he has valid reasons for the delay or that substantial damage would be caused if the permit were to lapse, the supervisory authority may extend the period of validity by not more than ten years. The supervisory authority may impose any new or stricter conditions that are reasonable under the circumstances. Applications for extension shall be made before expiry of the appointed period.

Section 3 The licensing authority may withdraw a permit, exemption or approval granted pursuant to this Code or to rules issued in pursuance thereof, wholly or in part, and prohibit further activity:

1. where the applicant for the permit, exemption or approval has misled the licensing authority by supplying incorrect information or omitting to supply information that is relevant to a permit, exemption or approval or to the conditions attached thereto;

2. where a permit, exemption or approval that relates to the activity or measure is not complied with and the discrepancy is not inconsiderable;

3. where the activity or measure causes significant adverse effects which were not anticipated when the permit was granted for the activity or measure;

4. where conditions have arisen due to the activity or measure which make it necessary to prohibit the activity in accordance with chapter 2, section 9;

5. where the activity is discontinued;

6. where a new permit replaces a previous permit;

7. where it is necessary for fulfilment of Sweden's obligations as a Member State of the European Union;

8. where the maintenance of a water structure is seriously neglected; or

9. where a permit to alter water conditions has not been used for a long time and it is not likely that it will be used again.

Where a permit relates to the operation of a water structure, or in cases referred to in first paragraph points 8 or 9, the environmental court may withdraw the right to retain a water structure.

Section 4 In connection with a decision to withdraw a right pursuant to section 3 second paragraph that relates to a water structure, the environmental court may order the person responsible for maintenance of the structure to remove it and take

any measures that are necessary to prevent or mitigate any damage caused by removal.

Instead of issuing an order pursuant to subsection (1), the environmental court may allow another party whose right depends on the removal of the water structure or, in order to protect public interests, the state, a municipality or a water association, to remove the structure at the expense of the person responsible for maintenance. The court may also issue an order in accordance with chapter 11, section 20. In that case, chapter 11, section 20 fourth paragraph and section 21 shall be correspondingly applicable.

Section 5 In the case of environmentally hazardous activities or water operations the licensing authority may revise a permit with respect to the rules concerning the permissible volume of production or similar rules concerning the scope of the activity and alter or cancel conditions or other rules, or issue new rules:

1. when ten years, or the shorter period fixed by the Government or the authority appointed by the Government in consequence of Sweden's membership of the European Union, have elapsed since the decision granting a permit entered into force;
2. where the activity is responsible to a significant extent for an infringement of an environmental quality standard;
3. if the applicant for the permit has misled the licensing authority by supplying incorrect information or omitting to supply information that was relevant to the permit or the conditions;
4. if the terms of the permit that relates to the activity or measure have not been complied with;
5. if the activity causes any significant damage that was not anticipated when the permit was granted;
6. if the conditions in the surrounding area have changed significantly;
7. if a significant improvement in terms of human health or the environment can be achieved by the use of a new process or treatment technology;
8. if the use of a new technology for measuring or estimating pollution levels or other environmental impacts would significantly improve the possibility of controlling the activity;
9. if the activity takes place, entirely or to a significant extent, in an area subject to a prohibition imposed by a rule or decision issued pursuant to chapter 9, section 4;
10. in order to improve the safety of a structure; or

11. if it becomes evident that measures taken or conditions laid down in order to protect fishing pursuant to chapter 11, section 8 or to chapter 6, section 5 of the Act (1998:812) Containing Special Provisions concerning Water Operations are not appropriate.

Extraction permits may be withdrawn, wholly or in part, or new conditions may be attached thereto ten years after entry into force. If it becomes evident that the conditions attached to the permit are insufficient to mitigate the adverse effects on the natural environment, they may be altered before expiry of the period mentioned in the first sentence.

In cases referred to in the first paragraph point 5, the licensing authority may also adopt any other measures that are necessary to prevent or mitigate adverse effects in the future.

The licensing authority must not impose conditions or other rules pursuant to this section that are so intrusive that the activity can no longer be pursued or is significantly hampered.

Section 6 If conditions are imposed for two or more environmentally hazardous activities pursuant to chapter 16, section 8, and if the permit is withdrawn or the conditions revised in the case of one of the activities, the conditions applying to the other activities may also be reviewed.

Section 7 Applications for reviews referred to in sections 3 to 6 may be submitted to an environmental court by the Swedish Environmental Protection Agency, the Legal, Financial and Administrative Services Agency and the competent county administrative board. Where a matter is to be dealt with by an authority other than a court of law or a municipality, it may be submitted without an application.

Section 8 The licensing authority may, at the request of the holder of a permit, cancel or alter rules and conditions in a judgment or decision granting a permit other than those relating to the compensation amount. However, conditions may be cancelled or made more lenient only if they are obviously no longer necessary or are more stringent than necessary, or if the alteration is justified in view of circumstances that were not anticipated when the permit was granted.

Section 9 Chapter 7, sections 13 to 16 of the Act (1998:812) Containing Special Provisions concerning Water Operations

contains further provisions concerning the revision of water operations.

Section 10 If, in connection with its examination of an activity, the Government lays down a specific condition for a permit, the licensing authority must not, without permission from the Government, depart significantly from that condition when reviewing the permit.

Changes of circumstances in associations

Section 11 Chapter 7, sections 17 and 18 of the Act (1998:812) Containing Special Provisions concerning Water Operations contains provisions relating to changes of circumstances in associations.

Unforeseen adverse effects of game enclosures

Section 12 County administrative boards may adopt new or altered conditions where a game enclosure causes adverse effects that were not anticipated when the permit was granted. If the adverse effects are significant and cannot be remedied, the permit may be withdrawn. A permit may also be withdrawn if the game enclosure to which it relates is no longer necessary.

Unforeseen damage

Section 13 If a water operation or a water structure executed in accordance with a permit granted pursuant to this Code causes damage that was not anticipated by the environmental court when the permit was granted, the injured party may submit a claim for compensation pursuant to chapter 31.

Where a private individual or a public interest suffers substantial loss, the operator may be required, at his own expense, to alter the water operation or the water structure, without causing damage to third parties or significant inconvenience to the permit holder, in such a way as to prevent or mitigate future damage. Where public interests are at stake, actions shall be brought by the Swedish Environmental Protection Agency, the Legal, Financial and

Administrative Services Agency, county administrative boards or municipalities.

Claims relating to unforeseen damage shall only be considered if they are presented to an environmental court within five years or the longer period, up to twenty years, that may have been fixed in connection with the granting of the permit. The time shall be calculated from the end of the time limit fixed by the court for completion of the works.

However, in the case of damage referred to in chapter 7, section 7 of the Act (1998:812) Containing Special Provisions concerning Water Operations, claims must not be presented earlier than two years from the date when the damage was caused.

The Limitation of Claims Act (1981:130) shall not be applicable to claims made pursuant to this section.

Section 14 Claims referred to in section 13 shall be made in writing and submitted to the environmental court in triplicate. One copy shall be delivered to the permit holder.

The claim shall be examined before or after expiry of the period for submission of claims. Chapter 7, sections 8 to 12 of the Act (1998:812) Containing Special Provisions concerning Water Operations shall be applicable to this procedure. The provisions of chapter 22, sections 23 and 28 second and third paragraph shall also be applicable.

Chapter 25. Litigation costs and similar costs

Litigation costs in the courts etc.

Section 1 The provisions of the Code of Judicial Procedure relating to litigation costs shall not be applicable to cases relating to environmentally hazardous activities.

Section 2 In application cases relating to water operations, with the exception of those mentioned in the second paragraph, and cases referred to in chapter 21, section 1 second paragraph, applicants shall be liable for their own and the opposite parties' costs in environmental courts. In cases relating to the establishment of associations for land drainage, irrigation or water regulation, applicants shall not be liable for the costs incurred by the members of the association in a county administrative board or an environmental court. Organizations referred to in chapter 16, section 13 shall not be entitled to compensation for, or obliged to pay, litigation costs.

In cases referred to in the first sentence of the first paragraph which have resulted in an appeal, applicants shall be liable for their own costs in higher courts and for the costs incurred by the opposite parties as a result of the applicant's appeal.

Section 3 In cases involving the withdrawal of a permit, prohibition of further activity or a review referred to in chapter 24, sections 3 to 6 or chapter 7, section 15 of the Act (1998:812) Containing Special Provisions concerning Water Operations, the Swedish Environmental Protection Agency, the Legal, Financial and Administrative Services Agency, the county administrative board and the permit holder shall be liable for their costs in the environmental court. In cases referred to in chapter 24, section 5 relating to reviews of permits for the purpose of safeguarding public interests, the authority which requested the review shall also be liable for the costs incurred in the environmental court by opposite parties other than the permit holder. However, this shall not apply to permit reviews referred to in chapter 24, section 5 first paragraph point 11. Nevertheless, in cases arising out of chapter 24,

section 5 first paragraph, point 10, concerning reviews for the purpose of improving the safety of a structure, the permit holder shall be liable for the aforementioned costs and not the Swedish Environmental Protection Agency, the Legal, Financial and Administrative Services Agency or the county administrative board.

Section 4 In cases relating to reviews on account of a change of circumstances in associations referred to in chapter 7, section 17 of the Act (1998:812) Containing Special Provisions concerning Water Operations as regards membership or allocation of costs, or in chapter 7, section 18 of that Act, each party shall bear his own costs.

Section 5 The provisions of sections 2 to 4 shall not apply where they conflict with the provisions of chapter 18, section 6 or 8 of the Code of Judicial Procedure.

As regards specific matters in permit application cases relating to water operations each party may, to the extent reasonable, be ordered to bear his own costs, or the losing party may be ordered to pay the costs of the other parties.

Section 6 If, in a case arising out of chapter 31, section 13, an action brought by the owner of the property or any holder of special rights thereto for compensation or compulsory purchase is dismissed, the environmental court may, where the party who brought the action had reasonable cause to have his case tried by the court, rule that the opposite party shall pay the litigation costs of the owner of the property or any holder of special rights thereto or that each party shall be liable for his own costs.

Section 7 In cases relating to water operations the applicant may be required to pay the opposite parties' litigation costs even where the court has not delivered a final decision on their suit. The compensation shall include interest pursuant to section 6 of the Interest Act (1975:635) from the date of the decision until final payment is made.

Section 8 In application cases the applicant shall pay the environmental court's costs in respect of:

1. notices;
2. keepers of files;

3. experts summoned by the court; and

4. premises where meetings are held.

The first paragraph shall also apply to application cases referred to in chapter 7, section 2 of the Act (1998:812) Containing Special Provisions concerning Water Operations. In that case, the provisions of the first paragraph relating to the applicant shall be applicable to the claimant instead.

The provisions of the first and second paragraph relating to the applicant or the claimant shall in higher courts apply to the appellant.

Where the court so requires, an advance shall be payable on the compensation.

Section 9 The provisions relating to costs in compulsory purchase cases shall be applicable to litigation costs in cases referred to in chapter 32, section 11 and in chapter 31, section 10. However, where a demand for compulsory purchase is dismissed, the provisions of the Code of Judicial Procedure relating to litigation costs shall be applicable.

If an action for an injunction against environmentally hazardous activities or for an injunction upon the party pursuing such activities to take the precautions referred to in chapter 21, section 4 is dismissed because the defendant has, after the action was brought, applied for and been granted a permit pursuant to this Code, the court shall, depending on the circumstances, rule that each party shall bear his own litigation costs or that one of them shall be paid full or reduced compensation.

Other costs

Section 10 Where a permit is granted for land drainage in cases referred to in chapter 7, section 19 of the Act (1998:812) Containing Special Provisions concerning Water Operations, the applicant's costs shall, to the extent reasonable, be shared between the participants in the land drainage project. If a permit for land drainage is not granted, the applicant shall pay the costs incurred unless, due to special circumstances, the liability for payment is shared between all or some of the parties. Where a permit for land drainage is not granted in an action brought pursuant to chapter 7, section 20 of the above Act following a decision in connection with

reallotment, the costs shall be deemed to be service charges for the reallotment.

Section 11 In matters dealt with by the Government that relate to the harnessing of waterfalls pursuant to chapter 2, section 9 of the Act (1998:812) Containing Special Provisions concerning Water Operations the applicant shall be liable for all costs.

In matters relating to the allocation of compensation that are referred to a county administrative board, the party who is liable for compensation shall be liable for all costs.

The first and second paragraph shall not apply where they conflict with the provisions of chapter 18, section 6 or 8 of the Code of Judicial Procedure.

Matters relating to compensation mentioned in this section shall be examined by the environmental court.

PART FIVE

SUPERVISION ETC.

Chapter 26. Supervision

General provisions concerning supervision

Section 1 The purpose of supervision shall be to ensure compliance with the objectives of this Code and rules issued in pursuance thereof.

For this purpose the supervisory authority shall, to the extent necessary, supervise compliance with the provisions of the Environmental Code and rules, judgments and other decisions issued in pursuance thereof and take any measures that are necessary to ensure that faults are corrected.

The supervisory authority shall also contribute to attainment of the objectives of this Code by giving advice and information and similar activities.

Section 2 The supervisory authority shall report infringements of the provisions of this Code or rules issued in pursuance thereof to the police or public prosecution authorities where there are grounds for suspicion that an offence has been committed.

Section 3 Supervision shall be exercised by the Swedish Environmental Protection Agency, the Surgeon-General of the Swedish Armed Forces, county administrative boards, other government agencies and municipalities (supervisory authorities) in accordance with the Government's instructions.

Provisions concerning supervision are also to be found in the Act (1999:381) on Measures to Prevent and Limit the Consequences of Major Chemical Accidents.

Municipalities shall, through the committee or committees appointed by the council, exercise supervision in the municipality of environmental and health protection pursuant to chapter 9, with

the exception of environmentally hazardous activities for which a permit is required, the handling of chemical products pursuant to chapter 14 and waste disposal pursuant to chapter 15.

At the request of a municipality, the Government may provide that the supervisory authority appointed by the Government may in a certain respect delegate supervision which would otherwise have been exercised by a government supervisory authority to the municipality. This shall not apply to the activities of the Swedish Armed Forces, the National Fortifications Administration, the Defence Matériel Administration or the National Defence Radio Centre. (Law 1999:385)

Section 4 Where a municipality requests that supervision be delegated in accordance with section 3, the competent supervisory authority shall, if it does not agree that supervision should be delegated in accordance with the request, refer the matter to the Government for a decision where the municipality so requests, together with its own opinion.

The supervisory authority may revoke the delegation of supervision to a municipality. If the Government took the decision to permit delegation of supervision, it shall take the decision to revoke it.

Section 5 The Government may decide that the provisions concerning supervision shall also apply to supervision of compliance with EC Regulations in the area of application of this Code.

Section 6 The supervisory authorities shall collaborate with each other and with government and municipal bodies which exercise supervision in certain areas or otherwise have tasks that are relevant to supervision.

The Government or the authority appointed by the Government may issue rules requiring the supervisory authorities to provide any information that is necessary to enable regional or national supervisory authorities to discharge their responsibility for coordination, monitoring and evaluation.

Section 7 A municipality may enter into an agreement with another municipality under which its supervisory tasks pursuant to this Code are carried out wholly or in part by the other

municipality. However, the municipality must not delegate the power to deliver a decision concerning this matter.

A municipality may also, by agreement with another municipality, authorize employees in that municipality to decide a certain matter or related matters on its behalf; however, this shall not apply to cases referred to in chapter 6, section 34 of the Local Government Act. The provisions of chapter 6, sections 24-27 and 35 of that Act relating to disqualification and notification of decisions to committees shall be applicable to persons who take such decisions.

Section 8 The supervisory authority that is responsible for supervision may instruct a person who is not employed by the authority to carry out an inspection of a structure required in accordance with a decision granting a permit.

Injunctions and prohibitions

Section 9 A supervisory authority may issue any injunctions and prohibitions that are necessary in individual cases to ensure compliance with the provisions of this Code and rules, judgments and other decisions issued in pursuance thereof.

The measures taken must not be more intrusive than necessary in individual cases.

An injunction or prohibition shall be without prejudice to a decision or judgment concerning a permit in a application case that is legally valid pursuant to chapter 24, section 1.

However, a decision or judgment granting a permit shall not prevent the supervisory authority from issuing summary orders or prohibitions where this is necessary in order to avoid health effects or serious damage to the environment.

Section 10 If a permit for a water operation lapses in accordance with chapter 24, section 2, the supervisory authority may order the permit holder to remove a structure built in accordance with the permit which may be detrimental to public or private interests.

Section 11 A supervisory authority may order a person who has fenced in an area that is of interest for outdoor recreation, or

an adjacent area, to put up gates or other passages to allow access to an area to which the public has right of access.

Where it is clear that the only purpose of the fencing is to exclude the public from the area, the owner may be ordered to remove it. The above provisions concerning fencing shall also apply correspondingly to ditches.

Section 12 Where an injunction was issued upon a previous owner of a property or a previous land leaseholder in the same capacity to remedy damage or detriment caused by their use of a property, building, structure or facility on another's land pursuant to chapter 7, 8, 11 or 12, the supervisory authority may issue a similar injunction against a new owner or land leaseholder, where this is reasonable.

Section 13 If an injunction has been issued against the owner or tenant of a property or against both the owner and the tenant, the supervisory authority may, where the title or tenancy is transferred to another person, order the previous owner or tenant to state the name and address of the new owner or tenant without delay.

Prospective fines

Section 14 Injunctions or prohibitions may be made subject to a penalty of a fine.

Communications to registration authorities and their legal consequences

Section 15 If a supervisory authority issues an injunction or prohibition against the owner of a property, a land leaseholder or the owner of a building, structure or facility on another's land, the authority may send the decision to the registration authority to be recorded in the real estate register. If the injunction is made subject to a periodic prospective fine, this shall also be recorded. The person who last applied for registration of title or of acquisition of a land leasehold shall, where the injunction or prohibition is not addressed to the applicant, be informed without delay of the record by the registration authority by registered letter.

Where the injunction or prohibition is recorded, it shall apply to any new owner of the property. If the new owner acquired the property by purchase, exchange or gift, he shall, where the property constitutes real estate or a land leasehold, be liable for the periodic prospective fine from the date of transfer of the title. A new owner of the property shall not be liable for any other prospective fine, but the supervisory authority may impose a new prospective fine on him. A periodic prospective fine that relates to a specified period may only be recovered from the person who was the owner at the start of the period.

If a recorded injunction or prohibition is cancelled by a decision that has become final, the supervisory authority shall, where the measure to which the injunction related has been taken or where the purpose of the injunction or prohibition is no longer relevant, report this to the registration authority as soon as it is aware of this fact so that the record can be deleted. (Law 2000:228)

Section 16 If a property or land leasehold, or a building, structure or facility on another's land, is transferred following an appeal against a decision referred to in section 15, the provisions of the Code of Judicial Procedure relating to the consequences of a transfer of the subject of a dispute and to the participation of a third party in proceedings shall be applicable.

Execution and correction at the expense of the person at fault

Section 17 If an injunction or prohibition issued by a supervisory authority pursuant to sections 9 to 13 is not complied with, the Enforcement Service shall, at the request of the supervisory authority, enforce the decision. The decision may be enforced in accordance with the Enforcement Code.

If a person commits an offence referred to in chapter 29, sections 1 to 4, 8, 9 and 10, the Enforcement Service may, at the request of the supervisory authority, offer special assistance in order to remedy the situation. The Injunction to Pay and Assistance Act (1990:746) contains provisions relating to such assistance. Appeals against decisions in such cases shall be made to an environmental court.

Section 18 Instead of requesting enforcement pursuant to section 17, the supervisory authority may decide that the fault shall be corrected at the expense of the person at fault.

A decision requiring the person at fault to correct the fault at his own expense may be issued without a previous injunction or prohibition if the supervisory authority, in view of the risk of serious damage, considers it necessary for the fault to be corrected immediately or where other special reasons exist.

Operators' control and environmental reports

Section 19 Persons who pursue an activity or take a measure that is liable to cause detriment to human health or affect the environment shall continuously plan and monitor the activities in order to combat or prevent such effects.

Persons who pursue such an activity or take such a measure shall also keep themselves informed, by carrying out investigations on their own initiative or by other means, about the impact on the environment of the activity or measure.

At the request of the supervisory authority, a person who pursues such an activity shall submit proposals for control programmes or remedial measures to the authority.

The Government or the authority appointed by the Government may issue rules concerning controls.

Section 20 If a permit is required for an environmentally hazardous activity pursuant to chapter 9, section 6 first paragraph, the operator shall present an annual report to the supervisory authority which supervises the activity. This shall also apply to a person who is ordered to apply for a permit pursuant to chapter 9, section 6 second paragraph. The environmental report shall contain a statement of the measures taken to comply with the conditions laid down in a decision granting a permit and of the results of these measures.

The Government or the authority appointed by the Government may stipulate that an environmental report shall contain a description of the environmental impact of the activity, including aspects other than those set out in the conditions attached to the decision granting the permit. Other information relating to the area of application of this Code and its objectives may also be required.

Even where a permit is not required for an activity, the operator may be required to submit an environmental report.

Information and investigations

Section 21 A supervisory authority may order a person who pursues an activity or takes a measure that is governed by the provisions of this Code or rules issued in pursuance thereof to submit any information and documents to the authority that are necessary for the purposes of supervision. The same shall apply to a person who is otherwise required to mitigate any adverse effects of such activities.

Section 22 Persons who pursue activities or take measures that are liable to cause detriment to human health or affect the environment or who are otherwise obliged to mitigate any adverse effects of such activities must also carry out any investigations of the activity and its effects that are necessary for the purposes of supervision in cases other than those referred to in chapter 14, section 7. The same shall apply to a person who leases a building for residential or general purposes, where there is cause to assume that the state of the building may be deleterious to health. Where appropriate, the supervisory authority may decide that such an investigation shall be carried out by another and may appoint another to carry it out.

The person who is required to carry out the investigation shall pay the cost of an investigation carried out by another person appointed for the purpose in the amount fixed by the supervisory authority.

A prohibition against transferring the property in question or other property until the investigation is completed may be attached to the decision requiring the investigation.

Nature wardens

Section 23 The Government or the authority appointed by the Government may appoint nature wardens to supervise compliance with the rules relating to areas, natural objects and plant and animal species that are issued pursuant to the provisions

of chapters 7 and 8, chapter 11, section 14 and chapter 12, section 6.

Nature wardens may turn away persons found in places to which they do not have right of access pursuant to these rules.

Nature wardens may confiscate hunting and fishing tackle, means of transport and other objects that may be relevant to an investigation of the offence, where they catch a person in the act of contravening a prohibition or rule issued pursuant to chapter 7, section 3, 5, 11, 12, 24 or 28, chapter 8, sections 1 to 3, chapter 11, section 14 or chapter 12, section 6, if the act is punishable pursuant to chapter 29.

Section 24 If a nature warden confiscates an object, he shall report it to the police or public prosecution authorities without delay. The officer who receives a report shall act as if he had made the confiscation himself.

Other provisions

Section 25 A person who has been granted an exemption from rules relating to areas or natural objects issued pursuant to chapters 7 and 8 or chapter 11, section 14 must upon request present the decision granting exemption to a nature warden or a police officer when he is in an area to which the exemption applies.

Section 26 A supervisory authority may decide that a decision taken by it shall take effect immediately even if it is appealed against.

Section 27 Persons who have been involved in any matters arising out of this Code or who have carried out investigations referred to in the third sentence of section 22 first paragraph must not without prior authorization disclose or use the information they have acquired about commercial or operating conditions or matters relating to the national defence.

With respect to public services, the provisions of the Secrecy Act (1980:100) shall be applicable instead of the above provisions.

Chapter 27. Charges and fees

Charges payable to public authorities

Section 1 The Government or the authority appointed by the Government may issue rules imposing charges to cover the authorities' costs in connection with the consideration of matters and supervision pursuant to this Code or to rules issued in pursuance thereof and with the consideration of matters and supervision for the purposes of compliance with EC Regulations in this area. Municipal councils may issue rules relating to such charges for services provided by municipal authorities.

The Government may authorize an authority to decide that any decision taken by it to make a charge pursuant to this Code or to rules issued in pursuance thereof shall take effect immediately even if it is appealed against.

Obligation to reimburse authorities' costs

Section 2 The Government or the authority appointed by the Government may issue rules laying down an obligation to reimburse authorities' costs.

Chapter 10, section 11, chapter 25, section 8 and chapter 26, section 22 second paragraph also contain provisions concerning the obligation to reimburse authorities' costs.

Section 3 Persons who are required to pay a charge or fee in accordance with rules issued pursuant to section 1 first paragraph or to reimburse costs pursuant to section 2 first paragraph or chapter 26, section 22 second paragraph shall give any information that is necessary for determination of the amount of the charge or reimbursement. The information shall be given to the authority appointed by the Government and shall contain the details required by the Government or, following government authorization, by the authority.

Refuse collection charges

Section 4 Municipalities may issue rules concerning the payment of charges for the collection, transport, recycling and removal of waste that is arranged by them pursuant to this Code or to rules issued in pursuance thereof. The municipality shall decide whether the charges shall be paid to the municipality or to the operator of the refuse collection service.

The Measures against Pollution from Ships Act (1980:424) contains provisions concerning charges for the disposal of waste from ships.

Section 5 The charges referred to in section 4 first paragraph shall be payable annually or on some other periodical basis. Where the charges relate to occasional collection, transport and removal, the municipality may decide that they shall be payable for each occasion.

The charges shall not exceed the amounts that are sufficient to cover the necessary planning, capital and operating costs of refuse collection and disposal. The cost of using plant or equipment for purposes other than refuse collection shall be deducted from these costs. The charges may be collected in such a way as to encourage reuse, recycling or other environmentally sound waste disposal.

If the municipality contracts refuse collection out to another operator, the charges may be calculated on the basis of the agreement between them, where the cost is not significantly higher than if the municipality were to operate the services itself.

Section 6 Charges referred to in section 4 first paragraph shall be payable according to the list of rates fixed by the municipal council.

The list of rates shall contain a specification of the basis for the calculation of charges not included in the list. The principle referred to in section 5 shall be taken into account.

The list of rates shall contain provisions specifying who is liable for the charges and to whom they are payable.

Producer charges

Section 7 The Government and the municipalities or the authority appointed by the Government may issue rules requiring

producers to pay charges for the collection, transport and removal of waste arranged by the municipality. Such rules may relate to waste for which producers are responsible in accordance with rules issued pursuant to chapter 15, section 6.

The charges may also cover the cost of providing information about waste disposal.

The charges shall be payable to the municipality or the authority appointed by the Government.

Community indemnity fees and fishing fees

Section 8 Chapter 6 of the Act (1998:812) Containing Special Provisions concerning Water Operations contains provisions relating to community indemnity fees and fishing fees.

Chapter 28. Access etc.

Access to allow authorities to perform their tasks

Section 1 In order to perform their tasks pursuant to this Code, authorities and persons engaged by authorities to perform a task shall be given access to properties, buildings, other structures and means of transport for the purpose of carrying out investigations and taking other measures. Chapter 31, section 10 contains provisions relating to the right to compensation for damage and intrusion.

Access for the purpose of carrying out compensatory measures etc.

Section 2 If a person is required pursuant to chapter 7, section 7 fourth paragraph or chapter 16, section 9 to undertake investigations or compensatory or other measures on another's property, building or other structure, the county administrative board may decide that he shall be granted access during a specified period.

Persons who carry out such investigations or measures shall pay compensation for damage and intrusion. Actions for compensation shall be brought before an environmental court.

Access for the purpose of investigating the effects of an activity

Section 3 A county administrative board may, where it is justified in the circumstances, decide that access shall be granted to another's land during a specified period if a person who pursues or intends to pursue an activity or take a measure wishes to investigate the effects of the activity or measure by taking measurements or carrying out other investigations on the property.

Persons who pursue or intend to pursue an activity or take a measure shall pay compensation for damage and intrusion. Actions for compensation shall be brought before an environmental court.

The county administrative board may require the person who is to carry out the investigation to furnish a security for future compensation claims before the work starts. If a security is furnished, the county administrative board may decide that the work may start even where an appeal has been made against the decision permitting access.

Access for the purposes of preventive and remedial measures

Section 4 If a person who pursues or intends to pursue an activity or take a measure is ordered to take any precautions and protective measures on another's land, building or other structure that are necessary in order to prevent or mitigate the damage caused by the activity, the county administrative board may decide that access may be granted during a specified period to a property or structure that is owned or possessed by another person in order to carry out such measures there.

Persons who take precautions or protective measures shall pay compensation for damage and intrusion. Compensation actions shall be brought before an environmental court. If a decision allowing access is delivered in a case relating to a permit for a water operation, the matter of compensation shall be examined in the case.

Access for the purposes of after-treatment

Section 5 A county administrative board may decide to permit access during a specified period to a property, building or other structure if a person other than the owner or possessor is required to remediate polluted areas there or carry out investigations for the purposes of such after-treatment.

Persons who carry out such measures shall pay compensation for damage and intrusion unless the owner of the property or holder of special rights thereto is himself liable for the costs of the measures. Compensation actions shall be brought before an environmental court.

Obligation to exercise due care

Section 6 Measures referred to in sections 1 to 5 shall be carried out in such a way as to cause the least possible damage and intrusion.

Dwellings may only be entered to the extent necessary to prevent or eliminate adverse effects on health.

Prohibition against displacing equipment

Section 7 If it is necessary to install measuring apparatus or similar equipment in connection with an investigation referred to in sections 1 to 5, an injunction against displacing or damaging the equipment may be issued subject to a penalty of a fine. The same shall apply where it is necessary to install pumping or similar equipment.

Police assistance

Section 8 The police authorities shall give any assistance that is necessary for the purposes of access and measures referred to in sections 1 to 5.

Access to water level gauges etc.

Section 9 Persons who are dependent on the performance of a water operation, public prosecutors and officials of the Swedish Meteorological and Hydrological Institute shall have right of access to places where water level gauges, water meters or observation tubes are installed and the right to see the records of water levels, drainage or the quantities of water utilized which the operator is required to keep.

Officials of the National Board of Fisheries and fishing supervisors appointed for the purpose shall be given the opportunity to supervise compliance with any measures designed to protect fishing.

Special right of coercion for water operations

Section 10 Persons who pursue or intend to carry on water operations may be authorized by an environmental court to build structures or take measures on properties that belong to another and may use land for this purpose in the case of:

1. water operations managed by the state, a municipality or a water management association that are beneficial to human health or the environment or are calculated to promote fishing;
2. water operations designed to counteract pollution caused by wastewater;
3. water operations involving the utilization of surface water or groundwater;
4. water regulation;
5. water operations relating to a public navigation channel or port; or
6. land drainage.

An area that is used in accordance with the first paragraph may be compulsorily purchased if it is destined to form part of a property to which a hydropower development right is attached.

Upon termination of the right provided by this section to use another's land without possession of title thereto, any structures that are erected or located on the land shall fall to the landowner without charge if they are not removed within one year of termination.

Access for the purpose of maintaining a water operation

Section 11 Persons who are required to maintain a water operation shall be entitled to use another's land for any works or measures that are necessary in order to comply with the maintenance obligation.

The person liable for maintenance shall pay compensation for damage and intrusion. Actions for compensation shall be brought before an environmental court.

Right to use another's water structure

Section 12 Unless it causes significant inconvenience to the owner of a water structure, another person may be granted the right to alter the structure or use it for his own water operations or

to prevent or mitigate the damage caused by his own water operations. If the water structure is to be altered, the owner shall be entitled to make the alteration and receive reimbursement of his costs.

A person who is granted the right to use a water structure shall pay the owner of the structure reasonable compensation for this right.

Prohibition of fishing

Section 13 Fishing may be prohibited in a specific area following a decision introducing measures to promote fishing or to prevent damage to fishing.

PENALTIES

Chapter 29. Penalty provisions and forfeiture

Section 1 Any person who deliberately:

1. pollutes land, water or air in a manner which involves or is liable to involve risks for human health or detriment to flora and fauna that are not inconsiderable or other significant detriment to the environment;

2. stores waste or other matter in a manner which may give rise to health risks, damage or other detriment referred to in point 1 as a result of pollution; or

3. causes substantial detriment to the environment as a result of noise, vibration or radiation

shall, unless a competent authority has permitted the practice or it is generally accepted, be liable to a fine or a term of imprisonment not exceeding two years for *environmental offence*.

If the offence is serious, the penalty shall be a term of imprisonment of not less than six months nor more than six years. When the seriousness of the offence is considered, special attention shall be paid to whether it caused, or might have caused, lasting damage on a large scale or whether the act was otherwise of a particularly dangerous nature.

If the act may be deemed to be justifiable in view of the circumstances, no penalty shall be imposed pursuant to this section.

Section 2 Any person who commits an offence referred to in section 1 through negligence shall be liable to a fine or a term of imprisonment not exceeding two years for the offence of *causing environmental disturbance*.

Section 3 Any person who, whether deliberately or through gross negligence, handles a chemical product or a product that contains or is treated with a chemical product without taking any protective measures, considering an alternative product or taking any other precautions that are necessary in view of the product's

intrinsic characteristics in order to prevent or combat damage to human health or the environment shall be liable to a term of imprisonment not exceeding two years for the offence of *environmentally hazardous handling of chemicals*.

No penalty shall be imposed pursuant to the first paragraph if the act is punishable in accordance with section 1 or section 2.

Section 4 Any person who, whether deliberately or through negligence, starts or pursues an activity or takes some other measure without obtaining a decision concerning permissibility or a permit, approval or consent or without submitting a notification required by this Code or by rules issued in pursuance thereof shall be liable to a term of imprisonment not exceeding two years for the offence of *unauthorized environmental activity*.

The same shall apply to failure to comply, whether deliberately or through negligence, with a condition attached to a decision concerning permissibility or a permit, approval or exemption taken pursuant to this Code or to rules issued in pursuance thereof or in connection with a review of such permits or conditions.

No penalty shall be imposed in accordance with the first and second paragraph if the act is punishable in accordance with section 1 or section 2.

Section 5 Any person who, contrary to the provisions of this Code or to rules issued in pursuance thereof, omits, whether deliberately or through negligence, to submit notification or information or supplies incorrect information, thus hindering a permit application procedure, shall be liable to a term of imprisonment not exceeding two years for the offence of *obstruction of environmental control*.

Section 6 Any person who, whether deliberately or through negligence, in cases other than those mentioned in section 5:

1. omits to submit a document that is required by this Code or by rules issued in pursuance thereof, or submits incorrect information or omits information; or

2. omits to comply with the obligation laid down in the Code or in rules issued in pursuance thereof to label a product containing or consisting of genetically modified organisms or a chemical product, a biotechnical organism or a product that contains or is treated with a chemical product

shall, where the act or omission is likely to impede an assessment of the risk of damage to human health or the environment, be liable to a fine or a term of imprisonment not exceeding one year for the offence of *incomplete environmental information*.

Section 7 Any person who, whether deliberately or through negligence, leaves litter outdoors in a place to which the public has access or which is within its view shall be liable to a fine or a term of imprisonment not exceeding one year for the offence of *littering*.

Section 8 Any person who infringes any of the following provisions, whether deliberately or through negligence, shall be liable to a fine or a term of imprisonment not exceeding two years:

1. rules for the total defence issued pursuant to chapter 1, section 5, where an infringement of the statutory provision from which a derogation is provided is punishable;
2. restrictions on land use rights laid down in decisions concerning nature reserves or culture reserves pursuant to chapter 7, section 5 second or third paragraph;
3. the prohibition against pursuing activities or taking measures in a habitat protection area laid down in chapter 7, section 11;
4. rules that are necessary for special protection of flora or fauna pursuant to chapter 7, section 12;
5. a prohibition against erecting a new building or taking any other measure contrary to chapter 7, section 16 in a shore protection area;
6. rules concerning precautions in environmental protection zones issued pursuant to chapter 7, section 20;
7. rules imposing restrictions in water protection areas issued pursuant to chapter 7, section 22;
8. a temporary prohibition imposed pursuant to chapter 7, section 24 first paragraph;
9. rules imposing prohibitions for the protection of species of animals and plants issued pursuant to chapter 8, section 1 or 2;
10. rules prohibiting or imposing special conditions for the release of animal or plant species issued pursuant to chapter 8, section 3;
11. rules issued pursuant to chapter 8, section 4 by having any dealing with animals, plants, eggs, spawn, roe, nests or products of animals or plants contrary to such a rule or a condition stipulated in a decision in an individual case;

12. rules or decisions prohibiting discharges of wastewater etc. issued pursuant to chapter 9, section 4;
13. rules concerning precautions in connection with environmentally hazardous activities issued pursuant to chapter 9, section 5;
14. restrictions, conditions or a notification requirement relating to an environmental hazard zone laid down pursuant to chapter 10, section 12;
15. the obligation to maintain a water structure pursuant to chapter 11, section 17 first paragraph or section 20 first paragraph or 21 first paragraph ;
16. the prohibition against starting an activity laid down in chapter 12, section 6 third paragraph;
17. the prohibition laid down for the purpose of protecting the natural environment in chapter 12, section 6 fourth paragraph;
18. rules concerning investigations and precautions in connection with genetic engineering issued pursuant to chapter 13, section 8 or section 11;
19. the prohibition against spreading pesticides from aircraft laid down in chapter 14, section 18 second paragraph;
20. the prohibition against spreading pesticides on deciduous brush laid down in chapter 14, section 19 first paragraph;
21. rules relating to the trade in and combustion, transfer and importation of fuels issued pursuant to chapter 14, section 21;
- 21 a. the prohibition against the offer for sale of petrol or diesel fuels pursuant to chapter 14 section 22,
22. rules relating to the handling, importation and exportation of chemical products and biotechnical organisms issued pursuant to chapter 14, section 24;
23. the prohibition against handling, importing or exporting chemical products and biotechnical organisms laid down in chapter 14, section 25;
24. the prohibition against the dumping or incineration of waste laid down in chapter 15, section 31;
25. the obligation to notify or provide information pursuant to Council Regulation (EEC) No 2455/92 of 23 July 1992 concerning the export and import of certain dangerous chemicals, as last amended by Commission Regulation (EC) 237/97 of June 27 1997, or to provide information pursuant to Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances;

26. the prohibition against providing or the duty to provide information laid down in Council Regulation (EC) No 3093/94 of 15 December 1994 on substances that deplete the ozone layer;

27. provisions relating to transport by transporting waste contrary to Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community, as last amended by Council Regulation (EC) 120/97 of January 20 1997;

28. a provision or condition laid down in an individual decision taken pursuant to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein, as last amended by Council Regulation (EC) 938/97 of May 26 1997, relating to imports into Sweden, exports and re-exports from Sweden, trade in artificially propagated plants, transportation and transit or purchases, sales or other commercial transactions.

Attempts to commit offences against subsection (1), point 24 shall be punishable in accordance with the provisions of chapter 23 of the Penal Code.

No penalty shall be imposed in accordance with the first and second paragraph if the act is punishable in accordance with section 1 or section 2. (Law 1999:1325)

Section 9 Any person who infringes any of the following rules, whether deliberately or through negligence, shall be liable to a fine or a term of imprisonment not exceeding six months:

1. rules concerning public order issued pursuant to chapter 7, section 30;

2. rules concerning the prohibition of animal husbandry issued pursuant to chapter 9, section 11;

3. rules issued for the purpose of protecting human health or the environment pursuant to chapter 9, section 12;

4. the notification requirement laid down in chapter 11, section 15 third paragraph with respect to works that may be detrimental to fishing;

5. rules concerning the management of agricultural land issued pursuant to chapter 12, section 8;

6. rules limiting the number of animals on a holding etc. issued pursuant to chapter 12, section 10;

7. the prohibition or rules concerning the removal of waste laid down in chapter 15, section 21 by collecting and removing waste professionally or otherwise on a large scale;

8. rules concerning the removal of waste issued pursuant to chapter 15, section 25 first paragraph, point 2;

9. new or altered conditions relating to game enclosures issued pursuant to chapter 24, section 12;

10. the prohibition against fishing laid down in chapter 28, section 13;

11. the obligation imposed by Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein, as last amended by Council Regulation (EC) 938/97 of May 26 1997, to provide information in applications or other documents concerning matters relevant to permits or supervision.

No penalty shall be imposed in accordance with the first paragraph if the act is punishable in accordance with section 1 or section 2.

Section 10 Any person who, without authorization, deals with specimens of an animal or plant species or eggs, spawn, roe or nests which he knows, or has reasonable grounds to assume, were obtained by an infringement of rules issued pursuant to chapter 8, section 1 or 2 shall be liable to a fine or a term of imprisonment not exceeding two years.

Section 11 No penalty shall be imposed for an offence referred to in sections 3 to 10 that is deemed minor.

No penalty shall be imposed pursuant to the provisions of this chapter if the penalty for the offence provided in the Penal Code is the same or more severe or where the offence is punishable pursuant to the Penalties for Smuggling Act (1960:418).

In the case of failure to comply with an injunction issued subject to a penalty of a fine, no penalty shall be imposed pursuant to the provisions of this chapter for an offence to which the injunction relates.

Section 12 Animals, plants and products extracted from animals or plants, chemical products, biotechnical organisms and products that contain chemical products or genetically modified organisms, as well as products containing or consisting of genetically modified organisms, which are involved in an offence referred to in sections 1 to 4, 6, 8, 9 or 10 may be declared forfeited, unless this is manifestly unreasonable. The same shall

apply to the value of the property or the proceeds of such an offence.

Means of transport and other means used for the purposes of or involved in an offence referred to in sections 1 to 4, 8, 9 or 10 may be declared forfeited if this is necessary in order to prevent crime or otherwise in special circumstances. Instead of the means itself, its value, or part thereof, may be declared forfeited.

Section 13 A person who commits an offence referred to in section 8 first paragraph, point 24 shall be judged by a Swedish court of law notwithstanding that chapter 2, section 2 or 3 of the Penal Code is not applicable. Where the offence is committed in Sweden's economic zone, an action may be brought before the district court whose circuit is nearest the scene of the offence.

Section 14 Where a person who incurs liability pursuant to section 1 or 2 voluntarily averts a danger or consequence mentioned in those provisions before significant detriment is caused may be sentenced to a more lenient penalty than that prescribed for the offence.

Chapter 30. Environmental sanction charges

Section 1 A special charge (environmental sanction charge) shall be paid by any economic operator who in his business activities:

1. neglects to comply with rules issued pursuant to this Code;
2. commences an activity for which a permit must be obtained or notification submitted pursuant to this Code or to rules issued in pursuance thereof although a permit has not been granted or notification submitted; or
3. neglects to comply with the terms of a permit or conditions laid down pursuant to this Code or to rules issued in pursuance thereof.

However, this shall only apply to infringements for which the Government has imposed an environmental sanction charge pursuant to section 2.

An environmental sanction charge shall also be payable where the infringement did not occur deliberately or through negligence. However, the charge shall not be payable where this is manifestly unreasonable.

Environmental sanction charges shall accrue to the state.

Section 2 The Government shall issue rules concerning infringements for which environmental sanction charges are payable and the amounts to be paid for various infringements. The amounts shall be determined in relation to the seriousness of the infringement and the importance of the provision to which the infringement relates.

The minimum environmental sanction charge shall be SEK 5,000 and the maximum charge shall be SEK 1,000,000.

Section 3 Supervisory authorities shall decide matters relating to environmental sanction charges.

Before the supervisory authority imposes an environmental sanction charge, the person who is liable for payment of the charge shall be given an opportunity to make a statement.

Section 4 The operator shall be notified of a decision to impose an environmental sanction charge.

Section 5 An environmental sanction charge shall be paid within thirty days of the date of the decision imposing it or within the period specified in the decision, if that is longer.

A decision concerning an environmental sanction charge may, after the due date, be enforced as a judgment that has gained legal force.

Section 6 An environmental sanction charge shall not be collectible if the person who is liable for payment of the charge is not given the opportunity to make a statement within five years of the event mentioned in section 1 which gave rise to the decision.

Section 7 A person who is liable for payment of an environmental sanction charge pursuant to a decision taken by a supervisory authority may appeal against the decision to an environmental court.

Section 8 An environmental sanction charge that has been imposed shall lapse if the decision is not enforced within ten years of the date when it became final.

Section 9 An environmental sanction charge shall be refunded if liability for payment is annulled by a decision that has become final.

Interest shall be payable on an environmental sanction charge that is refunded pursuant to the first paragraph in accordance with section 5 of the Interest Act (1975:635) for the period from the date of payment up to the date when it is refunded.

Section 10 The Government or the authority appointed by the Government may issue detailed rules concerning the payment of environmental sanction charges.

PART SEVEN

COMPENSATION ETC.

Chapter 31. Compensation in connection with public interventions and permit application procedures relating to water operation etc.

Content of the chapter etc.

Section 1 This chapter shall be applicable to matters relating to compensation in connection with certain public interventions and the permit application procedure for water operations. It also contains provisions concerning compensation for loss suffered as a result of a prohibition against fishing.

Section 2 The provisions of the Expropriation Act (1972:719) shall be applicable to compensation and compulsory purchases referred to in this chapter, unless the Code contains provisions to the contrary.

Section 3 The provisions of this chapter that relate to properties shall also apply to special rights to properties.

Compensation and compulsory purchase arising out of certain rules, injunctions and prohibitions

Section 4 Property owners shall be entitled to compensation following a decision to requisition land or where significant difficulties arise for current land use in the relevant part of the property, if the decision relates to:

1. rules issued pursuant to chapter 7, section 3 concerning measures and restrictions with respect to national parks;
2. rules issued pursuant to chapter 7, section 5, 6 or 9 concerning measures and restrictions with respect to nature reserves and culture reserves;

3. prohibitions or decisions not to grant an exemption pursuant to chapter 7, section 11 second paragraph in a habitat protection area;

4. rules issued pursuant to chapter 7, section 22 concerning measures and restrictions with respect to water protection areas; or

5. injunctions or prohibitions issued pursuant to chapter 12, section 6 fourth paragraph that relate to a specific activity.

Rules issued pursuant to chapter 7, section 3 concerning restriction of the right to hunt bears, lynxes, wolves, wolverines, elks or eagles shall not confer any right to compensation.

Section 5 If, in consequence of a decision referred to in section 4 first paragraph, points 1 to 4, a permit must be obtained for a certain activity or measure, compensation shall only be payable if a permit is refused or specific conditions are attached.

Where a prohibition against taking a measure without permission is imposed pursuant to chapter 7, section 24 and permission is refused, section 4 first paragraph shall be applicable.

Section 6 Compensation referred to in section 4 shall be reduced by an amount corresponding to the extent to which the property owner is obliged to accept the measure without compensation.

Section 7 Compensation referred to in section 4 shall be paid by the state. Where rules referred to in section 4 are adopted by a municipality, the compensation shall be paid by the municipality instead.

Where rules referred to in section 4 first paragraph, point 4 are adopted by a county administrative board following application by a municipality or the party in whose interests the water protection area was established, compensation shall be paid by the applicant.

Section 8 If, in a case referred to in section 4 first paragraph, substantial damage is caused in connection with the current use of the property, the property owner shall be entitled to compulsory purchase instead of compensation pursuant to section 4. Where the damage is due to a prohibition against taking a certain measure without permission, section 5 first paragraph shall be applicable.

Section 9 In connection with the application of sections 4 and 8, account shall also be taken of other decisions taken pursuant

to chapter 7, section 3, 5, 6, 9 or 22, prohibitions imposed pursuant to chapter 7, section 11 second paragraph, injunctions and prohibitions issued pursuant to chapter 12, section 6 fourth paragraph, decisions taken pursuant to section 18 of the Forest Conservation Act (1979:429) and decisions referred to in chapter 14, section 8 first paragraph of the Planning and Building Act (1987:10). In that case, the decisions must be issued within ten years of the last decision. The effects of measures taken pursuant to section 30 of the Forest Conservation Act during the same period in individual cases shall also be taken into account.

If the right of appeal or the right to compensation or compulsory purchase lapses as a result of such a decision in consequence of the provisions of section 12 or 13 or corresponding provisions in the Planning and Building Act, this shall not prevent a decision being taken into account in accordance with the first paragraph.

Compensation in connection with certain investigations

Section 10 Compensation for damage and intrusion suffered by a property owner on account of measures taken pursuant to chapter 28, section 1 shall be paid by the state. If the measures were taken by a municipality or by another person acting for the municipality, the compensation shall be paid by the municipality instead.

Compensation referred to in the first paragraph shall not be payable where the measures are taken in connection with supervision of an activity that is pursued on the property.

Compensation actions shall be brought before the environmental court in whose district the land, or the greater part of it, is situated.

Compensation in connection with injunctions to provide passages through fencing

Section 11 Owners of fences who have installed a gate or other passage in response to an injunction issued pursuant to chapter 26, section 11 shall be entitled to compensation from the state for this work and for maintenance of the passage. However, no compensation shall be paid where it is clear that the only

purpose of the fencing is to exclude the public from an area in which it would otherwise have been able to move freely.

The first paragraph shall also apply where a crossing is provided over a ditch following an injunction issued pursuant to chapter 26, section 11.

Notification of compensation claims

Section 12 Before an authority takes a decision concerning payment of compensation referred to in section 4, 5, 10 or 11, it may order a person who intends to submit a claim for payment or compulsory purchase to notify the claim and specify any other demands within a specified period, which shall be not less than two months, on pain of forfeiting the right to pursue the claim.

The terms of any agreement or manifest understanding concerning compensation or compulsory purchase between the person liable for compensation and the claimant shall also be valid in relation to any person who acquires the claimant's right to the property after the entitlement to payment arose.

Compensation actions

Section 13 If no agreement is concluded concerning compensation referred to in section 4 or 11 or concerning compulsory purchase referred to in section 8, a person who wishes to claim compensation or demand compulsory purchase shall, unless the right to pursue the claim has been forfeited pursuant to section 12, bring an action before an environmental court against the person who is liable to pay compensation or purchase the property. Such an action shall be brought within one year from the date when the decision on which the claim is based has become final on pain of forfeiture of the right to compensation or payment for compulsory purchase.

Section 14 When provisions are contemplated pursuant to chapter 7, section 5, 6, 9 or 22, the person liable for compensation may bring an action before an environmental court against a claimant in order to establish the conditions for compensation or compulsory purchase if the provisions are issued. If provisions anticipated by the environmental court are not issued within a year

from the date when the judgment in the case gains legal force, the judgment shall no longer be binding upon the parties.

Refund of compensation

Section 15 Where compensation referred to in section 4 is paid pursuant to existing rules or in consequence of the rejection of a permit application, the property owner may, if the rules are repealed, wholly or in part, or if a permit or exemption is granted, be required to refund the compensation, or part thereof, if this is reasonable in view of the benefit accruing to him as a result of the decision and any other circumstances. This shall also apply where a measure is taken contrary to such rules or to a decision not to grant a permit, if the supervisory authority decides not to demand redress.

An action for the refund of compensation shall be brought before an environmental court within one year from the date when the decision on which the claim is based has become final and not later than ten years after payment of the compensation, on pain of forfeiture of the right to sue.

Compensation and compulsory purchases in connection with permits for water operations

Section 16 A person who takes possession of another's property under a permit issued in accordance with chapter 11 by compulsory acquisition or otherwise, or who takes a measure that damages such property, shall pay compensation for the value of the rights relinquished or for any damage caused, unless other provision is specifically made. Compensation shall also be payable for damage caused as a result of a prohibition against fishing imposed pursuant to chapter 28, section 13.

Compensation shall only be paid for the damage remaining after preventive or remedial measures are taken by the permit holder.

Section 17 Properties and parts of properties that suffer great detriment due to an activity for which a permit has been granted pursuant to chapter 11 shall be compulsorily purchased if the owner so requests.

The person liable for compensation shall be entitled to compulsory purchase if this only involves a slight increase in the compensation payable to the property owner and the latter does not have any valid interest in retaining the property or the part of the property at issue. In that case, the cost of measures referred to in section 16 second paragraph shall be included in the compensation.

Damage to a permit-holder's own property in connection with water operations

Section 18 If an activity for which a permit is granted pursuant to chapter 11 causes damage to a property belonging to the holder of the permit, compensation for the damage shall be determined. However, this shall not apply where consent is given by all the creditors who have a lien on the property. If the property is mortgaged jointly with another property, the property owner and the creditors must give the consent required for partial cancellation of a mortgage pursuant to chapter 22, section 11 of the Real Property Code. However, consent shall not be required from a person to whom the court's decision is of no practical importance.

Compensation in connection with removal of a water structure

Section 19 A person who is granted a permit for the removal of a water structure or is ordered or allowed to remove a water structure pursuant to chapter 24, section 4 shall pay reasonable compensation for any damage to the property of others that is caused by a permanent change in water conditions. Compensation for the loss of a benefit due to the removal shall only be payable where the benefit was guaranteed in the decision to grant a permit or in an agreement entered into in connection with the establishment of the structure. In that case, compensation shall only be payable for the costs incurred as a result of the loss of the benefit.

If permission to remove a water structure is granted to a person other than the person who is responsible for maintaining the structure and if an order to pay compensation is issued in this

connection, the person liable for maintenance may apply for a refund of the compensation.

Compensation following reviews of water operations

Section 20 Compensation for a loss or limitation of a right shall be payable where, following review of a permit pursuant to chapter 24, section 5 or chapter 7, section 13 or 14 of the Act (1998:812) Containing Special Provisions concerning Water Operations the person who holds a permit for the water operation to which the review relates suffers a loss of water or head or a limitation of the right to regulate water runoff, unless other provision is made in section 22. No compensation shall be payable to the extent that the loss or limitation represents an improvement of the safety of the water structure.

Compensation shall be payable where a review of water operations pursuant to this Code or the Act (1998:812) Containing Special Provisions concerning Water Operations causes loss to a person other than the permit holder whom the review concerns. However, users of cooperative power shall be subject to certain restrictions mentioned in chapter 8, section 4 of the Act (1998:812) Containing Special Provisions concerning Water Operations.

Sections 16 to 18 shall be applicable to compensation referred to in the first and second paragraph.

Section 21 Compensation referred to in section 20 first paragraph shall be paid by the person who requested the review or, if a review referred to in chapter 7, section 14 of the Act (1998:812) Containing Special Provisions concerning Water Operations relates to permits for competing water catchments, by each of the permit holders.

Compensation pursuant to section 20 second paragraph shall be paid:

1. by the permit holder where the review is undertaken pursuant to chapter 24, section 5 or 8;
2. by each of the permit holders where a review conducted pursuant to chapter 7, section 14 of the Act (1998:812) Containing Special Provisions concerning Water Operations relates to permits for competing water catchments;
3. by the person who requested the review in other cases.

Compensation for loss of cooperative power from a hydroelectric power station covered by the review shall be paid by the holder of the permit for the station.

Limitation of the right to compensation following reviews of decisions concerning certain water operations

Section 22 Permit holders shall accept part of a loss or a limitation without compensation where it is a loss or limitation within the meaning of section 20 first paragraph and is due to a revised decision in favour of public fishing interests, a public navigation channel, a public port or health care or, in the case of reviews pursuant to chapter 24, section 5 or the first sentence of chapter 7, section 13 of the Act (1998:812) Containing Special Provisions concerning Water Operations, for the sake of general environmental protection.

The proportion for which compensation shall not be payable shall correspond to the overall loss or limitation resulting from the reviews that have been conducted and from water operations referred to in section 23 and shall be:

1. in the case of a hydroelectric power station: not more than one-fifth nor less than one-twentieth of the production value of the hydroelectric power which can be generated at the station under the terms of the existing permit after deduction of the proportion of that value that is the result of water regulations;

2. in the case of water regulation for the purposes of power generation: not more than one-fifth nor less than one-twentieth of the production value of the hydroelectric power which can be generated at each station under the terms of the existing permit and which is the result of the regulation;

3. in the case of other water operations: not more than one-fifth nor less than one-twentieth of the value of the quantity of water, head or reservoir volume specified in the permit for the operations.

When an environmental court grants a permit for a water operation subject to this limitation of the right to compensation, the court shall determine the proportion for which compensation shall not be payable within the limits specified in the second paragraph, points 1 to 3. Account shall be taken in this connection, in particular, of the effects of the operations on water level and runoff conditions, the benefit or detriment that is likely to result from the operations from the point of view of public interest and

the benefit to the permit holder and the users of cooperative power.

In the case of reviews carried out before the date specified in Chapter 24, section 5 first paragraph, point 1, the portion not eligible for compensation shall be reduced in proportion to the period remaining up to that date.

Section 23 The right to compensation shall be limited in the same manner as in section 22 where a person who holds a permit for water operations pursuant to this Code suffers a loss of water or head or a limitation of the right to regulate runoff due to the granting of a permit for a water operation for the benefit of public fishing interests, a public navigation channel, a public port, health care or general environmental protection.

The above provisions shall also apply to a loss of head which is not harnessed. In that case, the proportion for which compensation shall not be payable shall correspond to one-twentieth of the value of the hydroelectric power of the waterfall after deduction of the proportion of that value that is the result of water regulation.

Notification of payment of compensation in connection with permits for water operations

Section 24 For the purposes of this chapter, notification to the county administrative board shall only be required pursuant to chapter 6, section 4 of the Expropriation Act (1972:719) in the case of compensation for the compulsory purchase of land.

Time limits for payment of compensation in connection with permits for water operations

Section 25 Where a permit is granted pursuant to chapter 11, compensation for land that has been compulsorily purchased shall be paid and notification submitted pursuant to chapter 6, section 4 of the Expropriation Act (1972:719) within six months of the date of the final decision concerning the permit and compensation. Compensation other than that payable for compulsorily purchased land, which is to be paid as a lump sum, shall be payable within two years of the same date. If the party liable for compensation does

not comply with this condition, he shall forfeit his right in relation to the person who is entitled to compensation.

These time limits may be shortened or extended where the parties so agree or in special circumstances.

Compensation determined after utilization of permits for water operations

Section 26 Where the amount of compensation relating to water operations or any other measure is finally determined only after use is made of the permit, the proportion of compensation in excess of the compensation previously determined shall be paid and notification submitted pursuant to chapter 6, section 4 of the Expropriation Act (1972:719) within one month of the final determination of the compensation. The same shall apply to compensation determined in connection with the approval of water operations that have already been completed.

If the final compensation amount does not exceed the compensation previously determined and the person liable for compensation would otherwise have been required to pay a deposit or submit notification, he shall notify the county administrative board of the decision concerning compensation when it has become final.

Section 27 Interest calculated in accordance with section 5 of the Interest Act (1975:635) shall be payable upon compensation amounts referred to in section 26 first paragraph from the date when the land is taken into possession, the water operations commence or the measure is carried out, subject to the second paragraph. If payment is not made punctually, interest shall be payable in accordance with section 6 of the Interest Act for the period following the date on which the delay commenced.

Interest shall be payable in accordance with section 6 of the Interest Act on compensation for unforeseen damage from the date when the claim was presented to the environmental court.

If the person liable for compensation neglects to pay a compensation amount referred to in section 26 first paragraph that is payable by deposit, the county administrative board shall, at the request of the person who is entitled to the compensation or part thereof, sue for enforcement of the judgment or decision determining the compensation.

Finalization of compulsory purchases arising out of permits for water operations

Section 28 A compulsory purchase of land shall become final when the person liable for compensation discharges his obligations pursuant to chapter 6, sections 1 first paragraph and 4 of the Expropriation Act (1972:719). The compulsory purchase shall become final even where interest referred to in section 27 first paragraph has not been paid.

The right to make use of a permit for water operations

Section 29 A person who is liable for compensation may make use of his permit by taking possession of the property or taking measures that cause damage to another after complying with the obligations laid down in chapter 6, sections 1 first paragraph and 4 of the Expropriation Act (1972:719). In that case, compulsory notification shall be limited in accordance with the provisions of section 24.

Where necessary with regard to the circumstances of the person entitled to compensation, the environmental court may grant a reasonable delay before possession is taken or the measure is carried out.

Refund of compensation arising out of permits for water operations

Section 30 Compensation amounts paid under the terms of permits referred to in chapter 11 shall not be recoverable. Nevertheless, repayment may be demanded where the permit on which the decision concerning compensation was based is cancelled at the suit of the person entitled to compensation.

Other provisions

Section 31 The compensation referred to in this chapter shall be determined as a lump sum.

However, compensation in cases referred to in section 5 second paragraph shall be paid at a fixed annual rate. In certain circumstances, the compensation may be deducted against any

compensation which may be payable pursuant to section 4 first paragraph or section 8.

In certain circumstances it may also be decided at the request of the person liable for or the person entitled to compensation that compensation payable in accordance with section 4 first paragraph or section 11 shall be paid at a fixed annual rate, subject to review in the event of a change in circumstances.

Section 30 second paragraph of the Reindeer Husbandry Act (1971:437) shall be applicable to compensation payable pursuant to section 4 as a result of damage or detriment caused to reindeer husbandry.

Section 32 For the purposes of this chapter, the provisions of chapter 4, section 3 of the Expropriation Act (1972:719) shall be applicable to any rise in value during the period starting ten years before the action was brought before a court of law.

Section 33 Where a creditor who had a lien on a property when the right to compensation arose incurs loss because the compensation was not deposited with the county administrative board, he shall be entitled to compensation from the person so liable and upon receipt thereof shall write off the claim on the instrument of debt. The same shall apply where a creditor incurs loss because the amount of compensation is not determined or is too low and, following an agreement between the person liable for and the person entitled to compensation or for some other reason, the amount is not examined by a court of law. Compensation shall also be payable for loss due to an agreement providing for non-cash compensation or for the implementation of preventive or remedial measures.

Actions for compensation pursuant to subsection (1) shall be brought before an environmental court.

Section 34 Where necessary, decisions concerning compensation shall include provisions to ensure that the recipient of compensation does not incur loss as a result of changes in monetary value during the period between the decision and payment of the compensation.

Section 35 When a compulsory purchase of land has been finalized, it shall be recorded in the real estate register. (Law 2000:228)

Section 36 In the event of disputes concerning better rights to compensation, the compensation amount shall be deposited with the county administrative board even where this is not compulsory pursuant to chapter 6, section 1 of the Expropriation Act (1972:719). The provisions of chapter 6, sections 17 to 19 of the Act shall be applicable to such deposits.

Chapter 32. Compensation for certain kinds of environmental damage and other private claims

Introductory provisions

Section 1 Compensation referred to in this chapter shall be payable for bodily injury, material damage and pecuniary loss caused by an activity pursued on a property.

However, compensation for pecuniary loss that is not caused by a criminal offence shall only be payable where the loss is not inconsiderable.

Compensation shall only be payable for damage that is not caused deliberately or through negligence where the disturbance that causes the damage is not acceptable in view of local conditions or of the extent to which such disturbance normally occurs in similar conditions.

Section 2 This chapter shall not apply to damage caused by ionizing radiation or the effects of electrical current from electrical installations to which separate provisions are applicable.

Conditions for the payment of compensation

Section 3 Compensation within the meaning of this chapter shall be payable for damage caused by:

1. pollution of water areas;
2. pollution of groundwater;
3. changes in the groundwater level;
4. air pollution;
5. land pollution;
6. noise;
7. vibration; or
8. similar disturbances.

The first paragraph, points 1 to 3 shall not be applicable to damage caused by activities pursued under the terms of a permit for water operations. Chapter 31 shall be applicable to such damage.

Damage shall be deemed to have been caused by a disturbance referred to in the first paragraph where, in view of the nature of the disturbance and its adverse effects, other possible causes and any other circumstances, the balance of probability indicates that the disturbance was the cause.

Section 4 Compensation shall also be payable for damage caused by blasted rock or other objects that are blasted loose in connection with blasting works or other activities involving an increased risk of explosions.

Section 5 In cases other than those mentioned in section 3 or 4, compensation shall be payable for damage caused by digging or similar works where the person who carried out the work or caused it to be carried out neglected to take preventive measures referred to in chapter 3, section 3 of the Real Property Code or was otherwise negligent in the performance of the work.

If the work is particularly intrusive or involves special risks for some other reason, compensation for the damage caused thereby shall be payable even where the person who performed the work or caused it to be performed was not negligent.

Persons liable for compensation

Section 6 Persons who pursue a harmful activity or cause it to be pursued in their capacity as property owners or land leaseholders shall be liable for compensation for damage pursuant to the provisions of this chapter. Any other person who pursues the harmful activity or causes it to be pursued and uses the property in his business activities or in public activities shall also be liable for compensation.

If another person who uses the property pursues the harmful activity or causes it to be pursued, he or she shall be liable for compensation pursuant to this chapter only where the damage is caused deliberately or through negligence.

Section 7 Any person who, without being the owner, owner of the land leasehold or other user of the property, performs work on the property or causes it to be performed in his business activity shall also be liable for damages.

Section 8 Where two or more persons are liable for the same damage pursuant to this chapter, they shall be jointly and severally liable for compensation unless the liability for compensation of any one of them is limited.

The amounts payable by persons who are jointly and severally liable for compensation shall, unless otherwise agreed, be shared between them as appears reasonable with regard to the grounds for liability, the extent to which they could have prevented the damage and any other circumstances.

Compensation for future damage to property

Section 9 Where an estimate can reasonably be made in advance of compensation for damaged property, compensation shall be determined for future damage if one of the parties so requests.

Where there is reasonable cause, a fixed annual compensation payment may be determined. If there is a change in circumstances after compensation is determined in this manner, the amount may be reduced to a level that is reasonable in view of the change.

Section 10 The Expropriation Act (1972:719) shall be applicable to reduction, allocation and payment of compensation for future damage to a property that is determined as a lump sum and is payable to the owner of the property or the owner of a land leasehold therein. The same Act shall also be applicable to the consequences of such reduction, allocation and payment.

Where a creditor who has a lien on the property suffers loss because the compensation referred to in the first paragraph is calculated at a rate that is too low and, following an agreement between the person liable for and the person entitled to compensation or for some other reason, the amount is not examined by a court of law, the creditor shall be entitled to indemnification from the person liable for compensation and upon receipt shall write off the claim in this respect on the instrument of debt.

Compulsory purchases of properties etc.

Section 11 If, as a result of an activity referred to in this chapter, a property becomes unprofitable to the owner, wholly or in part, or great detriment arises in connection with its use, the property, or part of it, shall be compulsorily purchased at the request of the owner by the person who pursues the activity.

The first paragraph shall also be applicable where a person who is liable to carry out after-treatment pursuant to chapter 10 takes a measure as a result of which the property becomes unprofitable to the owner, wholly or in part, or great detriment arises in connection with its use. However, this shall not apply where the owner is also liable for after-treatment.

The Expropriation Act (1972:719) shall be applicable to such compulsory purchases. Chapter 4, section 3 of the Act shall be applicable to any rise in value during the period starting ten years before an action is brought before a court of law.

Section 12 Apart from actions relating to compensation for damage and compulsory purchases, a private individual may also bring an action against a person who pursues or has pursued an environmentally hazardous activity without permission for prohibition of further activity or for the taking of protective measures or other precautions.

Chapter 33. Environmental damage insurance and environmental clean-up insurance

Section 1 Environmental damage insurance and environmental clean-up insurance, the terms of which are approved by the Government or the authority appointed by the Government, shall be available for the payment of compensation in certain cases to persons who suffer loss referred to in chapter 32 and of any costs arising out of the application of chapter 26, section 17 or 18, where the costs relate to environmentally hazardous activities. Persons who pursue environmentally hazardous activities for which a permit must be obtained or notification submitted pursuant to this Code or to rules issued in pursuance thereof shall pay contributions to the insurance as specified in tables approved by the Government or the authority appointed by the Government. The contributions shall be paid for one calendar year in advance.

The Government may issue rules concerning exemptions from the provisions of the first paragraph.

Section 2 Compensation shall be paid out of the environmental damage insurance in accordance with the relevant terms and conditions to claimants for bodily injury and material damage referred to in chapter 32, where:

1. the claimant is entitled to compensation pursuant to chapter 32 but cannot obtain payment or the right to demand compensation has lapsed; or
2. it cannot be established who is liable for the injury or damage.

Section 3 Compensation shall be paid out of the environmental clean-up insurance in accordance with the relevant terms and conditions for any costs for clean-up that are incurred in consequence of an authority's request for enforcement pursuant to chapter 26, section 17 or a decision ordering correction pursuant to chapter 26, section 18, where the person who is liable pursuant to this Code is not able to pay. However, such compensation shall not be payable for costs incurred in consequence of a rescue operation carried out in accordance with the Emergency Services Act (1986:1102).

Section 4 If environmental damage insurance or environmental clean-up insurance contributions are not paid within thirty days of the date of demand, the insurer shall report the non-payment to the supervisory authority.

The supervisory authority may order a person who is liable for payment to comply with his obligation subject to a penalty of a fine. Such an order shall not be appealable.