



Ministry of the Environment

Aarhus Convention Implementation Report

FORMAT FOR AARHUS CONVENTION IMPLEMENTATION REPORT

CERTIFICATION SHEET

The following report is submitted on behalf of Sweden in accordance with decision I/8.

Name of officer responsible for submitting the national report:
Magnus Blücher, Deputy Director

Signature:

Date:

IMPLEMENTATION REPORT

Please provide the following details on the origin of this report

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

This report has been prepared by the Ministry of the Environment and has been referred for consultations to a large number of public authorities and organisations. It has also been posted on the Internet where everyone has been able to email their views on the report to the Ministry of the Environment.

On the whole, the responses to consultation have only resulted in a few minor comments. These have led to small changes to the report. Most respondents have been positive to the draft report circulated for comment.

The Environmental Court of Appeal has stated that implementation of article 9 is questionable as regards initiatives to update a permit or its conditions. Some other consultation bodies, such as the Swedish Society for Nature Conservation and the Law Faculty of Uppsala University, have claimed that there are several deficiencies in Swedish implementation of the Convention's provisions on access to justice. In brief they have made the following points.

As regards access to justice for individuals affected, even where the legal conditions for updating a permit or conditions are fulfilled, there is no possibility for individuals to bring an action on this. Nor do individuals have a legal avenue to address the omission of the public authorities to request updating. Moreover, they are unable to demand through a civil action in a court of law that the activity take measures of protection or similar measures. This is so no matter how extensive the effects of the polluting or disturbing activity are. In certain situations, individuals who are affected do not have access to justice concerning the Government's determination of permissibility under Chapter 17 of the Environmental Code even though this decision is binding on the subsequent permit examination in the courts. Nor do individuals have access to justice concerning certain types of decisions relating to shoreline protection, consultations, timber cutting and other "green issues" even though they are affected by the activity.

As regards access to justice for environmental NGOs, the provisions on the right to take legal action only cover organisations of a certain size (2 000 members are required), even though this means that, in practice, only two organisations in Sweden have a right to take legal action. They are organisations operating at national level. Only non-profit associations with certain democratic statutes have a right of appeal, which means that organisations like Greenpeace and the World Wide Fund for Nature (WWF), for example, are excluded from the possibilities of taking legal action. Moreover, environmental NGOs do not have a general possibility of appealing supervisory decisions. Nor can those organisations appeal against decisions in the environmental area that are regulated in legislation other than the Environmental Code.

The critics think that these deficiencies in relation to the Aarhus Convention should be remedied as soon as possible.

In the future, the Swedish Government intends to make a closer analysis of and consider these views.

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

In Sweden national implementation is necessary for the ratification of an international convention. To a great extent, the rights that the Convention gives to the public were already guaranteed in Swedish law, but some legislative measures have been necessary to enable Sweden to ratify the Convention. For instance, a new Act (2005:181) on Environmental information held by Certain Private-sector Bodies, called the Environmental Information Act below, was introduced to complement the fundamental principle of public access to official documents in Swedish public administration, and an amendment was made to the Secrecy Act (1980:100), including a secrecy-override rule for information on emissions to the environment. The Convention's provisions on the right of environmental NGOs to take legal action also required certain measures.

When amendments are made to laws and ordinances that affect the state of the environment a continuous assessment is made of the possibilities of taking additional measures to further improve implementation of the Convention.

Article 3

List legislative, regulatory and other measures that implement the general provisions in paragraphs 2, 3, 4, 7 and 8 of article 3. Explain how these paragraphs have been implemented. In particular, describe:

(a) With respect to paragraph 2, measures taken to ensure that officials and authorities assist and provide the required guidance;

The service duties of the public authorities are a fundamental principle of administrative law. Under Sections 4 and 5 of the Administrative Procedure Act (1986:223) Swedish authorities have a duty to provide service. They have to provide information, guidance, advice and other assistance to individuals in matters concerning the authority's activities. They also have to receive visits and accept telephone calls. A person who has contacted the wrong authority has to be helped to find the right one.

Work is also under way to make Swedish authorities even more accessible to the public by, for example, being more available 24 hours a day via electronic information tools.

(b) With respect to paragraph 3, measures taken to promote education and environmental awareness;

Work to promote environmental education and awareness is under way both in the school system and in other contexts. The pre-school curriculum (Lpfö 98) states that the task of pre-schools includes placing greater weight on environmental and nature conservation issues. The curriculum for compulsory schools, pre-school classes and out-of-school centres (Lpo 94) states that their education has to shed light on how the functions of society and the way we live and work can be adapted to bring about sustainable development. The curriculum for voluntary forms of schools (Lpf 94), which applies to upper secondary school, upper secondary special school, local authority adult education, national schools for adults and adult education for people with intellectual disabilities states, *inter alia*, that the environmental perspective in their instruction has to give pupils insights so that they themselves can help to prevent harmful effects on the environment and can also acquire a personal approach to general and global environmental issues. Action is also being taken to improve teachers' knowledge of environmental issues within the framework of higher education. For example, the National Agency for Higher Education has worked particularly on the integration of environmental aspects into higher education programmes. A number of universities and other higher education institutions also have courses focusing directly on environmental issues.

Work is also under way continuously to provide information about environmental issues, through environmental information on the Internet, for instance. Examples of this are the website of the Swedish Environmental Protection Agency (www.naturvardsverket.se) and the Environmental Objectives Portal (www.miljomal.nu). Both the website of the Swedish Environmental Protection Agency and the Government's website (www.sweden.gov.se) contain information about the Aarhus Convention along with relevant external links. The websites of the county administrative boards contain valuable regional environmental information and, in general, central government agencies provide a not inconsiderable amount of environmental information on their websites.

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

The basis for the recognition of and support for environmental NGOs is that they are able to operate freely without harassment, which is secured by the rules on freedom of information, freedom of association, freedom of assembly and freedom of speech. These freedoms are included in the Constitution and are set out in Chapter 2 of the Instrument of Government. In addition, they are secured through Sweden's obligations under, *inter alia*, the European Convention on the Protection of Human Rights and Fundamental Freedoms.

Most organisations in the non-profit sector are incorporated in the form of a non-profit association. The creation of such associations is facilitated because it is relatively easy to form such an association and because such non-profit associations enjoy certain tax relief.

The knowledge possessed by these organisations is drawn on through referral procedures and other forms of consultations, including the statutory forms of consultation under the Environmental Code (SFS 1998:808). There are also a number of other formalised forums for cooperation and dialogue between the Government Offices and representatives of different types of associations and popular movements.

Grants are also provided for environmental NGOs in Sweden. Each year the Swedish Environmental Protection Agency distributes funds to organisations in the environmental area. The Swedish Road Administration also gives grants to non-profit organisations for work in the area of environment and road safety.

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

The provisions of the Convention on also working to promote the application of principles of the Convention in other international processes are well in line with Swedish endeavours to bring about greater transparency in the EU and in international contexts. Sweden has participated actively in work on the guidelines for public participation in international forums. Earlier on, Sweden also decided to take part in the Partnership for Principle 10 at the World Summit in Johannesburg in 2002. As part of its Eastern Europe Programme, the Swedish Environmental Protection Agency has also held courses in environmental law that have dealt with the principles of the Aarhus Convention.

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

Under Sweden's Constitution every citizen is guaranteed freedom of speech, freedom of information and freedom of association. The European Convention also protects these fundamental rights.

Describe any obstacles encountered in the implementation of any of the paragraphs of article 3 listed above.

Implementation has not resulted in any particular problems.

Provide further information on the practical application of the general provisions of the Convention.

The reader is referred to the above text.

Article 4

List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4. Explain how each paragraph of

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

Sweden has a long tradition of openness and transparency, or insight, in the activities of public authorities. Under the principle of public access to official documents, set out in the Constitution, the public and the media have to have insight into the activities of the state, local government and public authorities. Generally, when the principle of public access to official documents is discussed, what is being referred to in the first place are the rules on the public nature of official documents in Chapter 2 of the Freedom of the Press Act, which is part of the Constitution. The principle that all citizens are entitled to examine documents held by public authorities was introduced in Sweden in 1766 through the adoption of the first Freedom of the Press Act. The regulations in Chapter 2 of the Freedom of the Press Act give the public the right to examine both documents received by and documents drawn up by a public authority. An authority can only decide that a document shall be secret pursuant to a secrecy provision in an act of law. In addition, an authority is required to provide public information from official documents on request.

The principle of public access to official documents is also manifested in other ways. Officials in public authorities in Sweden have freedom of expression. This means that there is no general duty to observe confidentiality, and instead the general rule for officials is freedom of speech. In addition, officials in Swedish authorities have a right to disclose information subject to secrecy in order for the information to be published in the media. Even if the freedom to communicate information does not give the public a right to information, the principle of freedom of communication does give officials an opportunity to inform the media about what is happening in their area. Other manifestation of the principle of public access to official documents are open debates and open court hearings.

The Swedish system is a good arrangement for fulfilling the provisions of the Convention concerning public access to environmental information.

Also, and in particular, describe:

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

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

Regulation of this matter in the Constitution guarantees citizens access to information held by public authorities. The authorities must not inquire into the applicant's identity or the purpose of the request except insofar as this is needed to enable the authority to judge whether there is any obstacle to the release of the document (Chapter 2, Articles 1, 12 and 14 of the Freedom of the Press Act). This means that information that is not covered by secrecy provisions has to be released without the authority being allowed to inquire into who has requested the information and for what purpose. Because the Swedish 'public authority' concept does not correspond fully to that of the Convention, a special Environmental Information Act has been introduced

for certain private sector bodies that perform administrative functions. Under this Act anyone is entitled to examine environmental information without having to state their name or the reasons for their request except insofar as this is needed to make it possible to judge whether there is any obstacle to the release of the information.

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

Under Chapter 2, Article 13 of the Freedom of the Press Act anyone who wishes to examine an official document is also entitled to obtain a transcript or copy of the document. The same follows from the Environmental Information Act.

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

Under the Environmental Information Act, environmental information has to be released in the form requested except when it is already available in another form or it is reasonable to make it available in another form. The regulations in the Constitution must also be regarded as consistent with the requirements of the Convention, *inter alia*, because an official document has to be made available to the person who wishes to examine it in such a form that it can be read, listened to or otherwise comprehended (Chapter 2, Article 12 of the Freedom of the Press Act). There is an explicit obligation for the public authorities to ensure that it is possible for individuals to contact them by fax and email and that they can reply in the same way (Section 5 of the Administrative Procedure Act). The public authorities have to meet high standards concerning accessibility and responsiveness, and information technology is a central tool in developing the service provided by the administration.

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

Under the regulations of Chapter 2 of the Freedom of the Press Act a document requested has to be made available forthwith or as soon as possible. A request for a copy has to be dealt with promptly. The Constitution does not specify a time-frame, but according to firmly established case-law the provisions mean that a reply in the matter of making a document available has to be given the same day but that a delay of one or a few days can be accepted if it is necessary to enable the authority to determine whether the document can be made available. The introduction of a fixed deadline of one month in Swedish law would be a distinct deterioration in relation to the present state of the law. Under the Environmental Information Act, information shall be made available as soon as possible, but no later than one month after the information has been requested.

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

(i) Provide for exemptions from requests;

Under Chapter 2 of the Freedom of the Press Act, the general rule on access to information held by the public authorities is that an official document is public unless otherwise provided. The right to examine documents may only be restricted if this is necessary having regard to certain specified interests

(Chapter 2, Article 2 of the Freedom of the Press Act). The restrictions in the right to examine official documents must be specified carefully in provisions in the Secrecy Act (1980:1900). The provisions of the Secrecy Act are in line with Articles 4, paragraphs 3 and 4 of the Convention. The provisions of the Convention are also expressed in the Environmental Information Act.

(ii) Ensure that the public interest test at the end of paragraph 4 is applied; The fundamental idea in the Swedish legal system is that, on its own, the interest of secrecy can never decide the strength of secrecy protection, instead it must always be weighed against the interest of insight and that the weight of the interest of insight can be different in different contexts. This balance is already struck when a secrecy provision is introduced, and is expressed by stating in the provision whether a presumption of public nature or a presumption of secrecy shall apply to the information covered by the provision. In addition, a balance has to be struck for each request for the release of environmental information from public authorities as to whether it is apparent that the information is of such importance from an environmental perspective that general awareness of the information has precedence over the interest to be protected by secrecy (Chapter 14, Section 11, first paragraph of the Secrecy Act). The Environmental Information Act also contains a provision to the same effect. A secrecy-override rule for information about emissions to the environment has also been added to in the Secrecy Act and to the Environmental Information Act (Chapter 14, Section 11, second paragraph of the Secrecy Act and Section 7, third paragraph of the Environmental Information Act). A decision rejecting a request for environmental information can be appealed, see the further information under Article 9.

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

If a request to examine a document held by an authority is made to the wrong authority, then, under the law, the authority should refer the applicant to the right authority (Section 4, third paragraph of the Administrative Procedure Act). The Environmental Information Act also contains a provision to the same effect. Under the general duty to provide service that applies to all public authorities, the authority has to assist the application in the way specified in Article 4, paragraph 5.

(e) With respect to paragraph 6, measures taken to ensure that the requirement to separate out and make available information is implemented;

Under Chapter 2, Article 12 of the Freedom of the Press Act, if a document cannot be made available without disclosure of such part of it as contains classified material, the rest of the document has to be made available. Section 7 of the Environmental Information Act states that release may be refused “in full or in part”. There is thus an obligation to release the parts of the requested documents that are not covered by secrecy.

(f) With respect to paragraph 7, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;

Under general rules of administrative law, a decision involving a rejection of a request to examine an official document shall in principle contain the reasons for the refusal and also contain instructions about how to appeal the decision (Sections 20 and 21 of the Administrative Procedure Act). The same applies when corresponding decisions rejecting an application are taken by a municipal authority or by a court dealing with a matter as a court of first instance. There are no explicit deadlines for drawing up decisions rejecting applications. The requirements concerning prompt processing that follow from current regulations and firmly established case-law have already been described. In addition, Section 7 of the Administrative Procedure Act contains a general requirement that matters be handled promptly, and under Chapter 2, Article 15, second paragraph of the Freedom of the Press Act an appeal against a decision to reject a request to examine an official document has to be examined promptly.

(g) With respect to paragraph 8, measures taken to ensure that the requirements on charging are met.

Under Chapter 2, Article 12 of the Freedom of the Press Act a document that may be released has to be made available free of charge at the place where it is held. A charge may be levied for copies (Chapter 2, Article 13 of the Freedom of the Press Act). A special ordinance on charges applies to central government authorities. The charges that may be levied under it are calculated to recover costs. Under the general rule the first ten copies are free and the charge thereafter is SEK 50 plus SEK 2 per copy. According to the cost-price principle municipalities are not allowed to charge fees that more than cover the costs of the service being provided. The basis for deciding municipal charges is set out in the charge schedules adopted by the municipal assembly. The Environment Information Act contains provisions stating that reasonable reimbursement may be obtained for costs associated with releasing information and that there has, in that case, to be a pre-determined schedule of charges for this.

Public authority: In view of the difference between what is meant by a 'public authority' in the Convention and in Swedish law it has been necessary to adopt a new law to implement the provisions of the Convention on environmental information concerning such information that is held by certain private-sector bodies that perform administrative functions but are not public authorities in terms of Swedish law. Public authorities and other public bodies come under the principle of public access to official documents, which has been in place for centuries.

Environmental information: The principle of public access to official documents does not make any distinctions about the information held by the authority. Official documents that are not covered by secrecy provisions are public regardless of whether they contain environmental information or any other information. A special definition of the concept in accordance with the Convention has been introduced for non-public bodies covered by the Environmental Information Act.

Compliance with article 3, paragraph 9. The constitution guarantees every citizen freedom of information. Foreign citizens are equated with Swedes (Chapter 2, Article 22, second paragraph, point 1 of the Instrument of Government and Chapter 14, Article 5, second paragraph of the Freedom of the Press Act).

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

Implementation has not resulted in any particular problems.

Provide further information on the practical application of the provisions on access to information, e.g. are there any statistics available on the number of requests made, the number of refusals and their reasons?

Public authorities and private-sector bodies hold a very great deal of information. In order to access the information, private individuals need to know that the information exists and how to get access to it. To facilitate searches in the masses of information held in the archives, the Swedish National Archives has developed a search system that is available via the Internet. The National Archival Database of Sweden (NAD) is a cross-sectoral database and information system in the Swedish archives system. The purpose of the NAD is to provide a national information system for Swedish archives so as to improve the accessibility and use of archives and collections held by archive institutions in Sweden. In the NAD the user is able to search, in a single context, information about the archives and collections held by both public and private archive institutions, libraries and museums. The NAD supplies a national archive creator register with archive references, a register of archive institutions with contact information and auxiliary databases for the topographic divisions of Sweden and the history of the administration. The NAD also contains detailed archive lists from archives held by the Swedish National Archives and the regional archives. Anyone who wants to know what activity have been conducted at a particular place can begin their research in the NAD. Using the NAD it is possible to search archives from public authorities and other organisations with environment-related activities such as the Swedish National Licensing Board for Environment Protection, the Swedish Council for Environmental Information, the Environmental Advisory Council and committees of inquiries related to the environment. The NAD provides information on where the archives are held and overviews of the contents of the archives, The NAD is distributed via the Internet at www.nad.ra.se

Article 5

List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5. Explain how each paragraph of article 5 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to paragraph 1, measures taken to ensure that:*
- (i) Public authorities possess and update environmental information;*
 - (ii) There is an adequate flow of information to public authorities;*
 - (iii) In emergencies, appropriate information is disseminated immediately and without delay;*

There are a number of provisions that result in a large volume of environmental information being held by the public authorities. One example is the provision in Chapter 26, Section 20 of the Environmental Code under which the operator of an environmentally hazardous activity shall present an annual environmental report to the supervisory authority and the provisions on safety reports in the Act (1999:381) on measures to prevent and limit the consequences of serious accidents involving chemicals. Operators can use the Swedish Portal for Environmental Reporting (SMP) to make their reports electronically, thus increasing the reliability of the information. The supervisory authority is also able to order an operator to submit the information and documents that the authority requires for its supervision. In addition, there are several provisions in other statutes intended to provide authorities with information about the state of the environment. These mean that there is rich access to information at the public authorities about conditions in both public activities and in the private area. The supervisory authorities continually gather information in their areas of responsibility.

Operations that entail a danger that an accident will cause serious damage to people or the environment are covered by special provisions in the Act (2003:778) on Protection against Accidents on the obligation to take measures to prevent or limit damage. Such operators are required to analyse the risks of accidents and to inform the authorities if emissions of harmful substances take place or if there is an impending risk of such emissions. If an accident does happen, the municipality and the Swedish Rescue Services Agency have to be notified under the provisions of the Ordinance (2003:789) on Protection against Accidents. There are also special provisions in the Ordinance requiring the county administrative board to inform the public in the event of an emergency situation relating to the risk of radioactive radiation. Using a special system for warning and notification of the public, large groups of people can be warned and receive information in connection with accidents or events that risk causing disruptions to society. The system makes it possible for public civil protection bodies to quickly reach the general public with warnings and information. A number of public authorities can trigger this system, including the police authority, the county administrative boards and the Swedish Rescue Services Agency. A separate warning system has been developed for use in accidents at nuclear power stations. A special feature of this system is that an alarm to the general public is already triggered by the operator at a very early phase of an accident as soon as a number of criteria set up by the authorities have been met. After that the relevant county administrative board takes over the handling of civil protection measures including information to the general public.

- (b) With respect to paragraph 2, measures taken to ensure that the way in which public authorities make environmental information available to the*

public is transparent and that environmental information is effectively accessible;

Under their general duty to provide service, the authorities have a responsibility for supplying information about the documents they hold. The public are given guides to the information held by the public authorities by, for example, the websites [sverige.se](http://www.sverige.se) (www.sverige.se) and the Citizen's Guide (www.samhallsguiden.se). The website of the Swedish Environmental Protection Agency (www.naturvardsverket.se) is an important source of environmental information that also contains relevant links. The public can use the Swedish Government website (www.regeringen.se) to examine official publications in the area of the environment such as the texts of statutes and legislative proposals.

The Swedish authorities are required to keep registers in the form of chronological records registering documents received and drawn up. Work is under way to make these records available via the Internet. The Swedish Environmental Protection Agency and the Swedish Chemicals Agency have special registers containing various types of environmental information. The Environmental Information Act also requires that environmental information is arranged clearly.

As part of their duty to provide service, the public authorities also have a responsibility for supplying information, guidance, advice and other assistance to individuals. Questions have to be answered as quickly as possible and a person who has contacted the wrong authority has to be helped to find the right one. No costs are associated with searches in chronological records or other registers.

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

All authorities in the environmental area have databases that are accessible via the public telecommunications network. Work has also been done on metadata to increase the efficiency of searchability in databases. The website of the Swedish Environmental Protection Agency contains a great deal of information that is available electronically, including a large number of publications that can be downloaded free of charge.

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

The Swedish Environmental Protection Agency is responsible for coordinating environmental monitoring in Sweden and operates the national environmental monitoring programme. Each year it publishes an annual report for environmental monitoring, and the Agency also has an Environmental Objectives Council that submits an annual report, called de Facto, to the Government. The de Facto report presents a summary overview of the environmental situation in Sweden and developments in relation to Sweden's environmental objectives. Information about work on these environmental objectives, including de Facto, is available via the internet at

the Environmental Objectives Portal (www.miljomal.nu). An in-depth evaluation of work on the environmental objectives is also conducted every four years. The results of national environmental monitoring are available on the website of Swedish Environmental Research Institute (www.ivl.se).

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

The Swedish Government Offices publishes information on the Internet, distributes press releases, holds meetings and publishes printed materials. Conventions and international agreements are published on the Internet as soon as possible. Statutes are currently available on various websites, including the legal databases of the Government Offices, which contain laws, ordinances, terms of reference for Government-appointed committees and inquiries and annual reports on these committees and inquiries, as well as on the website of the Riksdag (Swedish Parliament (www.riksdagen.se)). Information concerning strategies and policies is available on the websites of both the Government and central government agencies. Information on how work on different questions is conducted is available first and foremost in texts from the Ministry of the Environment. One example of a situation report is the follow-up of the environmental objectives, which is presented both in print and on the Internet. Both the Ministry of the Environment and central government agencies, including the Swedish Environmental Protection Agency and the Swedish Chemicals Agency, publish information on their international work on their websites, with links to conventions and other international documents. One example of how information about a convention is spread is the portal on Biological Diversity. In addition to information about the Convention on Biological Diversity (CBD), this contains both Swedish and international laws and policy documents in the area (www.biologiskmangfald.nu). The authorities also spread information in other ways than by electronic means. Many environmental authorities and county administrative boards publish newspapers or newsletters that are distributed in printed form or by email.

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

Consumers are entitled to information about the contents of a product, how it has been produced and the quality of the product, etc. so to be able to assess the consequences of their choices. Producers in Sweden are responsible for providing and disseminating information about the environmental properties of products. The Environmental Code also contains requirements concerning the environmental impact of goods and services. The systems regulated by law also include the classification and marking of chemical products, product information sheets and environmental reports.

Businesses can also certify their products using environmental labels to show that the products comply with specific environmental requirements (for example the Swan, TCO labelling, the EU Flower label, the KRAV label).

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

Under the principle of public access to official documents, everyone has a right of insight into the activities of a public authority and the right to examine official documents received by or drawn up by the authority. Legislative proposals and similar documents are regularly referred to authorities, interest organisations and others for consultation. The subsequent Government bill contains a summary and analysis of the consultation responses. Information for decisions such as committee terms of reference, inquiry reports and Government bills are posted on the Internet (www.regeringen.se). In most cases the consultation responses, annual reports, environmental objective reports, etc. of public authorities and other institutions are directly available on their websites.

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

The Swedish Consumer Agency provides a great deal of product information on its website (www.konsumentverket.se). The voluntary systems for providing product-related environmental information include environmental labelling, environmental reporting and environmental product declarations. There is widespread environmental labelling of consumer products in particular. The state participates in work on the Swan and the EU Flower through SIS Ecolabelling. There are also a number of other labels such as Bra Miljöval (*Good Environmental Choice*), the label of the Swedish Society for Nature Conservation. The website of the Swedish Chemicals Agency provides information about chemical products, pesticides, etc.

Environmental labelling covers a large number of products and is a good aid for consumers. It is also a driver for companies to label their products. Environmental auditing is another way of giving the general public information about the effects of an activity on the environment. The state participates in the development of environmental management systems through its ownership share of the Swedish Environmental Management Council (SEMC) and through development work by the Swedish Agency for Economic and Regional Growth. In the business sector, the introduction of environmental management systems and certification (such as EMAS och ISO 14001), is becoming more and more common, which means that there are increasing numbers of environmental audits. Some public authorities, such as the Swedish Road Administration, also use environmental management systems and evaluate whether they are certifiable. The Swedish Environmental Management Council (www.miljostyrning.se) is responsible for a national system of certified environmental product declarations. These declarations are intended to provide readily accessible, quality-assured and comparable information about the environmental impact of products and services.

(i) With respect to paragraph 9, measures taken to establish a nationwide system of pollution inventories or registers.

The Swedish National Pollutant Release and Transfer Register (PRTR) is part of work to provide the public with information about national releases of chemical substances and groups of substances. The figures in the register show what releases of chemical substances an installation has each year. The register also shows whether a release is into air or water and the quantities of these substances that end up in products, goods and waste. The register is available and searchable via the Internet (www.naturvardsverket.se).

In the European Union a pollutant emission register has been developed in order to prevent and limit the consequences of serious accidents involving hazardous substances and to provide readily accessible and comparable information about emissions of pollutants from industry (www.eper.cec.eu.int).

In addition, Sweden has signed the PRTR Protocol and intends to ratify it in early 2008.

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

Implementation has not resulted in any particular problems.

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

The reader is referred to the above text.

Article 6

List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6. Explain how each paragraph of article 6 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

There is a long tradition of public participation in environmental decision-making. For almost 40 years there has been an environmental permit procedure for industrial activities and other major installations with an environmental impact (defined as environmentally hazardous activities in Sweden) that includes consultations with the public before a permit application is submitted to the permit authority; the publication of notice of the application and the collection of opinions from the public, among others; a public meeting before the permit authority; and a notice publishing of the ruling of the permit authority. On the whole, the decision-making process has lived up to the requirements of the Aarhus Convention concerning the possibilities for the public to take part in environmental decision-making. Over the years it has been expanded to refer to additional types of activities at the same time as the formal requirements concerning, *inter alia*, the supporting information – the environmental impact assessment and the application – have increased and been made more specific.

Also, and in particular, describe:

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

(i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;
 The activities covered by Annex I to the Convention are subject to permit requirements under the Environmental Code. These permit processes are covered by rules on environmental impact statements and other information for decisions in Chapter 6 of the Environmental Code, which guarantee public participation in accordance with the Convention. There are also provisions on permit processes in other legislation that refer to the consultation rules of the Environmental Code. This applies, for example, to the Electricity Act (1997:857), the Roads Act (1971:948), the Railway Construction Act (1995:1649) and the Act (1983:293) on Establishing, Expanding and Cancelling Public Fairways and Public Ports. The construction of overhead electrical power lines with a voltage of 220 kV or more and a length of more than 15 km (point 17 of the Convention Annex) does not require a permit under the Ordinance on Environmentally Hazardous Activities and Public Health Protection. Such works require a permit under the Electricity Act, which refers to Chapter 6 of the Environmental Code as regards the procedure for preparing an environmental impact statement in making a permit application. Road construction is examined by the Swedish Road Administration in consultation with the county administrative board. If they have different views in the matter, then the matter is referred to the Government for examination. Anyone planning to build a road has to conduct a preliminary study. A road investigation has then to be conducted if the preliminary study has shown that alternative routes need to be studied. A work plan has then to be drawn up for the construction of a road. Under the Roads Act a work plan has to be equated with the issue of a permit. Both a road investigation and a work plan require environmental impact statements under Chapter 6 of the Environmental Code. Under Section 3 of the Railway Construction Act, an adopted railway plan for railway construction is equated with the issue of a permit under the Environmental Code. As is the case for road construction, a party planning to build a railway has to conduct a preliminary study and possibly a railway investigation before the railway plan is adopted. Both a railway investigation and a railway plan require environmental impact statements and consultations under Chapter 6 of the Environmental Code. Section 1 b of the Act on Establishing, Expanding and Cancelling Public Fairways and Public Ports also refers to Chapter 6 of the Environmental Code as regards the drafting of an environmental impact statement. In the same way, there are references to Chapter 6 of the Environmental Code in a number of other acts concerning activities that require permits under the Environmental Code, but that are also subject to permit requirements under other acts. Examples are the Nuclear Activity Act (1984:3) and the Continental Shelf Act (1966:314).

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

Under provisions of the Environmental Code or provisions that refer to the Code, the rules on environmental impact statements and the associated

consultation requirements are applicable to activities that may have a considerable impact on the environment.

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

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

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

A pre-condition for a functioning process is that the public must be offered a reasonable amount of time to gather information, take a position and submit views. Under Chapter 6, Section 4 of the Environmental Code consultations have to be held in good time. The general guidelines issued by the Swedish Environmental Protection Agency on environmental impact statements states that consultations have to be held in such a way as to give individuals a reasonable amount of time for reflection and that those affected should have at least three weeks to submit their views. The operator should ensure that the consultation is held in such a way that it is possible for individuals to submit both oral and written views.

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

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

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

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

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

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

Everyone is entitled to examine the content of the information under the principle of public access to official documents. There is no charge for examining the information. The Environmental Code also contains explicit rules about what information an environmental impact statement has to contain and has to be made available to the general public when notice of an application and an environmental impact statement are published.

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

After publication of the notice of the application and the environmental impact statement, the documents have to be made available to the public and the public has to be given the opportunity to comment on them before the case or matter is dealt with (Chapter 6, Section 8 of the Environmental Code).

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

Under the rules of the Environmental Code, the decision-making authority has to consider the result of consultations and opinions on the environmental impact statement and the application (Chapter 6, Section 9 of the Environmental Code).

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

The environmental court has to deliver its judgment on the permit as soon as possible in view of the nature of the case and other circumstances (Chapter 22, Section 21 of the Environmental Code). If a main hearing has been held, the judgment has to be delivered within two months of the completion of the hearing unless there are exceptional circumstances. The parties have to be informed of the contents of the judgement in writing or by making the judgement available through the keeper of the file. Notices of judgments in

application cases are published to a great extent. This is equally true of the decisions of the county administrative boards in application cases. The Swedish principle of public access to official documents also means that everyone has the opportunity to examine the text of the decision. The Administrative Procedure Act (1986:223) and the Administrative Court Procedure Act (1971:291) also contain rules about giving notification of judgments and decisions. The provisions of the Environmental Code, the Code of Judicial Procedure, the Administrative Procedure Act and the Administrative Court Procedure Act also regulate the contents of a judgment or decision.

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

When the conditions for an activity that has a permit are reconsidered or updated, the same rules about environmental impact statements and consultations apply as to an application for a new permit. Public participation is therefore guaranteed in the same way for an update and for a new activity. However, if the operator applies for an update on his own initiative, an environmental impact statement is not formally required.

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

The Ordinance (2002:1086) on the release of genetically modified organisms in the environment contains provisions on public participation. Under these provisions, the supervisory authority has to give the public and other interested parties the opportunity to make comments before taking a decision in the matter of the permit for deliberate release. The supervisory authority also has to establish routines for such a consultation procedure. These routines have to give interested parties a reasonable amount of time to submit their views (Chapter 2, Section 10). The Ordinance also contains provisions about information to the public (Chapter 4, Section 5).

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

Implementation has not resulted in any particular problems.

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

The reader is referred to the above text.

Article 7

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

Explain what opportunities there are for public participation in the preparation of policies relating to the environment.

As regards physical planning and land use, rules in the Planning and Building Act (1987:10) require plans to be published and consultations to be held before decisions are taken. There are also rules on public participation in other planning, such as planning for waste management. Moreover, decisions are normally preceded by a referral procedure under which the authorities and organisations affected are given the opportunity to express their views. Action programmes are also referred to those affected when this is deemed appropriate. One example is work on a national strategy for sustainable development, where, for instance, meetings and dialogues were held with various groups in society.

Under rules in the Environmental Code, plans and programmes that are likely to have a significant effects on the environment have to be subject to an environmental assessment. As part of this, the authorities affected and the public have to be given the opportunity to participate in the planning process and submit views that have to be taken into consideration.

Describe any obstacles encountered in the implementation of article 7.
Implementation has not resulted in any particular problems.

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 7.
The reader is referred to the above text.

Article 8

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

The Government and other legislative bodies regularly use a consultation procedure in connection with the drafting of rules of general interest. The widespread gathering of comments from public authorities, organisations and other associations as part of the preparation of matters is a characteristic and important part of the political decision-making process in Sweden. The obligation to prepare Government business is regulated specially in the

Constitution (Chapter 7, Article 2 of the Instrument of Government). The Riksdag Committee on the Constitution also considers in its annual examination of the Government whether administrative matters have been handled in accordance with the applicable principles of administrative law. Under the Administrative Procedure Act, when authorities handle matters, they have to consider the possibility of obtaining information and opinions from other authorities by themselves if necessary. In order to make it easier, for example, for the public to submit views on proposals referred for comments, more ‘e-democracy’ is being developed in order to increase the accessibility of information and the opportunities for dialogue with the aid of electronic information tools.

Describe any obstacles encountered in the implementation of article 8.
Implementation has not resulted in any particular problems.

Provide further information on the practical application of the provisions on public participation in the field covered by article 8.
The reader is referred to the above text.

Article 9

List legislative, regulatory and other measures that implement the provisions on access to justice in article 9. Explain how each paragraph of article 9 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

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

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

The right to appeal a decision concerning the release of an official document is set out in Chapter 2, Section 15 of the Freedom of the Press Act.

Decisions taken by an administrative authority are appealed to the courts. Under Chapter 15, Section 6 of the Secrecy Act (1980:100) if a request to examine a document cannot be complied with in full or in part, the person who has made the request shall be notified of this. He or she shall also be notified that it is possible to request that the question be referred to the authority and that a decision of the authority is required before a ruling can be appealed.

Under Chapter 15, Section 7 of the Secrecy Act, a person who has requested the release of a document but whose request has been refused or who has only been allowed to examine the document with a restriction can appeal the decision. Normally the applicant can appeal the decision to the administrative court of appeal (or if it is the administrative court of appeal that has taken the decision – to the Supreme Administrative Court). Decisions of the general courts are appealed to the next highest instance.

A decision of a private-sector body covered by the Act on environmental information held by certain private-sector bodies is appealed to the administrative court of appeal (Section 9).

(ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;
The public authorities have considerable possibilities of reconsidering their decisions. If an authority finds that the decision it has issued is manifestly wrong, the authority is obliged under Section 27 of the Administrative Procedure Act to reconsider the decision under certain circumstances. The reconsideration procedure is free of charge.

(iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;
The decision of an authority not to release information has to state the reasons in writing (Section 20 of the Administrative Procedure Act, Section 23 of the Ordinance (1996:271) on Cases and Matters in the General Courts). The Environmental Information Act also contains such a requirement (Section 8).

When a court has decided after an appeal to grant an application to examine an official document, the authority holding the information has to ensure that the applicant has access to the document.

To ensure that authorities handle their business correctly, the actions and omissions of the public authorities are examined by the Parliamentary Ombudsmen (JO, www.jo.se) and the Chancellor of Justice (JK, www.jk.se). Following a complaint or on their own initiative, the Parliamentary Ombudsmen can examine whether an authority has acted as it is supposed to. The Parliamentary Ombudsmen cannot order an authority to act, but as a rule the authorities follow their decisions and recommendations. The Chancellor of Justice supervises central government authorities, employees and service providers, etc. However, the Parliamentary Ombudsmen and the Chancellor of Justice are bodies that exercise extraordinary scrutiny and not ordinary supervisory authorities. Both the Parliamentary Ombudsmen and the Chancellor of Justice are able to bring charges as special prosecutors against officials who have committed criminal offences by violating their obligations in the exercise of their duties.

(b) Measures taken to ensure that within the framework of national legislation, members of the public concerned meeting the criteria set out in paragraph 2 have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6;
The right to a determination by a court of law of the substantive and formal validity of decisions, etc. covered by Article 6 is provided for in different

parts of Swedish legislation. In most cases permit decisions are taken under the rules of the Environmental Code. Those decisions can be appealed either via a superior authority to an environmental court and then to the Environmental Court of Appeal or from an environmental court to the Environmental Court of Appeal and finally the Supreme Court. A review can examine both the formal and the substantive aspects of the decision. It can be mentioned in this context that satisfactory consultations including an adequate and well-conducted environmental impact statement are required before a court considers a permit application. If the legal requirements are not met in these respects, an application may be rejected.

Certain permit decisions are taken by the Government as the first instance or after an appeal to the Government. Such government decisions can be reviewed by a court of law under the Act (2006:304) on judicial review of certain Government decisions.

Certain decisions covered by the Convention are issued under the Planning and Building Act (1987:10). New rules in that Act giving environmental NGOs the right to appeal such decisions entered into force on 1 January 2008 (Chapter 12, Section 6 of the Planning and Building Act).

A decision may be appealed by a person who is affected by the decision if it has gone against him or her (Chapter 16, Section 12 of the Environmental Code, Section 22 of the Administrative Procedure Act). Environmental NGOs have a right to appeal under Chapter 16, Section 13 of the Environmental Code, as well as under a number of special acts. Since Sweden acceded to the Convention, the provision in the Environmental Code has been clarified so that it now clearly states that the possibilities of making an appeal also cover reconsideration, conditions and approval of establishments as well as supervisory decisions under Chapter 10 of the Environmental Code. Under the Act on judicial review of certain Government decisions, environmental NGOs also have an explicit right to apply for judicial review of permit decisions by the Government that are covered by Article 9, paragraph 2 of the Convention.

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

As is the case for permit decisions, there are rules in the Environmental Code and in administrative law legislation making it generally possible to appeal against the decisions of public authorities. It is therefore possible to have decisions of public authorities that are contrary to environmental legislation examined by the courts. Over and above this, there is an explicit right for environmental NGOs to appeal supervisory decisions taken under Chapter 10 of the Environmental Code (which regulates operations that cause environmental damage). There are also rules concerning the acts and omissions by persons that contravene national environmental regulations. In certain cases it is possible for individuals and environmental NGOs, among others, to bring an action for damages at an environmental court or to bring

an action against an operator to have his activity prohibited (Chapter 32, Sections 12–14 of the Environmental Code). In the event of a breach of an environmental provision carrying a penalty, an injured party can also initiate a private prosecution under Chapter 47 of the Code of Judicial Procedure. Anyone at all can report the breach by persons of environmental legislation to the supervisory authorities, the police or a prosecutor for examination.

If the provisions of environmental law are not followed, the supervisory authority has to intervene. The central supervisory authorities have to intervene in their turn if a subordinate supervisory authority does not carry out its duties. Under the rules of the Environmental Code, the supervisory authorities have to supervise, to the extent necessary, compliance with the Environmental Code and regulations, judgments and other decisions issued under the Code and take the measures needed to ensure that faults are corrected. Their supervision has to ensure compliance with the purpose of the Environmental Code and regulations issued under the Code (Chapter 26, Section 1 of the Environmental Code). The supervisory authorities normally act on their own initiative, but the public is entitled to make a report to the authorities if, for instance, they think that something should be checked. Such a report to a supervisory authority has to be registered as a matter and be closed by some form of decision. If the supervisory authority discovers deficiencies it can, for example, decide on an environmental sanction charge, orders or prohibitions.

The activities of all public authorities are checked by the Parliamentary Ombudsmen (JO) and the Chancellor of Justice (JK). The public, including environmental NGOs, are always able to report infringements of various environmental regulations to supervisory authorities, and the public can also take direct contact with the Parliamentary Ombudsmen, who examine complaints concerning deficiencies and omissions in the exercise of public authority. The Parliamentary Ombudsmen supervise the application of laws and other statutes in public activities.

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

(i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies; (ii) Such procedures otherwise meet the requirements of this paragraph;

There are no court fees or requirements concerning legal representation to gain access to justice in appeals of a permit decision or a decision on the examination or release of environmental information. Nor is a person who appeals against a decision responsible for the opposite party's litigation costs. The same applies to supervisory decisions.

The supervisory authorities are able to issue orders and prohibitions and also to combine them with administrative fines (astreinte). The authorities can also order environmental sanction charges and are obliged to report infringements of the provisions of the Environmental Code or regulations issued under the Code to the police or prosecution authority if a criminal offence is suspected.

Under Swedish law, the general rule is that judgments and decisions in cases at courts of law and public authorities have to be documented in writing; at any rate if so requested by a party (see, for example, Chapter 17, Section 9 of the Code of Judicial Procedure, Section 31 of the Administrative Court Procedure Act and Section 21 of the Administrative Procedure Act). Decisions and judgments are available to the public under the rules on the public nature of official documents in the Swedish principle of public access to official documents. Over and above this, there are rules that judgments have to be kept available at the office of the court, with the keeper of the file, etc. when they have been issued (see, for example, Chapter 22, Section 21 of the Environmental Code and Chapter 17, Section 9 of the Code of Judicial Procedure).

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

Under Swedish law, a decision of a court or other authority that can be appealed always has to contain information about how to appeal the decision (see Section 21 of the Administrative Procedure Act, for instance). As mentioned above, the decisions are available to the public.

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

Under the Constitution, a decision on the release of an official document that has been taken by a Government minister cannot be appealed to a court of law. However, the principle of public access to official documents set out in the Constitution satisfies the purposes of the Convention. Sweden has entered a reservation on this point in relation to the requirements of the Convention.

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

A general right for environmental NGOs to appeal, *inter alia*, permit decisions, was introduced into the Environmental Code in 1999. According to a subsequent survey by the all-party Environmental Code Committee, the experience of the right of environmental NGOs to take legal action is positive (see Swedish Government Official Reports SOU 2005:59 – The Environmental Code: environmental quality standards, environmental NGOs in the environmental decision-making and charges). The survey shows that environmental NGOs had only used the possibility of appealing rulings in a few cases and that there was no evidence of abuse of the possibilities of appealing, but that the operators still feared that the right of the organisations would lead to delayed and dearer projects. The environmental NGOs have turned out to play an important role in environmental permit examinations by contributing knowledge and making operators and permit-granting authorities give clear reasons for the positions they take. Moreover, the environmental NGOs have been an effective way of channelling views from many parties to cases.

Articles 10-22 are not for national implementation.

General comments on the Convention's objective:

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

The Aarhus Convention has great potential because of its overall aim of protecting everyone's right to live in a good environment through a right of access to information, a right to participate in decision-making concerning the environment and a right of access to justice in environmental matters. As regards openness to the public, Sweden has a long tradition of a well-functioning set of regulations with the same purpose as the Aarhus Convention and we therefore want to stress our positive experience of these rules. The openness involved in giving the public various opportunities for insight into the activities of public authorities is an important part of a functioning democracy. The right to examine information held by authorities contributes to good cooperation between decision-makers and the public and to greater knowledge. This is very important concerning environmental matters, but naturally also for society as a whole.