



ENVIRONMENTAL PERMITTING PROCESS

BUSINESS SWEDEN
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ESTABLISHMENT GUIDE

An Environmental Impact Assessment is a results-based process aiming to understand and evaluate the potential environmental impacts of a project before any decisions are taken to start construction. This guide explains the environmental assessment process that may be applicable in connection with the establishment of an industrial plant, as well as average processing times required at relevant review bodies. The information is general in nature and does not consider site-specific conditions. The description provided applies to the first instance of approval.

ENVIRONMENTALLY HAZARDOUS ACTIVITY ACCORDING TO THE SWEDISH ENVIRONMENTAL CODE

Environmentally hazardous activities encompass any use of land, buildings or facilities that may give rise to emissions into soil, water, air or other inconvenience to human health or the environment. Examples of environmentally hazardous activities are power plants, engineering industries, chemical industries, shooting lanes and animal husbandry facilities. The conduct of certain types of environmentally hazardous activities require either notification or licensing according to the Swedish Environmental Code. (Source: Environmental Code Chapter 9)

LICENSE PROCESSES PURSUANT TO THE SWEDISH ENVIRONMENTAL CODE

The license obligation pursuant to the Swedish Environmental Code that arises upon the establishment of a facility depends on the types of activities to be undertaken and the effects these activities will have on protected areas and certain protected plant and animal species. In this guide it is assumed that the chosen site does not have any impact on protected areas or on protected plant and animal species, and that a licensing review in this regard therefore will not be applicable.

Environmentally hazardous activities are classified into four primary review levels (A, B, C and U) based on the scope and environmental impact

Land and Environment Courts in Sweden

NACKA

UMEÅ

VÄNERSBORG

VÄXJÖ

ÖSTERSUND



of the activity in question. The classification indicates whether the activity in question is subject to notification or licensing, as well as which authority is to perform the licensing review.

A-ACTIVITIES: SIGNIFICANT ENVIRONMENTAL IMPACT

Activities with a significant environmental impact are categorized as “A-activities”. For this category a license is required from the Land and Environment Court (in Swedish: Mark- och miljödomstolen MMD) in the region in which the facility is located. In Sweden, there are five Land and Environment Courts. Decisions taken by the Land and Environment Courts can be appealed to the Land and Environment Court of Appeal at the Svea Court of Appeal.



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B-ACTIVITIES: MODERATE ENVIRONMENTAL IMPACT

Environmentally hazardous activities that are somewhat smaller in scope than “A-activities” are classified as “B-activities”. In these cases, a license is required from one of the environmental assessment delegations (in Swedish: miljöprövningsdelegationer, MPD) organised under the county administrative board. At present, there are a total of 12 environmental assessment delegations organized under the County Administrative Boards. Each delegation is an independent decision-making body that is separate from the other activities of the County Administrative Board. Decisions taken by an environmental assessment delegation can be appealed to the Land and Environment Court.

C-ACTIVITIES - ACTIVITIES WHICH DO NOT REQUIRE LICENSING

Environmentally hazardous activities with less environmental impact than “A” and “B” activities are referred to as “C-activities”. Such activities do not require a license; however, they do require the supervisory authority to be notified. In most cases, the supervisory authority is the municipality in which the activity is located.

Environmental assessment delegations (MPD)

- DALARNA
- HALLAND
- KALMAR
- NORRBOTTEN
- SKÅNE
- STOCKHOLM
- UPPSALA
- VÄSTERNORRLAND
- VÄSTRA GÖTALAND
- VÄSTERBOTTEN
- ÖREBRO
- ÖSTERGÖTLAND

U-ACTIVITIES – OTHER TYPES OF ACTIVITIES

U-Activities are often referred to as other environmentally hazardous activities that do not belong to categories A, B or C. An example of U-Activities are smaller car repair shops. U-activities do not require permission or notification, but they are still subject to the provisions of the Environmental Code.

WATER-RELATED ACTIVITIES

In case it becomes necessary to engage in water-related activities during the establishment of a facility (or in connection with the operation of the same), these will generally be subject to licensing by the Land and Environment Court. Water-related activities include activities such as construction in areas of water, the extraction of surface water or groundwater and diversion of water. Certain minor water-related activities are exempt from the licensing requirement. These may instead be handled in the form of a notification to the supervisory authority, which will generally be the county administrative board. (Source: Environmental Code Chapter 11)

CUMULATIVE ASSESSMENT

For an activity requiring a license for both water-related activities and environmentally hazardous activities, a joint assessment by the Land and Environment Court is possible. This also applies if the environmentally hazardous activity is to be reviewed by an environmental assessment delegation.

THE LICENSING PROCESS – A GENERAL OVERVIEW

The licensing process for environmentally hazardous activities follows the same structure as that for water-related activities. The Operator begins by carrying out a preliminary study showing the extent to which the activity is subject to mandatory assessment and what types of assessments are applicable. After that, consultations are carried out with the supervisory authority and relevant interested parties, and if necessary with other relevant authorities and organizations, and the general public.

Once consultations have been completed, and the application and related supporting documents are finalised, the application is submitted to the examining authority. This is followed by several stages related to the review body's own case handling. The examining authority will review the application and if necessary request the application to be supplemented.

When this is done, the application is announced and circulated to the parties concerned for comment. The consultation bodies submit their opinions



on the application, and the applicant is given an opportunity to respond to the comments received.

The examining authority takes its decision regarding the activity applied for once it determines that there is a sufficient basis for its decision and that all questions have been adequately addressed. This results in the license being granted for the activity applied for, along with any conditions required to limit the activity's adverse impact on the environment.

The decision taken by the examining authority in the first instance may be appealed by the party (as stated above) affected through the adverse decision. Decisions taken by the environmental assessment delegations may be appealed to the Land and Environment Court.

In addition, it should be mentioned that an applicant may enter a claim for permission to begin preparations for the proposed facility before a final judgement has been handed down and gained the force of law. This may be done by entering a claim for what is referred to as a construction judgement and execution, respectively.

PROCESSING TIMES

The average processing time to obtain a permit varies and depends, for example, on the scope of the application and its potential environmental impacts. The average processing time required by an environmental assessment delegation is often approximately 6–18 months, and the average time required to process a license application for A-activities is about the same. The average processing time for appealed environmental assessment delegation decisions is eight months, which in such cases must be added to the environmental assessment delegation's own processing time.

Incomplete applications that require complementary information are one factor determining the length of the processing time. A general remark that can be made in regards to processing times is that the more thorough and prepared an application is in terms of its choice of site, consultations and supporting documents, the more rapidly it will be possible to process the license application.

RIGHT TO APPEAL

The applicant and the other parties in the procedure, as well as certain other stakeholders, can appeal against a permit decision. The right to appeal also applies to non-profit organisations or other legal persons with the primary purpose of promoting nature conservation and environmental protection interests, who also meet certain other specified requirements.

USEFUL CONTACTS

Swedish Environmental Protection Agency

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registrator@swedishepa.se

www.naturvardsverket.se (Swedish) or www.swedishepa.se (English)

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