

Swedish Environmental Code 瑞典环境法典

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卡米拉 林霍尔姆 瑞典环境保护署 法律顾问

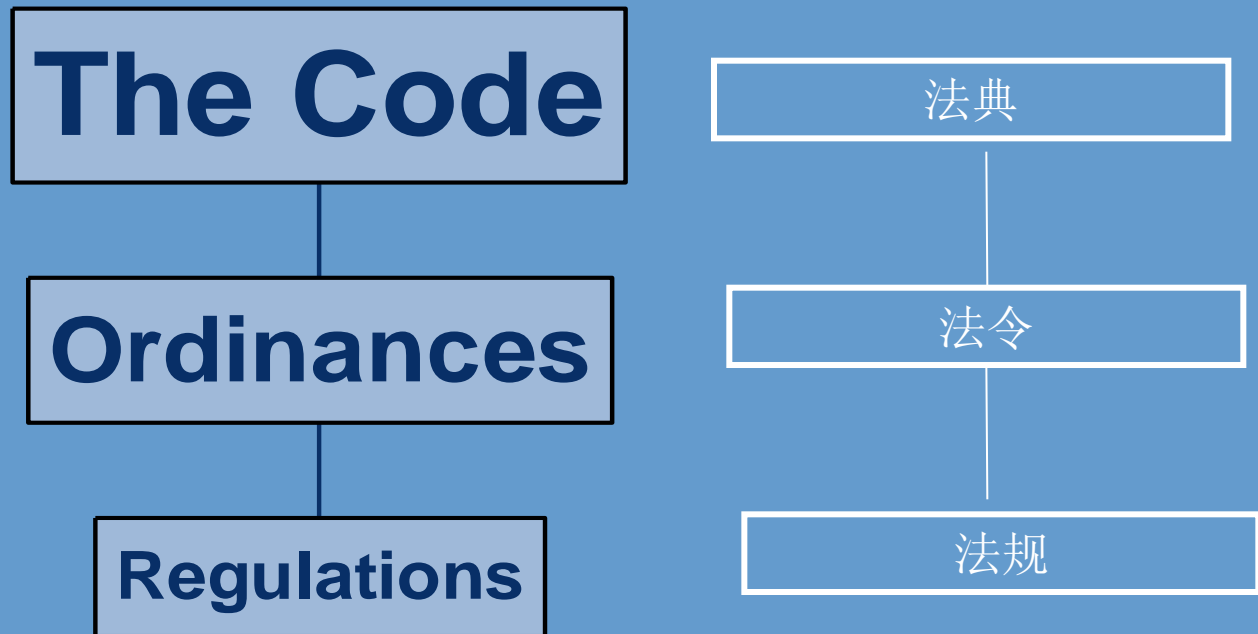
斯德哥尔摩市 2013年9月24日

Topics 目录

1. Objective 目标
2. Basic principles 基本原则
3. Structure 构成
4. Environmental Permitting
环境许可证
5. Responsibility for polluted
areas 污染地区负责制



The Code - a framework law 环境法典——一个框架法



Purpose of the Code 环境法典目标

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“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”

本法典目的是促进环境可持续发展，确保当代以及子孙后代的良好及健康的环境状况。这种发展将基于大自然是值得保护的公认事实，我们有义务合理开发自然资源。



(Chapter 1, Section 1)

Environmental objectives 环境目标



1. Reduced Climate Impact 减小对气候影响
2. Clean Air 清洁的空气
3. Natural Acidification Only 没有酸化污染
4. A Non-Toxic Environment 无毒性环境
5. A Protective Ozone Layer 臭氧层保护
6. A Safe Radiation Environment 安全的辐射环境
7. Zero Eutrophication 无富营养化
8. Flourishing Lakes and Streams 保护良好生态的湖泊和小溪
9. Good-Quality Groundwater 优质的地下水
10. A Balanced Marine Environment, Flourishing Coastal Areas and Archipelagos
海洋环境处于平衡状态，沿海地区和群岛繁荣
11. Thriving Wetlands 湿地状态良好
12. Sustainable Forests 可持续的森林资源
13. A Varied Agricultural Landscape 丰富的农业景观
14. A Magnificent Mountain Landscape 壮丽的山川
15. A Good Built Environment 良好的建筑环境
16. A Rich Diversity of Plant and Animal Life 生物多样性丰富

Structure 构成

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- PART I (1-6) Objective and guidelines 目标和指南
- PART II (7-8) Protection of nature 自然保护
- PART III (9-15) Operations 实施
- PART IV Consideration of cases and matters 状况的综合考虑
- PART V Supervision etc. 监管等
- PART VI Penalties 处罚
- PART VII Compensation etc. 补偿等



Chapter 2- General rules of consideration 考虑的原则

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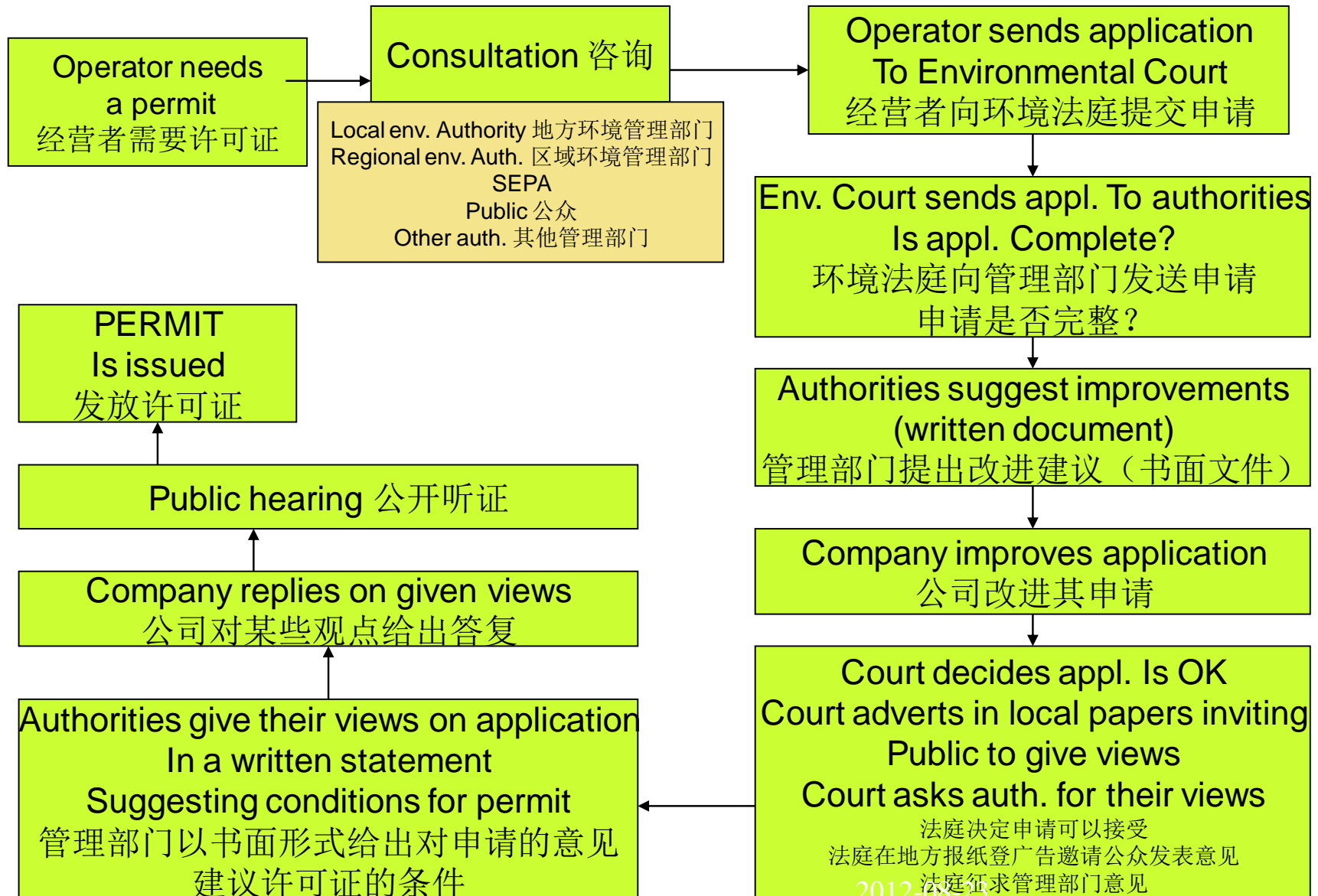
- *Burden of proof* on those who pursue an activity 采取实施者举证责任制
- *Possess knowledge of the activity and its impact* 了解生产及其影响
- *Apply precautionary principle & best available technology* 实行预警原则和最佳可行技术相结合
- *Choose the least harmful chemical products and biotechnical organisms* 选择危害性最小的化学产品和生物技术产品
- *Conserve, reuse and recycle raw materials and energy* 节约、再利用和回收原材料、能源
- *Select a suitable location* 选择合适的地点
- *Balancing of interests (e.g. reasonable demands, cost-benefit analysis)* 平衡各方利益（如合理的需求、成本效益分析）
- *Polluter pays principle* 谁污染谁治理
- *Possibility to ban an activity when necessary* 适时地停产整改

Part IV – Permitting 第四部分：许可

- Applicant responsible for application 申请人负责申请
- Cost born by applicant 费用由申请人负担
- Application includes environmental impact assessment 申请时需提交环境影响评价材料
- Consultations and public hearing 咨询和公开听证
- Permit may be subject to the obligation to furnish a financial security
- 申请许可时可能需提供经济担保



Flow chart - Idea to permit 流程图 – 许可证发放



The environmental court system

环保法庭系统

Supreme Court (1) 最高法院

Leave to appeal always required

上诉许可

Superior Land and Env Court (1)
高级土地环境法庭

Appeals of Environmental Court decisions

环保法庭提出上诉

Land and Environmental courts (5)
土地环境法庭

Appeals of CAB decisions

省级行政机关上诉

County administration boards
省级行政机关

Appeals of municipal decisions

市政决议上诉

Municipal committees
地方自治委员会

Polluted areas – chapter 10

第十章-被污染的地区

- Land and water areas that are polluted 被污染的土地和水域
- Examination of who is responsible, the extent of liability etc. 检查谁负责以及责任程度等
- Operators who pursue or have pursued an activity are liable for the after-treatment of areas, buildings etc. Also persons acquiring polluted property may be liable. 即将从事或已经从事生产活动的经营者有义务对所在生产区域的环境问题进行后续处理。同时，收购污染区域的收购方也有义务对区域的环境问题进行处理。
- The Government has allocated money for the restoration of polluted areas if no one responsible or if unreasonable that the operator/owner pays the total cost.
- 对于无人负责的污染区域修复，或者是项目业主不应当承担的污染修复，由政府专门划分基金负责修复。