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The experiences of the Swedish Land- and Environment Court of Appeal

瑞典土地与环境上诉法庭 经验分享

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The Land and Environment Court of Appeal 土地与环境上诉法庭

- A division of Svea Court of Appeal
属于斯维亚上诉法院下设的审判庭
- 60 employees 60名工作人员
 - 20 legally qualified judges 20名法律法官
 - 12 technical judges 12名技术法官
- Hears appeals from all Sweden
来自全瑞典的听证上诉
- Leave to appeal is required
要求上诉许可



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Three main areas of legislation

三大主要立法领域

- Legislation on real estate 房地产立法
- The Planning and Building Act 建筑规划法案
- Environmental legislation – the Environmental Code 环境立法-环境法则



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The Environmental Code; sections 环境法则涉及的主要方面

- Management of land and water 土地与水管理
- Nature conservation, protection of species
自然保护与物种保护
- Environmentally hazardous activities (e.g. industrial plants, sewage plants etc.) 环境损害行为（如工业发电厂，排污厂等）
- Protection of health 健康保护
- Water resources (e.g. hydroelectric power plants) 水资源（如水力发电厂）
- Soil pollution 土壤污染
- Chemicals 化学品
- Waste 废弃物
- Sanctions 制裁

Environmental Code: principles and goals 环境 法则：原则与目标

- Sustainable development 可持续发展
- The polluter pays principle 谁污染谁治理
- The precautionary principle 警告原则
- The burden of proof 举证责任制
- The best available techniques 最佳技术
- The location of activities 损害行为发生地
- Reuse and recycling 循环再利用
- Cost/benefit balancing 治理成本与利益平衡



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The licensing procedure 许可程序

- A permit is required before an activity can be commenced 要求开始前申请许可
- Conditions are set 设定相应标准
- National and regional authorities are involved, as well as NGOs and the public 参与方：国家和地方相关政府部门、N G O，公众



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Organization 机构设置

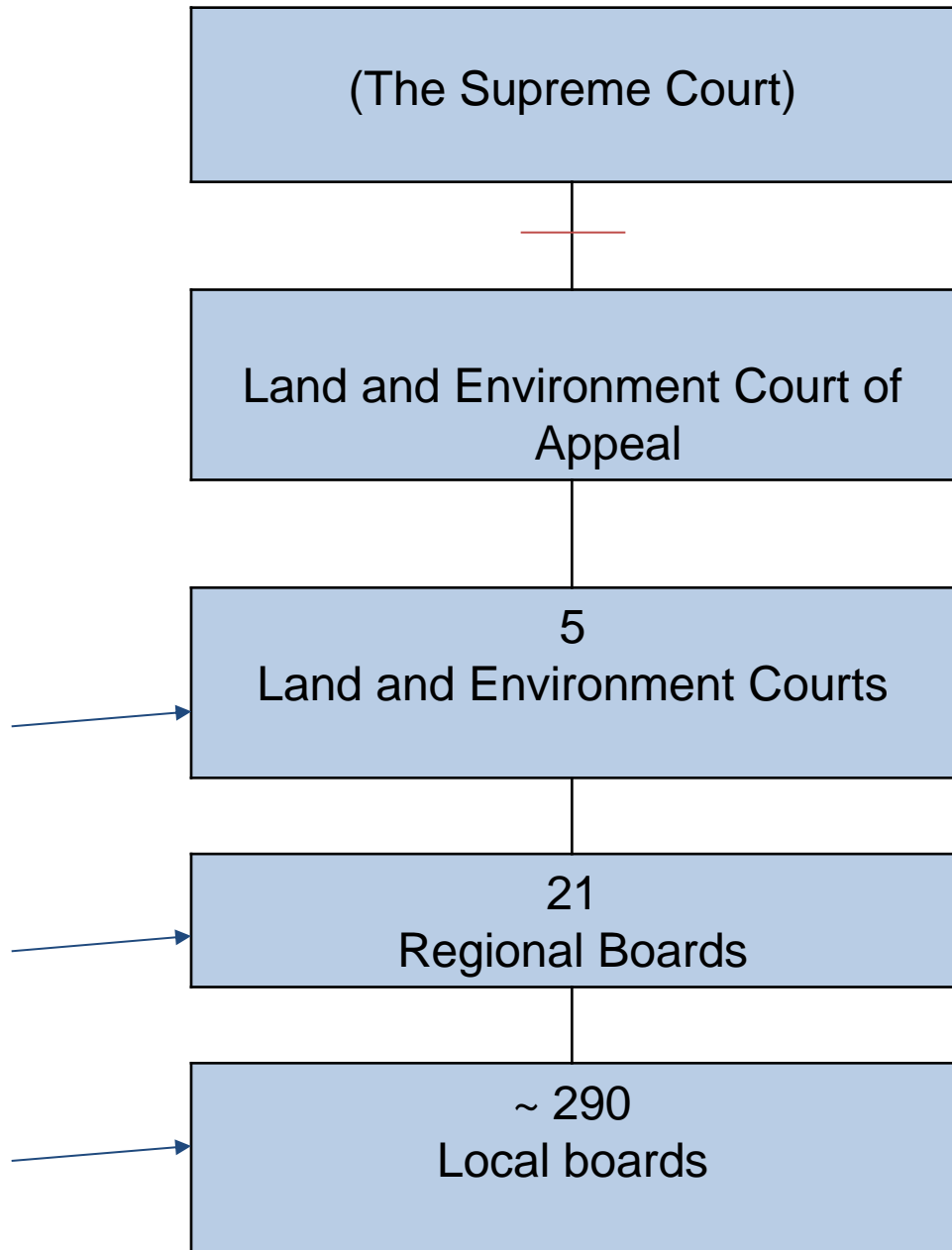
最高法院

土地与环境上诉法庭

土地与环境法庭

区域委员会 21

地方委员会 290



Environmentally hazardous activities

环境损害行为

	Type of activity 行为类型		
	A	B	C
Environmental Courts 环保法庭	Permit 许可 350		
County Administrations 县行政机构		Permit 许可 6000	
Local authorities 地方政府			Notice of consultation 咨询通知 15 – 20 000



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The regional land and environment courts

地方土地与环境法庭

- A legally trained judge
1 名法律法官
- A technical judge
技术法官
- Two lay expert members
2 名非专家成员

- Appeals from regional boards, e.g.
来自区域委员会的上诉。例如：
 - Permits, B-class 许可, B 级
 - Decisions by local boards (C-class)
地方委员会决议 (C 级)
 - Nature conservation 自然保护
 - Env. Sanction charges 环境制裁
指控
- As first instance, e.g.
一审, 例如：
 - Permits, A-class 许可, A 级
 - Permits, water operations 许可,
水类案件
 - Claim for damages and compensation
损害与补偿索赔



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The Land and Environment Court of Appeal

土地与环境上诉法庭

- Three legally trained judges
3 名法律法官
- One technical judge
1 名技术法官

- Final instance for cases that have started in a local or regional board. Leave to appeal is required. 负责地方委员会最初受理案件的终审，要求上诉许可
- The Supreme Court is the final court for cases that have started in a land and environment court. Leave to appeal is required. 最高法院负责在土地与环境法庭一审案件的终审，需要上诉许可。



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The practical handling of cases, at the Land and Environment Court of Appeal

土地与环境上诉法庭—实际案例

How do we work? 我们是如何工
作的?



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Scope of review

上诉审查范围

- The reformatory process 改革进程



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Access to Justice

司法救助 / 参与

- Aarhus Convention 奥胡斯公约
- The public concerned 相关利益公众
- ENGOs 环保组织
- Costs 花费与支出



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Enforcement

执法

- Supervision 监管
- Administrative sanctions 行政处罚
- Criminal sanctions 刑事处罚



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Experiences?
经验?

