

Charlotta Faith-Ell
WSP Sweden and Estonian Environment Institute (EKKI)

An analysis of the new Swedish EA law from an effectiveness perspective

Abstract

Sweden has had regulations on Environmental Impact Assessment (EIA) since the early 1990-ies. In 1999, EIA regulations were included in the sixth chapter of the Environmental Code and the EIA Directive of EU was thereby transposed into Swedish law. Furthermore, in 2004, the EU Directive on Strategic Environmental Assessment (SEA) was transposed into Swedish law. The gradual amendments, of the EA legislation, over the years has led to a situation in which the law is a bit patchy. Furthermore, there has been a notion among EA practitioners and regulators that the effectiveness of the Swedish EA system is not as high as it should be. Therefore, when the amended EIA Directive was to be transposed, Sweden decided to revise the complete sixth chapter of the Environmental Code and the Governmental Ordinance on EA.

In parallel with the revision of the Swedish EA legal system, a research project aiming at the effectiveness of the Swedish SEA system has been carried out. The project is called Sustainable Planning and Environmental Assessment Knowledge (SPEAK). The project has identified several challenges when it comes to effectiveness in the Swedish SEA system. Based on the identified challenges, suggestions of solutions have been developed.

In EA literature, there are several types of effectiveness, procedural, substantive, transactive, normative, and knowledge and learning. This paper aims to discuss the new Swedish EA legislation from an effectiveness perspective. The analysis departs in the results of the SPEAK project.