

Consultation

For you who is responsible
for activities that must
apply for a permit
pursuant to the Swedish
Environmental Code.



Permits pursuant to the Environmental Code

In many cases, you must have a permit pursuant to the Environmental Code before you can start up and operate activities that may affect the environment. The same applies if you want to change existing activities. This licensing process usually begins with an investigation of whether or not the activities may have a significant environmental impact.

The consultation is an initial part of the environmental assessment. This folder contains brief information on consultations pursuant to Chapter 6 of the Environmental Code.

If you want to know more or learn about the entire licensing process, please contact your County Administrative Board.

You can also find more information on environmental assessment and consultation on the Swedish Environmental Protection Agency's website on environmental assessments.

Why consultation?

The purpose of the consultation is for you as an operator to learn early on about any issues relevant to the licensing process. The intention is also to highlight problems, demonstrate alternative solutions, provide a basis for assessment of environmental impact, and obtain information on demarcation and scope of the environmental impact assessment (EIA). The consultations offer local residents, the municipality, and other stakeholders the opportunity to provide information and comments early on.


The consultation objectives

Well-conducted consultations facilitate and simplify the upcoming licensing process and environmental assessment, among other things by:

- Giving you as an operator the opportunity to consult comments and information before your application and environmental impact assessment.
- Giving all concerned parties relevant information and the opportunity to be heard at an early stage.
- The consultation provides the prerequisites for a common understanding of what needs to be highlighted in your upcoming application and environmental impact assessment.

Consultation documents

To have a meaningful consultation, you must produce written consultation documents to be submitted to the respondents in good time before the consultation. The contents of the consultation documents are regulated.



Information must include, among other things, the planned location, scope, and design of the activities. You must also clarify what significant environmental effects the activities may have.

Keep in mind that the consultations need to be adapted to the current situation and that the consultation documents must be designed so that they can be understood by different parties.

We recommend that you discuss the scope of your consultation documents with the County Administrative Board and the supervisory authority. Make use of their competencies. They can also help you find up-to-date information.

The consultation

You as operator is responsible for ensuring that the consultations are carried out effectively.

Investigation consultations and/or demarcation consultations are carried out in several stages.

The consultation often consists of two parts. A so-called investigation consultation is the part of the consultation that takes place before a decision on significant environmental impact is made. If the activities are considered to have a significant environmental impact, a so-called demarcation consultation must also be carried out.

Certain types of activities are always assumed to have a significant environmental impact. Then, only an investigation consultation needs to be carried out. There are also other circumstances that eliminate the requirement for an investigation. See the Swedish Environmental Protection Agency's guidelines on investigation of significant environmental impact.

You also have the opportunity to coordinate investigation consultations and demarcation consultations. Keep in mind that the consultation documents in that case should contain information on this coordination and that the documentation is designed to make it possible to determine whether there is a significant environmental impact and what scope the environmental impact assessment should have.

Investigation consultation

You consult and investigate whether the activities have a significant environmental impact. You also consult on the content and design of the environmental impact assessment.

The following is a brief presentation of how this is done in most cases.

1. You have an initial dialogue with your County Administrative Board and supervisory authority.
2. You produce the consultation documents. The County Administrative Board provides information about what the documentation should include and where to find up-to-date information.
3. You schedule a first consultation meeting with, among others, the County Administrative Board and the supervisory authority.
4. You send the consultation documents well in advance (**five to six weeks** are recommended) to the respondents.
5. The consultation meeting with the County Administrative Board and the supervisory authority is held.
6. You hold the consultation with the individuals specifically concerned. Prior to the consultation, you must provide them with the consultation documents in good time. The County Administrative Board can contribute with their experiences.
7. After completing the consultation, you prepare a consultation report and submit it to the County Administrative Board. The report shows what has emerged during the consultations.
8. The County Administrative Board decides between significant environmental impact and no significant environmental impact.
- 9a. In case of a decision finding significant environmental impact, an environmental assessment must be carried out with a demarcation consultation.
- 9b. In case of a decision finding no significant environmental impact, you do not need to proceed with a demarcation consultation, and you will produce a **simplified environmental documentation** to be attached to the permit application.

Demarcation consultation

If you have held an investigation consultation pursuant to items 1-7 and received a decision from the County Administrative Board finding significant environmental impact, the demarcation consultation must now be held.

The demarcation consultation must be held before the environmental impact assessment is produced and you will consult with different parties on how the environmental impact assessment must be demarcated and designed and what it must include.

The demarcation consultation must be held with the County Administrative Board, the supervisory authority, and the individuals who are likely to be particularly affected. The demarcation consultation must also be held with other state authorities, municipalities, and the general public likely to be affected by the activities.

If you have not carried out an investigation consultation, this must be noted in the consultation documents for the demarcation consultation.

During the consultation with the County Administrative Board and the supervisory authority, it is important that you discuss how the consultation can be held with, among others, other state authorities and the general public. At this time, you should have given some thought to what type of consultation circle you are going to have.

The demarcation consultation is a process and is preferably divided into stages that may consist of meetings, notices, mailings, and web information. It is important that sufficient time is provided for feedback from different parties during the consultation so that you will have a good basis for the environmental assessment and the design of the environmental impact assessment.

You have the possibility to specifically request the County Administrative Board's assessment regarding the demarcation of the environmental impact assessment. This may be of help to you in the continued work.

Keep in mind that a consultation report must be included in the environmental impact assessment.

Once the environmental impact assessment is complete, it is attached to the permit application and submitted to the licensing authority.

Applicable legislation

Swedish Environmental Code (SFS 1998:808)

Environmental Assessment Regulation (2017:966)

The Environmental Code is a fundamental law in the environmental area. Chapter 6 deals with environmental assessments and other decision guidance documents. You will find the provisions on investigation and demarcation consultation there and in the Environmental Assessment Regulation. Regulations for licensing processes that require consultation can be found in Chapter 7, 9, 11, 12, and 17 of the Environmental Code.

Current legislation is available on the Riksdag's website:

www.riksdagen.se

Search under **Documents and laws**

Miljösamverkan Sverige

Miljösamverkan Sverige is a cooperation organisation for the County Administrative Boards, the Swedish Environmental Protection Agency, the Swedish Board of Agriculture, and the Swedish Agency for Marine and Water Management. Our activities focus on supervisory and review issues related to the Environmental Code and associated legislation and are usually conducted in the form of projects.

www.miljosamverkansverige.se

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