Environmental justice through specialized courts: the Land and Environment Courts of Sweden
Swedish court system

- Administrative courts
- General courts
The Environmental Code

- Introduced in 1999
- Generally applicable
- Administrative law as well as provisions on damages and sanctions
- Basic principles of international environmental law
The environmental court system

Land and environment courts

Land and environment court of appeal

Supreme court
Line of appeal

- Supreme court
- Land and environment court of appeal (1)
- Land and environment courts (5)
- County administrative boards (21)
- Municipalities/local boards (290)
Land and Environment Courts

- Three areas of legislation
  - Environment
  - Planning and building
  - Real estate

- Court of first instance/court of appeal

- Composition of the court
  - One law-trained judge
  - One technical judge
  - Two expert members
Land and Environment Court of Appeal

- A division of Svea Court of Appeal

- 70 employees: 20 law-trained judges + 13 technical judges

- Hears cases from the entire country

- Leave to appeal is required

- Court of record (precedents)
The practical handling of cases in the Land and Environment Court of Appeal

- Procedure mainly in writing
- Investigations on site
- Presentation of cases
- 500 cases pending
- Leave to appeal rate (24 %)
- Timely review
Court procedure characteristics

- Administrative procedure
- Reformatory procedure - old decision replaced by a new one
- Formal and substantive assessment
- Ex officio principle
- Participation
- Suspensive effect
- Affordable (loser pays principle does not apply)
- Legal representation not required
Standing

- Public concerned
  - Open proceedings at first instance (no one excluded)
  - Right to appeal - affected adversely by the decision
  - If affected - any argument allowed (private and public interests)

- ENGOs
  - Purpose to promote nature conservation or environmental protection interests
  - Non-profitable
  - Operated in SE for three years
  - 100 members or otherwise show support from the public
Concluding remarks

• Experiences?
• Thank you for your attention!