

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



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Swedish court system

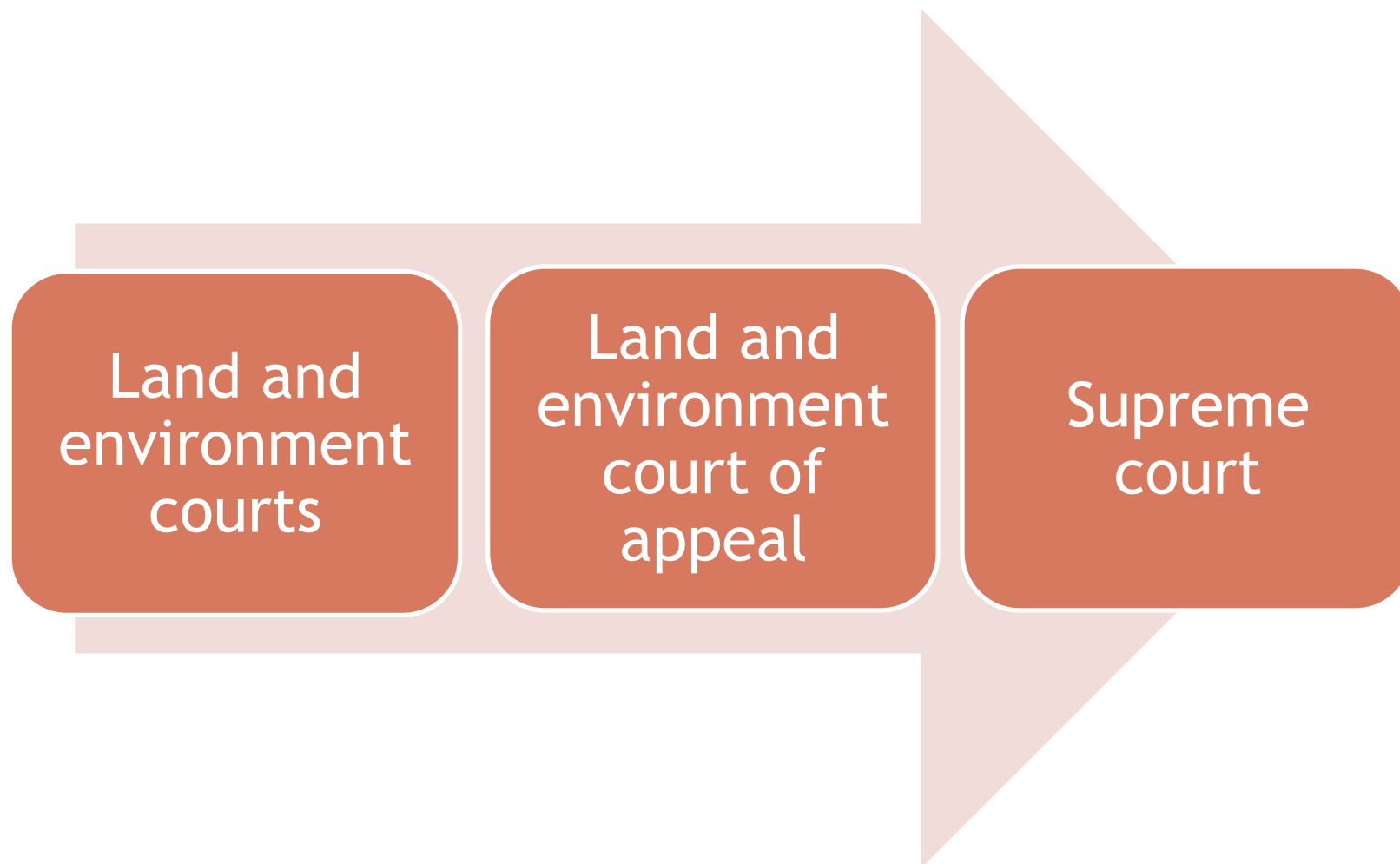
Administrative
courts

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



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!

