

# Background: Permitting Process in Sweden

Nord Stream 2 AG | Aug-18

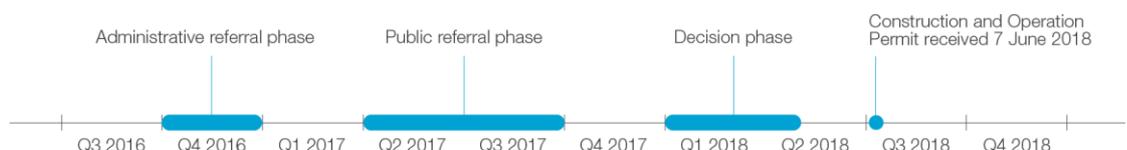


## Permitting Requirements in Sweden

In order to lay pipelines on the continental shelf outside of Swedish territorial waters, a permit is required according to the Swedish Continental Shelf Act (SFS 1966:314). The act implements parts of the United Nations Convention on the Law of the Sea (UNCLOS), and specifically the right for all to lay cables and pipelines on the continental shelves outside coastal states territories.

The permit is applied for at the Ministry of Enterprise and Innovation. An application requires an alignment of the pipeline on the continental shelf, and information about the measures that are needed in order to avoid, limit and control pollution from a pipeline (see 4 a § Ordinance of the Continental Shelf, SFS 1966:315).

The permit is issued by the Swedish government.



## 1. Overview

### Legislation

Permit to construct the pipeline:

Act on the Continental Shelf (Act 1966:314) An environmental impact assessment (EIA) is not formally required for the construction of the pipelines under the Continental Shelf Act (but an Environmental Study, equivalent to an EIA has been submitted as part of the permit application).

### Authorities

Swedish Ministry of Enterprise and Innovation

## 2. Environmental Impact Assessment (EIA) Procedure in Sweden

There is no requirement to establish an EIA under the Swedish Continental Shelf Act. Nonetheless, Nord Stream 2 has adhered to the requirements in the EIA Directive and the Espoo Convention. The project has therefore carried out both national and international consultations, and established the equivalent of an EIA, named the Environmental Study, as well as an Espoo Report describing the entire project.

After an initial review period by the Ministry of Enterprise and Innovation and key authorities, the Swedish permit application – which contained the Environmental Study – was sent out for public referral. The Nord Stream 2 project's consultation phase was scheduled so that the national Environmental Impact Assessments / Studies performed in each of the five permitting countries for the construction and operation of the pipelines were sent out for public consultation at the same time as the international public consultation under the Espoo Convention. In Sweden, the national and international public consultations ran in parallel between April and June 2017. After June 2017, the process continued with additional project information handed in together with an updated list of commitments considering the statements received from stakeholders during the public consultation.

## 3. The Aim of the EIA Procedure

The aim of the EIA procedure is to evaluate the environmental impacts of a project, to ensure that consistent information on the impacts is available during planning and decision-making, and to provide the public with information and the opportunity to participate in the process.

The Environmental Study carried out in Sweden (i.e. the equivalent of an EIA) describes the main characteristics and technical solutions of the project with a comprehensive assessment of potential impacts. The Environmental Study also includes assessments of transboundary

impacts from the project in Sweden. It also includes measures to prevent and mitigate any potential negative environmental impacts.

The potential transboundary impacts associated with the construction of Nord Stream 2 on Russia, Finland, Sweden, Denmark and Germany was presented in the Espoo Report filed in April 2017.

### 4. Consultations under the Swedish Permitting Procedure

The consultation period for the Nord Stream 2 project was initiated in 2013 when a Project Information Document (PID) was submitted to national and international authorities (through the coordinating authority under the Espoo Convention), NGOs and other stakeholders. During the public consultation period held between April and June 2013, statements from various authorities and NGOs were requested and public meetings held. This first phase of the EIA procedure was completed in June 2013.

Based on the feedback received during this initial consultation process, Nord Stream 2 carried out environmental investigations and assessments in order to establish the national EIAs (in Sweden the Environmental Study) and the Espoo documentation.

During autumn 2015 and spring 2016 various meetings were held with stakeholders pertaining to specific questions raised during the previous consultation. Furthermore, a project information update was sent out to all stakeholders that participated in the previous consultation.

The Swedish part of the project filed an application for the construction of the pipeline system on the Swedish continental shelf (Exclusive Economic Zone), outside Swedish territorial water, in September 2016. As stated above, the application was reviewed by the Ministry of Enterprise and Innovation, as well as specific stakeholder authorities, in order to assess whether supplementary information was required before the application was sent out for public referral. This step in the permitting procedure, called the administrative referral, ended in February 2017.

By April 2017, the Swedish application as well as applications of the other national jurisdictions along Nord Stream 2's route were ready for public referral at both national and international level.

International public referrals were held under the Espoo Convention between April and September 2017. A comprehensive Espoo documentation was filed to the nine countries along the Baltic Sea that are potentially impacted by the construction and operation of Nord Stream 2, and international opinions and statements were requested. Nord Stream 2 responded to the questions raised during the second half of 2017.

The Swedish public referral phase was held between April and June 2017. During this period Swedish authorities, citizens and other interested parties had the opportunity to state their opinions on the application and EIA documentation. At the end of the public referral,

Nord Stream 2 obtained all statements and provided answers to the statements made by national and international stakeholders. Nord Stream 2 filed several supplements to the permit application to respond to the various statements and questions filed during the public referral phase during fall 2017.

The Swedish government thereafter had all required information at hand to draft its decision. On June 7, 2018, the government granted permission for the route mentioned in Nord Stream 2's application. The permit includes a condition aiming at safeguarding the use of existing underwater cables and pipelines and the possibility to repair these whenever needed. The permit also includes a number of commitments relating to precautionary safety measures that mainly target the sensitive environment of the Baltic Sea, shipping, maritime safety and fisheries.

## 5. The Swedish Permit Application

The Swedish permit application was handed in to the Ministry of Enterprise and Innovation on Sept. 16, 2016. It is composed of an Application for the construction of two pipelines along the seabed of the Baltic Sea, complemented by three longer annexes: a *Technical Description*, an *Environmental Study* as well as *Atlases*. The Environmental Study is in turn supplemented by 12 Appendices, which contain detailed information ranging from the impact of Nord Stream 2 on marine mammals, air emissions to sediment spreading and navigational risks for vessel traffic. All these documents – available in Swedish only, with the exception of some appendices - can be downloaded from the Nord Stream 2 document library online.

Key Swedish authorities examined the completeness of the application files during late autumn 2016. Five of these 13 authorities asked for clarifications and requested additional information. Nord Stream 2 responded to the questions and provided the requested information in a *Supplement* to the application which was handed in to the Ministry of Enterprise and Innovation on Feb 28, 2017. The Supplement – available in Swedish only with the exception of some sections - can also be downloaded from the Nord Stream 2 document library online.

The Swedish government issued a construction and operation permit on June 7, 2018.

## 6. Relevant Documentation

The following documents related to the Swedish EIA and permitting procedure can be found in the Nord Stream 2 library:

- > **Stakeholder Engagement Plan:** <https://www.nord-stream2.com/en/pdf/document/147/>
- > **Brochure: A Natural Gas Pipeline Through the Baltic Sea: The Swedish Perspective:** <https://www.nord-stream2.com/en/pdf/document/30/>
- > **The Permit Application: The Swedish permit application handed in to the Ministry of Enterprise and Innovation:** <https://www.nord-stream2.com/en/pdf/document/53/>

- > **The Technical Description: The Technical Description described the pipes, the pipe laying and the routes' coordinates, etc. in detail:** <https://www.nord-stream2.com/en/pdf/document/56/>
- > **The Environmental Study: The Swedish Environmental Study makes a comprehensive assessment of Nord Stream 2's potential environmental impact:** <https://www.nord-stream2.com/en/pdf/document/55/>
- > **Atlases: Maps, which describe the planned pipeline route's impact on the Baltic Sea:** <https://www.nord-stream2.com/en/pdf/document/54/>
- > **Supplement: The Supplement replies to the questions raised by key Swedish authorities during the administrative referral phase:** <https://www.nord-stream2.com/en/pdf/document/69/>
- > **Response to received statements during public referral: The Supplement replies to the questions raised by Swedish authorities and other stakeholders during the public referral phase:** <https://www.nord-stream2.com/en/pdf/document/118/>
- > **Supplementary responses to received statements: Replies to the questions raised by Swedish authorities and other stakeholders during the second public referral phase:** <https://www.nord-stream2.com/en/pdf/document/135/>
- > **Appendices 1-12**

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### **About Nord Stream 2**

Nord Stream 2 is a planned pipeline through the Baltic Sea, which will transport natural gas over some 1,230 km from the world's largest gas reserves in Russia via the most efficient route to consumers in Europe. Nord Stream 2 will largely follow the route and technical concept of the successful Nord Stream Pipeline. The new pipeline will have the capacity to transport 55 billion cubic metres of gas per year, enough to supply 26 million European

households. This secure supply of natural gas with its low CO<sub>2</sub> emissions will also contribute to Europe's objective to have a more climate-friendly energy mix with gas substituting for coal in power generation and providing back-up for intermittent renewable sources of energy such as wind and solar power. **[www.nord-stream2.com](http://www.nord-stream2.com)**