

1974

Water Pollution Control Law in Sweden

Thomas Brooks Jones

Recommended Citation

Thomas Brooks Jones, *Water Pollution Control Law in Sweden*, 8 INT'L L. 478 (1974)
<https://scholar.smu.edu/til/vol8/iss3/6>

This Article is brought to you for free and open access by the Law Journals at SMU Scholar. It has been accepted for inclusion in International Lawyer by an authorized administrator of SMU Scholar. For more information, please visit <http://digitalrepository.smu.edu>.

Water Pollution Control Law in Sweden

Introduction

To obtain a clear conception of water pollution control law in present-day Sweden, it is necessary to examine briefly the historical legal background in that country on the subject. Legislative bodies in Sweden have been seeking to solve the legal problems involved in water pollution control for many years.

The earliest systematized endeavor in this connection was the 1918 Water Rights Act which regulates the use of water for the production of hydroelectric power and which since 1941, contains provisions relating to the protection from pollution of rural communities. This act has been strengthened over the years.

In 1952 the Protection of Nature Act and the Riparian Law were enacted. In 1964 these statutes were updated by the Nature Conservancy Act which contains regulations governing national amenities and the landscape, among other things.

The 1964 Nature Conservancy Act, together with an Ordinance, were enacted on 11 December 1964. It is customary in Sweden to pass what is designated an ordinance, which implements the principal statute and is designed to fill in necessary details in order that the policy contained in the principle statute can be effectively carried out. This Act was not a totally comprehensive effort to attack the problem of water pollution. However, it did lay down national policy guidelines and procedural rules for the protection and conservation of the environment.

Areas of value from a cultural or scientific viewpoint or for outdoor recreation are protected. National parks, nature reserves, natural monuments, plants and animals and the protection of the shore and the landscape are areas included. No building works could be undertaken up to within 300 meters from the shoreline without a license, if this area was designated as a beach protection area. Certain activities affecting the landscape, or setting up permanent outdoor advertisements, required a license. Compensation in appropriate cases was

*U.S. Army Corps of Engineering, Mobile, Alabama; Diploma in Graduate Legal Studies, Univ. of Stockholm School of Law (1973); LL.M., Columbia Univ., J.D., Univ. of Alabama; Member, Florida and American Bar Associations.

provided on the basis of established principles of eminent domain. The County Administrations were originally assigned the responsibility for enforcing the act. However, by decree on 25 May 1967 a national Nature Conservancy Agency (naturvårdsverk), attached to the Ministry of Agriculture, was set up as a central regulatory agency for conservation of the environment, including the nation's waters.

In view of increasing world wide concern over pollution, a Royal Commission was appointed in 1963 to study the problem and make recommendations to the Government. This is the general practice in Sweden when the enactment of new legislation is contemplated.

The Report¹ was a highly specialized study of the existing system in Sweden, the practices of other countries in regard to pollution and the physical conditions in Sweden itself. Although not all of the proposals of the Commission were adopted into law, many of the proposals were used and the Report was accorded considerable respect by the Government.

The Environment Protection Act [Miljöskyddslag] and the Environment Protection Ordinance of 29 May 1969

After careful evaluation of the Report of the Commission and much debate and discussion, the Riksdag enacted a further consolidation of the existing laws and provided new comprehensive legislation against water pollution and other types of pollution, in the form of the Environment Protection Act of 1969.

The approach to the problem of water pollution reflected in the Act is that this type of pollution can be controlled by controlling the use of real estate. Therefore, attention is focused on real estate and its use, and individuals, municipalities and industries are dealt with only in relation to their use of real estate. The point of departure (use of real estate) is not necessarily an illogical one, but this viewpoint tends to narrow the scope of consideration in certain cases.

If action is taken which will pollute the water, consent to carry on that activity must first be obtained. Criteria of consent are contained in the Act. Certain types of enterprise must apply for franchise (that is, permission to go ahead with their activity). The Franchise Board is the agency which issues permits good for ten years. However, the Act provides that an exemption may be obtained from the Environment Protection Board which would permit operations to begin but which would not have the dignity of a permit and might be revoked at will by the Environment Protection Board. The use of the word *exemption* or *exception* was a bone of contention for some time. In early 1973 the term was changed to *license*. This use of words is indicative of more accurate categorization of the two different methods of gaining consent and will be dealt with in another context in this paper.

¹SOU: 1966:65.

In cases where certain activities are not specifically designated in the Act and polluting activities are carried on in connection therewith, these activities are presented in case form by the Environment Protection Board to the Franchise Board, the latter Board thus sets the conditions for continuing the polluting activities. In all three of the eventualities mentioned above, conditions are clearly required before permission is granted.

One other provision limits the jurisdiction of the Boards by placing responsibility for granting permission in minor cases to the County Administrations.

The supervisory agencies under the Act are the Environment Protection Board and the County Administrations. Advice and instructions are held out in one hand but in the other hand are certain means of coercion. The Act contains penalties for violations and executory assistance. Under certain conditions a person suffering injury or exposed to nuisance as a result of polluting activities can be granted compensation. Claims for compensation are handled by courts of general jurisdiction, which sit as real estate courts when dealing with problems of this kind.

There is one exception to the jurisdiction outlined above. Construction in the water is considered to come under the jurisdiction of water rights courts, which, incidentally, handled water pollution cases before the enactment of the Environment Protection Act. In view of this case of double jurisdiction, some duplication of effort is inevitable.

When a case is pending in a real estate court for damages, the matter may be taken up by the Franchise Board. The court case is then held in abatement until the Franchise Board has set conditions for the activity concerned. Then the case in the real estate court is dismissed.

The Act does not set intricate standards. The theory is that an assessment shall be made of what is reasonable in each individual case. What is "economically feasible" and "technically possible" provides much room for maneuver by everyone concerned.

The Environment Protection Board

The two main regulatory Boards deserve special treatment in order to give an accurate perception of the manner in which water pollution cases are actually handled. The Environment Protection Board is in reality a large administrative agency attached to the Ministry of Agriculture. However, it operates independently of the Ministry. It is not strictly a board in the American sense of the term. It is divided into sections, each with its own area of operations and competence. We are chiefly concerned here with the Administrative Section and the Water Section. Municipalities are classified on the basis of geographical location and industries on the basis of type. Conditions are set under which activities, including pollution of the water, are allowed to be commenced. All of

the sections coordinate their activities and work closely together.

There is an especially commendable aspect of the work of the Environment Protection Board. An applicant will come to the Board in the first instance for advice and assistance as to how water pollution may be eliminated or reduced in connection with a proposed undertaking. A general feeling is thus generated of attempting to reach a common goal rather than engaging in an adversary proceeding, which is common in the administrative procedure of other boards.

Sometimes the applicant will employ a consulting firm to assist it in making its application and adjusting to the requirements of the Board. But this is not always done. Applicants may use their own personnel for this task. Due to the informal nature of the pre-hearing negotiations, it is possible for an applicant to handle its own case. It should also be remembered that less complicated new undertakings and alterations of existing facilities are brought, as a rule, to the Environment Protection Board.

Municipalities usually come to this Board. Their problems are of a simple, repetitive type and fall into clear cut categories. Industries wishing to present only a fractional part of their total activity, come to this Board to avoid having to present an entire picture of their undertaking when some elements are imperfect.

This is not to say, however, that the duty of control is lacking. The County Administration of the pertinent county and the health department, as well as the planning agency, are brought into the picture in the role of participants in the process and parties to the hearing.

Previously the decisions were signed by the Director-General (although prepared by another member), but now this task is assigned to the member of the Board hearing the case, after the decisions are cleared with other departments or sections concerned. If there can be no agreement with the chief of the section concerned, then the matter is taken to the Director-General.

It usually takes anywhere from three to six months to have a case processed. In the event that it is possible to permit the applicant to begin operations prior to the issuance of a license, the pressure on the Board is not as great in regard to time. If the undertaking cannot be commenced until a license is issued, then pressure for a decision is understandably greater. So far, the Board has processed approximately eleven hundred cases. At present, the backlog is between two hundred fifty and three hundred cases.

As previously stated, the Environment Protection Board has supervisory responsibilities. While the County Administrations deal with actual violators, the board serves as a coordinating and policy body in the sphere of enforcement. When officials of a County Administration spot a violation which cannot be resolved, the case is brought to the local prosecutor and tried in the regular criminal courts. Officials of a County Administration will often come to the Environment Protection Board to discuss their problems.

There is a provision in the Environment Protection Act which permits an applicant to demand strict secrecy of information provided to the Board. However, this privilege has only been invoked in about five to ten percent of the cases brought to the Board. Sometimes a frivolous claim of secrecy will be disallowed. Up to the present time, there have been no prosecutions of government employees for violating the confidence of any applicants. However, ordinary requirements for publication of proposed activities before the hearing involve revelations of pollution distasteful to the public. Applicants do not like to have these activities publicized and often complain about the necessity for doing so.

The Environment Protection Act does not cover temporary pollution. There must be continuous pollution activity on fixed real estate before the Act comes into operation.

There is no appeal from a decision granting or denying a license. This seems to be logically sound, since what the Board grants is a license to operate without going to the Franchise Board for a permit.

In actual practice, the Board will grant a license. What transpires is a prolonged dialogue between the parties before a resolution by the issuance of a license. The agencies listed above, representing the general public, have an opportunity to present their views and raise objections, together with technicians employed by the Board. There is considerable leeway for maneuver and negotiation before the final conditions are set.

The Franchise Board

The Franchise Board is to a greater extent a true board in the American sense of the term. It consists of a chairman and three other members. The chairman is by background and training a judge. One member is a technical expert. One member is an expert on matters within the sphere of influence of the National Environment Protection Board. The fourth member is an expert on industrial activity or, if the matter concerns local government conditions, a person experienced in local government activities.

The permit issued by the Franchise Board is good for ten years, although, if the circumstances substantially change, new or more rigorous conditions may be imposed before the expiration of the term. A member of the Planning Board may sit in on the proceedings and present his views, but may not vote. A view of the site of the proposed activity is held. This inspection can be rather prolonged. The National Environment Protection Board presents its views, which are based on a careful study of the problem.

It can be readily observed that this proceeding is lengthy. It usually runs from six to twelve months. About four hundred cases have been processed by the Franchise Board since its inception.

A typical case file will contain a protracted proposal by the applicant, often prepared by a consulting firm, and the objections, if any, by the Board. Various agencies involved will present their views in the form of a letter to the Franchise Board. Just as at the Environment Protection Board, there is much give and take before the actual hearing which is held at the location of the proposed activity.

Under present law, an industry must apply to a government agency before it can locate certain types of plants in particular locations within the country.² Then after the choice of location is approved by the Ministry of Local Government and Physical Planning (civildepartementet), the matter is referred to the Franchise Board to fix the conditions under which the activity may be carried on.

The Franchise Board may refer a case involving great national interest to the Government (Ministry of Agriculture). This has been done in only one case in which it was decided that the national interest required that permission be given to construct a plant, although the water pollution resulting therefrom was significant.

Few appeals from the decisions of the Franchise Board to the Government have been effected. Actually the Government has strengthened the conditions required in some of the cases. There is no way to get the cases into the courts.

All but one of the cases have been decided by a unanimous vote. The one dissent was on the ground that the applicant should have been given two more years to complete its protective measures.

Surprisingly, there have been almost no appeals on questions of law. All appeals have been centered on the reasonableness of the conditions imposed. This is perhaps an indication of careful preparation of the principal statutes, after consultation with all parties to be affected by the new legislation.

There is one area of enforcement in which the Franchise Board could conceivably be involved. If an applicant which has already received a permit fails to comply with its conditions, the matter can be referred to the Franchise Board by the Environment Protection Board. If the Franchise Board finds that the permittee is completely recalcitrant, then it may exercise the ultimate sanction of revoking the permit. No such course of action has been necessary.

The Position of Industry

Wisely, industry has been brought into the planning and execution of a water pollution control program. From the selection of the membership of the Royal Commission investigating the problem of pollution to the appointment of an industry member to both Boards, industry has had a fair share in shaping the machinery for control.

²Order by the King in Council, 1972:781 on kungbörrelse.

Before the passage of control legislation, copies of proposed bills were sent to the Federation of Swedish Industries for comments and the expression of its views. In addition, testimony was solicited by the Riksdag Committee from this organization.

The views of industry were respected to a considerable degree. For example, industry was able to have inserted in the Environment Protection Act a provision that, in suits for compensation, the costs should be paid by the loser and not, as was previously the case, by industry alone.

As to selection of forum between the Environment Protection Board and the Franchise Board, more will be said later. However, it might be apropos at this point to mention the official position of the Federation in this respect. That position is to encourage its members to obtain a permit from the Franchise Board rather than a license from the Environment Protection Board. This policy position, however, is difficult to implement for a purely human reason, if for no other. This is that the procedure is begun with the Environment Protection Board in all cases and the applicant feels that it would be an act of unkindness to carry it further.

The Federation of Swedish Industries is non-partisan. But it has evolved certain policy positions which it will defend stoutly. One of these is a demand for more money for practically oriented environmental research.

Interestingly enough, the Federation is reasonably content with both the general provisions of the law and the procedures employed. It does not seek more specific standards for protection of the environment, but prefers the general one employed in the statute. However, there are two general areas where industry expresses dissatisfaction.

One of the complaints is that the Boards overemphasize the emission of sulfur dioxide into the air. The Federation questions the validity of such emphasis.

The second is a pervasive feeling on the part of the Federation that the Boards want too much, too soon. The people of Sweden as a whole have a healthy apprehension for the environmental state of the world. Industrial officials are quick to express agreement with this apprehension. Nevertheless, the Federation points out that the level of pollutants in the water in Sweden has actually gone down during the past two or three years. New programs will add new costs, they say, which in turn may seriously injure domestic industries. The Federation takes the position that the Environment Protection Board makes exaggerated demands and asks more than is reasonably necessary. This view is of a general nature since the Federation only takes a policy position and does not interfere in individual cases. No charge is made that this tightening is a result of political pressure. The Federation is simply in basic disagreement with the authorities as to the rate of sharpening the requirements.

Relations with the County Administrations correspond generally to those with

the central Boards. One member of the County Administrative Board is an industry member and that member represents the interests of industry. At least to some extent, it is easier to impress a County Administrative Board with the argument that there is a great economic need for the particular industrial activity in question, if the activity is planned for that particular county.

The policy position of the Federation of Swedish Industries is that the present system of government grants for water pollution devices is undesirable for new plants. Costs of existing plants, however, have amortized and new costs should logically be reimbursed from some other source, it is contended.

On the question of fees, the Federation is unalterably opposed to such a system. The argument is that the fee system would amount to something akin to a bribe and would permit rich industries to squeeze out less wealthy firms. It points to the fact that in the United States, the fee system has been considered and rejected three times.

Apparently there is no objection to the present procedure for processing cases. Nor does industry seem to feel that it is being unreasonably harrassed in enforcement of conditions contained in licenses and permits.

Choice of Forum

As has already been stated, negotiations begin with officials of the Environment Protection Board before an industrial activity which will pollute the water is begun. At that time the applicant becomes aware of the possibilities of obtaining a license without the more prolonged and therefore more expensive course of applying to the Franchise Board for a permit.

Company officials state that, if a major project is contemplated and if costs have been calculated on the basis of a fixed course of action from which a Board ordered deviation would be expensive, they prefer the security of a permit. However, if the objective is partial and the program is flexible, then the license is preferable since they feel that it is easier to obtain.

The Environment Protection Board may force a choice of forum by referring a case to the Franchise Board for decision, but this is very rarely done. Nevertheless, this legal provision furnishes a device which can be employed, if there is a case which clearly demands consideration by the Franchise Board.

Actually there appears to be no friction between the two Boards. There is facile communication between the two organizations which is illustrated by almost constant personal telephone communication. The fact that the Environment Protection Board acts in a limited role of advocate before the Franchise Board does not seem to alter this close communication.

It is unclear just what cases the Riksdag intended to be handled by each Board. It seems that it was the legislative intent to place responsibility for large,

comprehensive cases with the Franchise Board and place partial, smaller cases with the Environment Protection Board. But this is by no means certain.

The Royal Commission Report³ makes a recommendation that the County Administrative Boards be given a large responsibility in issuing permits and that the new agency be largely advisory. As this proposal was not enacted into law, little help can be gained in determining the intent of the Riksdag from the Royal Commission Report.

There is no way of evaluating the actual wisdom of the choice of forum made by individual applicants. Human nature being what it is, the fastest and simplest procedure appears to be the most attractive to the applicant.

Trends in Decisions of the Boards

Fortunately for the researcher, both Boards summarize their decisions and the printed summaries are made available. An effort will be made to point out trends in water pollution cases which seem to be indicated.

As the standards to be applied by the Boards are very nebulous, it is quite difficult to relate particular decisions to concrete rules of law. But an exposition of four recent cases decided by the Environment Protection Board might be helpful in plotting the direction in which the Board is heading.

A decision was rendered by the Board on 15 June 1971⁴ in connection with an application for exemption by Dow Chemical Company of Stockholm to erect a factory for the manufacture of latex in Norrköping. The new construction involved the discharge of waste water into a watercourse. The Health Department took the view that suitable treatment of waste water was practical and recommended that the exception be granted under proper conditions. The County Administration pointed out that even after treatment the increased quantity of waste water was not entirely unobjectionable and recommended strong protective measures. There was an appearance in this case of several private plaintiffs and the position taken by them was that the matter could only receive effective consideration by the Franchise Board.

The Environment Protection Board granted the exemption or exception, but with severe conditions. The Company was given two alternatives. It could either provide additional cleaning measures immediately or discharge the waste water as contemplated until 1974, but in the latter case with the proviso that the question of additional cleaning measures could be taken up again as the result of new testing. The Company received its exemption, but this decision indicates

³SOU 1966:65, page 232 and subsequent.

⁴DISPENSÄRENDA (*Exemption*)

dnr 122-83-71-0581

Aktbil 33 (*File 33*)

Dow Chemical Aktiebolag (*Dow Chemical Company*)
Stockholm

the manner in which the Environment Protection Board will tie its decisions to future conditions.

On 22 June 1972 the Board rendered a decision⁵ on an application filed by Uddeholms Company for an exemption in connection with the erection of a new foundry in three stages. The discharge of both sewage and coolingwater was involved. Exemption for stage one was allowed with several conditions. Sewage was to be disposed of by connection with the community distribution system as soon as it should be completed. Coolingwater was required to be disposed of in such a way that it could later be tied into a recirculation system which would be constructed in connection with a contemplated application to the Franchise Board for another project. Cleaningwater, for the immediate future, was required to be recirculated and not discharged. Proposals for meeting these conditions were required to be submitted to the County Administration for approval. The Board rather drastically altered the plans of the Company and required an extensive system of water control measures requiring much expensive equipment.

On 27 October 1972 the Board rendered a decision⁶ on an application by Scanfors Company for an exemption in connection with the establishment of a silver melting operation. Certain waste water would, of necessity, be discharged. The case was referred to the Board by the County Administration, as it involved a matter closely connected with one already considered by the Board. The customary exemption was granted. However, the Board required that sewage water from the activity could not be discharged at all. Water from scrubbing buildings was required to be recirculated. Sediment basins were required to be enlarged. Handling of sludge was to be strictly supervised. The Board granted the request of the Company but the negative conditions attached were so severe that the elements of permission were hard to find.

One other Environment Protection Board case seems to merit special attention. On 25 January 1973 the Board granted an exemption⁷ to Göta Cellulosa Company on an application involving alteration of a cellulose factory in Göta. This case arose under somewhat different conditions from those present in the cases discussed above. The applicant was already operating under

⁵DISPENSÄRENDE (*Exemption*)

dnr 3153-83-72-1783

Aktbil 7 (*File 7*)

Uddeholms Aktiebolag (*Uddeholms Company*)

⁶DISPENSÄRENDA (*Exemption*)

dnr 4615-83-71-1180

Aktbil 24 (*File 24*)

Scanfors Aktiebolag (*Scanfors Company*)

Hägersten

⁷DISPENSÄRENDA (*Exemption*)

dnr 6598-83-72-1562

Aktbil 12 (*File 12*)

Göta Cellulosa Aktiebolag (*Göta Cellulose Company*)

permission allowed by a water rights court under jurisdiction acquired earlier and under partial coverage of a Franchise Board decision. The Company was seeking to increase production from 60,000 tons per year to 75,000 tons. But this increase in production was significant in its effects on water discharged by the applicant. In addition to the usual parties to the proceeding, the National Board of Fisheries, as it does in many cases, had representation and objected to the exemption on the ground that two species of fish in the waters involved would be dealt a death blow.

The Board granted the exemption, but on the condition that the discharged material not contain more impurities than the water rights court's decision permitted. The measures necessary to reach this result would be worked out between the parties within specified dates. So, in effect, the Board permitted the increased production, but placed the responsibility on the Company to keep the pollution at the same level on pain of a pro rata reduction in its production.

As might be anticipated, the procedure of the Franchise Board is usually more involved and complex than that of the Environment Protection Board. On 7 July 1972 the Franchise Board issued a decision⁸ on a request by several densely populated communities to discharge sewage. Three alternative plans were submitted to the Board for consideration. One plan would simply utilize existing facilities. A second plan would divide the sewage water between existing facilities and a cleaning mechanism to be constructed. The third alternative provided for entirely new facilities.

The Franchise Board subscribed to a demand made by the Environment Protection Board that the new facilities be constructed in such a way that the outgoing sewage water not contain impurities which exceeded a specific amount. The permit was issued under conditions requiring completion of new cleaningworks by 31 December 1974, and in the meantime existing facilities were required to be made more efficient. Chlorinating of the discharged sewage water was also required as demanded by the Health Department. The case may be taken as an illustration that communities receive just as severe treatment as private companies.

Another decision⁹ was issued by the Franchise Board on 7 July 1972, involving a request for a permit by Skaraborgs Slaughterhouse to discharge waste water into a recipient. Previously, conditions had been laid down by the Board for a limited activity. A permit was issued for enlarged activity under several conditions. The most significant condition was a requirement that the waste water be cleaned internally and then carried off in Skara community's

⁸dnr Ä 42/71
Aktbil 55 (*File 55*)
Skara kommun (*Skara Municipality*)

⁹dnr Ä 42/71
Aktbil 75 (*File 75*)
Skaraborga Slakten, ekå för (Skaraburg's Slaughterhouse, before mentioned)

distribution network for additional cleaning in the community's cleaningworks.

If any trend is discernible in the decided cases, it seems to be that the requirements are becoming gradually more stringent. This would appear to substantiate the position of the Federation of Swedish Industries.

Conclusions

The water pollution control program in Sweden is well planned, well organized and smoothly functioning. Of course, much depends on the willingness and ability of enforcement authorities to do their job well. This they do, but their performance is difficult to document.

However, there appears to be a consensus among Swedes generally that stiff measures are called for and that the decisions must be obeyed. This point of view is subscribed to by industry and the municipalities as well as the general public. Prosecutions for violations are almost entirely unnecessary and occasional violations seem to be largely inadvertant. This is not to say that applicants willingly accept any conditions without a murmur. The cases show that much effort and expense go into proof by applicants that their proposed environment defense measures are sound.

One weakness does seem to exist in the procedures employed. It is unclear just which cases should be presented to the Environment Protection Board with a request for a license and which cases should be presented to the Franchise Board with a request for a permit.

In a sense the Environment Protection Board is permitted to decide its own jurisdiction. It can pass what it considers to be a case appropriate for handling by the Franchise Board to that Board for decision. In practice, it almost never sends any cases. It is consistant with human nature, in all probability, that the members of a tribunal feel that it is competent to handle any matter brought before it.

Against this background, the question arises as to what disadvantage results from this uncertainty of jurisdiction. Of course, it might be argued that it works and should be left alone. However, the permit route provides stability and allows longer range planning for all concerned. It is submitted as a possibility that a third channeling agency classify the cases and send them to the truly appropriate authority. If this classifying agency had no case hearing authority, then it could be truly neutral in categorizing cases.

For those who like as much certainty in the law as possible, the standards employed by the Boards are hopelessly general. But for those participating in this process, they seem to work rather satisfactorily. This question had been debated in other countries and there is an interesting similarity of outlook among all parties directly involved in a control program, both regulators and regulated. It seems that closer, more detailed standards are desired only by persons far removed from the control process.

The question of who should bear the expense involved in a water pollution control program is perennially asked. Sweden seems to have applied its general governmental philosophy of a mixture of private enterprise contributions and public grants. This would work well as does this system generally (at least to the satisfaction of the Swedes), if there were no problems of balance of trade. Domestic industries would just pass their part of the costs along to the consumer and the government would pass its share on to the taxpayer. But if the cost of products produced domestically and exported reflect the price of water pollution control in Sweden, foreign consumers may well balk at paying for it.

There does not seem to be much lost effort in the Swedish control system. With the exception of some duplication of responsibility concerning construction in water and perhaps a few other areas, logical delegation of responsibility appears to be the rule.

There is another area of efficiency where the Swedes seem to excel. The County Administrations and the agencies of the national government seem to work in harmony with a minimum of contradictory policies and environment defense measures. This may be due to the unitary form of government in Sweden. But this is in marked contrast to many inconsistencies which exist in countries where the federal system prevails. Whatever the reason, closer study of these harmonious interactions would appear to be justified.

A pragmatic observer of Sweden's water pollution control system, of course, will have two questions. One is, does it work? The answer to that question seems to be in the affirmative, as water pollution in that nation has actually been reduced within the last two or three years. The other question is, does the system operate at a reasonable cost? That question is not so easily answered. Certainly the cost is very high, both from an administrative and environment defense measure standpoint. It is consistent with an apparent Swedish philosophy that, if a measure to solve a problem is desirable at all, it can be paid for and hang the expense. This might be a sticking point for countries where the philosophy is different, but who might wish to imitate certain aspects of the Swedish system.

To sum up, it might be fair to say that Sweden has a progressive, expensive, smoothly functioning, conscientiously administered and wholly productive system of water pollution control. It bears close scrutiny for the present and also a close look to see where its apparently admirable characteristics will take it.

Bibliography

Bengtsson, Bertil. *Miljö rätt* (Environment Law). Andra upplagan (second edition). Juridiska Foreningen i Uppsala (Judicial Association In Uppsala.) Gävle, 1972 (Gävle is the publisher).

- Humane Environment. The Role of Swedish Industry. Publication of Federation of Swedish Industry. Stockholm, 1972.
- Information to the United Nations Conference on the Human Environment Issued by the Ministry of Foreign Affairs and the Ministry of Agriculture. Environment Protection Act. Marine Dumping Prohibitions Act. With Commentaries. Stockholm, 1972.
- Miljöskydd (Environment Protection). Den Nya Lagstiftningen (The New Legislation). Med Kommentar av Lennart Persson (With Comments of Lennart Persson). Stockholm, 1971.
- Naturvårdslagen (Environment Protection Law). Kommentar Av Sven Gösta Jonzon och Lars Delin Med En Översikt Av Allemans Rätten Av Bertil Bengtsson (Comments of Sven Gosta Jonzon and Lars Delin with a survey of German Law by Bertil Bengtsson). Stockholm, 1969.
- Statens Öffentliga Utredningar 1966+65 (State Public Investigations). Luftförorening, Buller Och Andra Immissioner. Lagförslag m.m. av Immissionssakkunniga (Air Pollution, Noise and other Emissions).
- Kungörelsen (1972:781) om lokaliseringssprövning beträffande industriell verksamhet enligt 136 a byggnadslagen (1947:385) m.m. Order by King in Council dated 1972, page 781 concerning testing of locations regarding industrial activity in accordance with 136 a, construction law (dated 1947, page 385).
- Miljöskyddslagen (1969:387) (Environment Protection Act), last reprinted in Svensk författningssamling 1972:782. (Swedish code dated 1972, page 782).
- Sand, Peter H. *Legal Systems For Environment Protection: Japan, Sweden, United States*. Food and Agriculture Organization of the United Nations. Rome, May 1972.
- Ljungman, Seve. Om Skada och olägenhet från Grannfasihet, Diss., Stockholm 1943. Ljungman, Seve (Professor Ljungman is the head of the Environment Law Department at the University of Stockholm Law School), About Injury and Nuisance from Neighboring Property, Dissertation.