



Legislation

The Planning and Building Act

The Act on Technical Requirements for Construction works, etc

The Environmental Code

with ordinances of relevance

Current wording June 1st 2004

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Preface

The National Board of Housing, Building and Planning, Boverket, provides a summary of legislation that is considered of importance for the sector. This includes the Planning and Building Act, the Act on Technical Requirements for Construction works, etc as well as the Environmental Code, with ordinances of relevance.

This translation is based on the book "Regelverk" that includes the legislation mentioned, but is updated with changes that have been made during 2001-2003, including proposed amendments for June 2004 about impact assessment in planning.

The rules about planning and building are the main components of this book and only parts of the environmental legislation are added. The parts chosen are those that must be applied in the Planning and Building Act. The following chapters of the Environmental Code, with ordinances of relevance, are integrated into suitable sections of the Planning and Building Act: chapter 1 (parts) with the environmental goals, chapters 3 and 4 that regulate national interests, chapter 5 about environmental standards and chapter 6 about impact assessment in planning.

Karlskrona, February 2005

Anders Larsson
Head of legal affairs

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The Planning and Building Act (Law 1987:10); PBA

(Including amendments up to 1 July 2003)

PBA Chapter 1. Introductory Provisions

Section 1. This Act contains provisions on the planning of land and water areas as well as building. The provisions aim, with due regard to the individual's right to freedom, at promoting societal progress towards equal and good living conditions and a good and lasting sustainable environment for the benefit of the people of today's society as well as of future generations. (Law 1993:419)

Section 2. Planning the use of land and water areas is a matter for the municipality.

Section 3. Each municipality shall prepare an up-to-date *comprehensive plan*, covering the entire municipality. The comprehensive plan shall provide guidance for decisions about the use of land and water areas and on the development and preservation of the built environment. The comprehensive plan is not binding for authorities or individuals.

The regulation of land use and of building within a municipality is exercised through *detailed development plans*. A detailed development plan may cover only a limited part of a municipality.

Where required for securing the purpose of the comprehensive plan or for safeguarding national interests in accordance with Chapters 3 and 4 of the Environmental Code (1998:808), *area regulations* may be adopted for limited areas of the municipality, which are not covered by a detailed development plan.

Property regulation plans may be adopted for the purpose of facilitating the implementation of detailed development plans.

For the co-ordination of the planning for two or more municipalities', *regional plans* may be adopted. (Law 1998:839)

Section 4. A *building permit*, a *demolition permit* or a *site improvement permit* is mandatory to the extent required by this Act for the erection or demolition of buildings or for the excavation or filling of sites, felling or planting of trees. Further, to the extent required by this Act, the committee referred to in Section 7 shall be informed of various kinds of measures through a *building notification* or a *demolition notification*.

As regards measures requiring a building permit, a *tentative approval* may be issued, indicating to what extent building on the site is question may be permitted. (Law 1995:1197)

Section 5. Where issues are addressed under this Act, consideration shall be given to both public and private interests, unless otherwise prescribed.

Section 6. Land use for building purposes must be suitable for the proposed objectives from a public point of view. The suitability assessment shall be carried out as part of planning or when providing a building permit or a tentative approval.

Section 7. For the purpose of exercising the functions conferred on the municipalities by this Act with regard to the planning and building administration and the primary supervision of building development there shall be one or more committees.

Provisions of this Act concerning a building committee shall apply to a committee appointed pursuant to the first subsection. (Law 1991:1704)

Section 8. The County Administrative Board is responsible for the supervision of the planning and building administration within the county and shall co-operate with the municipalities in their planning duties.

The National Board of Housing, Building and planning is responsible for the general supervision of the planning and building administration within the country. (Law 1990:1365)

Section 9. Special provisions on the technical qualities of buildings and other constructions and on building products are contained in the Act (1994:847) on Technical Requirements on Construction Works, etc. (Law 1994:852)

PBA Chapter 2. General Interests to be observed in Planning and Siting of Buildings, etc.

Section 1. Land and water areas shall be used for the purposes for which the areas are best suited in view of their nature and situation and of existing needs. Priority shall be given to use that promotes good management from the point of view of public interest.

The provisions laid down in Chapters 3 and 4 of the Environmental Code (1998:808) shall be applied when planning is carried out and when matters concerning building permits and tentative approvals are processed.¹ Pursuant to Chapter 5, Section 3 of the

¹ Publishers note: Chapters 3 and 4 of the Environmental Code are inserted after this chapter 2 of the Planning and Building Act.

Environmental Code (1998:808), plans and planning shall observe environmental quality standards.² (Law 1998:839)

Section 2. With due regard to natural and cultural values, planning shall promote a purposeful structure and an aesthetically pleasing design of built-up areas, green belts, routes of communication and other constructions. It shall also aim at promoting good living conditions from a social point of view, good environmental conditions and a long-lasting and effective management of land and water areas, energy recourses and raw materials. Attention shall be paid to conditions in surrounding municipalities. Planning may not contribute to the infringement of environmental quality standards established in accordance with Chapter 5 of the Environmental Code.

The provisions laid down in the first subsection shall also be observed in other matters within this Act. (Law 1998:839)

Section 3. Buildings shall be located on ground which is suitable for that purpose, in view of

- (1) the health of the inhabitants and others;
- (2) the soil, rock and water conditions;
- (3) the opportunities for providing traffic facilities, water supply facilities, sewerage facilities and other community services; and
- (4) the opportunities for preventing water, air and noise pollution.

If buildings and other constructions require a supply of energy, they shall be sited in a way that is suitable with regard to energy supplies and a rational use of energy. (Law 1989:515)

Section 4. Within areas containing continuous development, the built environment shall be designed with regard to the need for

- (1) protection against outbreak and spread of fire and against traffic accidents and other accidents;
- (2) measures for the protection of the population against acts of war and for the limitation of the effects of such acts;
- (3) management of energy and water and good climatic and hygienic conditions;
- (4) provision of traffic services and a good traffic environment;
- (5) parks and other green areas;
- (6) means enabling persons with limited mobility or orientation capacity to use the area; and
- (7) alterations and complementary measures.

Within or close to areas encompassing continuous development there shall be areas suitable for play, exercise and other outdoor activities and opportunities for a reasonable level of community and commercial service. (Law 1995:1197)

² Publishers Notes: Chapter 5 of the Environmental Code, with its ordinance, is inserted after chapter 5 of this Act, since detailed development plan is the planning where the environmental quality standards will be mostly applied.

The Environmental Code (1998:808); EC

EC Chapter 1. Objectives and Area of Application of the Environmental Code

Section 1. The purpose of this Code is to promote sustainable development, which will assure a healthy and sound environment for present and future generations. Such development will be based on recognition of the fact that nature is worthy of protection and that our right to modify and exploit nature carries with it a responsibility for wise management of natural resources.

The Environmental Code shall be applied in such a way as to ensure that:

1. Human healths and the environment are protected against damage and inconvenience, whether caused by pollutants or other impacts;
2. Valuable natural and cultural environments are protected and preserved;
3. Biological diversity is preserved;
4. The use of land, water and the physical environment in general is such as to secure a long term good management in ecological, social, cultural and economic terms; and
5. Reuse and recycling, as well as other management of materials, raw materials and energy are encouraged with a view to establishing and maintaining natural cycles.

Section 2. The provisions of chapters 3 and 4 shall only be applicable in connection with the consideration of matters referred to in chapter 7, the examination of activities for which permits are required pursuant to chapters 9, 11 and 12 and the Government's permissibility consideration referred to in chapter 17 and also to the extent provided for in the Civil Aviation Act (1957:297), the Continental Shelf Act (1966:314), the Roads Act (1971:948), the Certain Pipelines Act (1978:160), the Establishment, Enlargement and Closure of Public Navigation Channels and Public Ports Act (1983:293), the Certain Peat Deposits Act (1985:620), the Planning and Building Act (1987:10), the Minerals Act (1991:45), the Sweden's Economic Zone Act (1992:1140), the Construction of Railways Act (1995:1649), the Electricity Act (1997:857) and the Natural Gas Act (2000:599). (Law 2000:600)

Section 3. In addition to the provisions of the Environmental Code, the provisions of other Acts shall be applicable to activities that may

cause damage or detriment to human health, the environment or other interests that are protected by this Code.

EC Chapter 3. Basic Provisions Concerning the Management of Land and Water Areas

Section 1. Land and water areas shall be used for the purposes for which the areas are best suited in view of their nature and situation and of existing needs. Priority shall be given to use that promotes good management from the point of view of public interest.

Section 2. Large land and water areas that are not, or are only to a small extent, affected by development projects or other environmental intrusion shall, to the extent possible, be protected against measures that may significantly affect their character.

Section 3. Land and water areas that are particularly vulnerable from an ecological point of view shall, to the extent possible, be protected against measures that may damage the natural environment.

Section 4. Agriculture and forestry are of national importance. Agricultural land that is suitable for cultivation may only be used for development or building purposes if this is necessary in order to safeguard significant national interests where this need cannot be met satisfactorily from the point of view of public interest by using other land. Forestland that is of importance for forestry shall, to the extent possible, be protected against measures that may be prejudicial to rational forestry.

Section 5. Land and water areas that are important for reindeer husbandry, commercial fishing or aquaculture shall, to the extent possible, be protected against measures that may significantly interfere with the operation of these industries.

Areas that are of national interest for the purposes of reindeer husbandry or commercial fishing shall be protected against measures referred to in the first subsection.

Section 6. Land and water areas, as well as the physical environment in general, that are important for reasons of public interest on account of their natural or cultural value or for outdoor recreation shall, to the extent possible, be protected against measures that damage the natural or cultural environment. Special consideration shall be given to the need for green spaces in and near urban areas.

Areas of national interest for the purposes of nature conservation, conservation of the cultural environment or outdoors recreation shall be protected against measures referred to in the first subsection.

Section 7. Land and water areas that contain valuable substances or materials shall, to the extent possible, be protected against measures that may be prejudicial to their extraction.

Areas that contain deposits of substances or materials of national interest shall be protected against measures referred to in the first subsection.

Section 8. Land and water areas that are particularly suitable as sites for facilities for industrial production, energy production, energy distribution, communications, water supply or waste treatment shall, to the extent possible, be protected against measures that may be prejudicial to the establishment or use of such sites.

Areas that are of national interest on account of facilities mentioned in the first subsection shall be protected against measures that may be prejudicial to the establishment or use of such sites.

Section 9. Land and water areas that are important for total defense purposes shall, to the extent possible, be protected against measures that may be detrimental to the interests of the total defense.

Areas that are of national interest because they are needed for total defense installations shall be protected against measures that may be prejudicial to the establishment or use of such sites.

Section 10. Where any of the areas mentioned in sections 5 to 8 are of national interest for incompatible purposes, priority shall be given to the purpose or purposes that are most likely to promote sustainable management of land, water and the physical environment in general. If the area, or part of the area, is needed for a total defense installation, priority shall be given to the defense interest.

Decisions taken pursuant to the first subsection must not be contrary to the provisions of chapter 4.

EC Chapter 4. Special Provisions Concerning Land and Water Management in Certain Areas

Section 1. The areas mentioned in sections 2 to 7 are of national interest in their entirety in view of the natural and cultural assets that exist there. Development projects or other environmental interventions may only be undertaken in these areas where they are not contrary to the provisions of sections 2 to 7 and can be implemented in a manner that does not significantly damage the natural and cultural assets of these areas.

The provisions of the first subsection and sections 2 to 6 shall not be an obstacle to the development of existing urban areas or local industry or the construction of installations that are needed for the purposes of the total defense. Where special circumstances exist,

these provisions shall not prevent the erection of structures for the extraction of deposits of substances or materials referred to in chapter 3, section 7-second subsection.

Section 2. In the following areas special consideration shall be given to the interests of tourism and outdoor recreation, in particular outdoor recreational exercise, in connection with assessments of the permissibility of development projects or other environmental intrusion: the coastal area and archipelago of Bohuslän from the Norwegian border to Lysekil; the coastal area of Halland; Kullaberg and Hallandsås and the adjoining coastal areas; the coastal area of Skåne from Örnahusen south of Skillinge to Åhus; the coastal areas and archipelagoes of Småland and Östergötland from Oskarshamn to Arkösund; the coastal areas and archipelagoes of Södermanland and Uppland from Oxelösund to Herräng and Singö; the coastal area and archipelago of Ångermanland from Storfjärden at the mouth of the Ångermanälven river to Skagsudde; the coastal area and archipelago of Norrbotten from Bondöfjärden to the Finnish border; Öland; Gotland; the lake and ridge landscape around the Romeleåsen ridge in Skåne; Lake Åsnen, including islands and shore areas, and the areas to the south around the Mörrumsån river and Lake Mien to Pukaviksbukten Bay and Listerlandet; Lake Vänern, including islands and shore areas; Lake Vättern, including islands and shore areas; Tiveden forest and the areas around Lake Unden and Lake Viken and the area around the Göta Canal between Karlsborg and Sjötorp; the Dalsland-Nordmarken area from Mellerud and Lake Ånimmen near Lake Vänern to the lake system from Dals-Ed in the south to Årjäng and Östervallskog in the north; Fryksdalen from Kil to Torsby and the area around the upper reaches of the Klarälven river in Torsby municipality; Lake Mälaren, including islands and shore areas; the Malingsbo-Kloten area between Storå, Kopparberg, Smedjebacken and Skinnskatteberg; the area around the Dalälven river from Avesta to Skutskär; Lake Siljan and Lake Orsasjön, including islands and shore areas, and the area around the Oreälven river, Lake Skattungen and Lake Oresjön, including the area to the south from Gulleråsen and Boda to Rättvik; the area around the Ljusnan river from Färila to Bergvik; the Vindelådalen river valley; the mountain area from the Transtrandsfjällen mountains in the south to Treriksröset, with the exception of the mountain areas mentioned in section 5.

Section 3. Activities and operations referred to in chapter 17, section 1, points 1-11 and 17 must not be established in the coastal areas and archipelagoes of Bohuslän from the Norwegian border to Brofjorden, in Småland and Östergötland from Simpevarp to Arkösund, in Ångermanland from Storfjärden at the mouth of the Ångermanälven river to Skagsudde, or in Öland.

Section 4. In coastal areas and archipelagoes from Brofjorden to Simpevarp and from Arkösund to Forsmark, along the coast of

Gotland, in Östergarn and Storsudret, Gotland and Fårö, permanent recreation accommodation may only be built as a complement to existing buildings. Nevertheless, where special reasons exist, other recreation accommodation may be built, in particular accommodation that satisfies the needs of outdoor recreational exercise or consists of simple holiday houses near the main centers of population.

In the areas mentioned in the first subsection, activities and operations referred to in chapter 17, section 1, points 1-7 and 10-11 may only be established in locations where activities and operations already exist that are subject to a permit application procedure pursuant to those provisions.

Section 5. Buildings and structures may only be established in the Långfjället-Rogen, Sylarna-Helags, Skäckerfjällen, Burvattnet, Hotagsfjällen, Frostviken-Borgafjällen, Marsfjällen- Vardofjällen, Artfjället, Tärna-Vindelfjällen, Sarek-Mavas, Kebnekaise-Sjaunja, Rostu and Pessinkin mountain areas where they are necessary for the purposes of reindeer husbandry, the resident population, scientific research or outdoor recreational exercise. Other measures may only be taken in these areas if they do not affect their character.

Section 6. Hydroelectric power stations must not be built and water regulation and diversion for the purposes of power generation must not be undertaken in the Torneälven, Kalixälven, Piteälven and Vindelälven national rivers, including their water areas, source rivers and tributaries, nor in the following water areas, including their source rivers and tributaries: The Dalälven river: The upstream section of the Västerdalälven river, The Hummelforsen and Österdalälven rivers upstream of Trängslet, The Ljusnan river: The Voxnan river upstream of Vallhaga, The Ljungan river: The Ljungan river upstream of Lake Storsjön and the Gimån river upstream of Lake Holmsjön, The Indalsälven river: The Åreälven, Ammerån, Storån-Dammån and Härkan rivers, The Ångermanälven river: The Lejarälven river, the Storån river upstream of Lake Klumpvattnet, the Långselån-Rörströmsälven river, the Saxån river, the Ransarån river upstream of Lake Ransarn and the Vojmån river upstream of Lake Vojmsjön, The Vapstälven river, The Moälven river, The Lögdeälven river, The Öreälven river, The Umeälven river: The Tärnaån, Girjesån and Juktån rivers upstream of Lake Fjosoken, The Sävarån river, The Skellefteälven river: The source rivers upstream of Lake Sädvajaure, Lake Riebnes and the Malån river, The Byskeälven river, The Åbyälven river, The Luleälven river: The Stora Luleälven river upstream of Lake Akkajaure, the Lilla Luleälven river upstream of Lake Skalka and Lake Tjaktjajaure, and the Pärlälven river, The Råneälven river, The Emån river, The Bräkneån river, The Mörrumsån river, The Fylleån river, The Enningdalsälven river: The Enningdalsälven river upstream of the Norwegian border.

Hydroelectric power stations must not be built and water regulation and diversion for the purposes of power generation must not be undertaken in the following sections of river: The Klarälven river: The section between Höljes and Edebäck, The Dalälven river: The Västerdalälven river downstream of Skiffsforsen and the Dalälven river downstream of Näs bruk, The Ljusnan river: The section between Hede and Svegsjön and the section between Laforsen and Arbråsjöarna, The Ljungan river: The section between Lake Havern and Lake Holmsjön and the section downstream of Viforsen, The Indalsälven river: The Långan river downstream of Lake Landösjön, The Ångermanälven river: The Faxälven river between Edsele and Lake Helgumsjön, The Umeälven river: The Tärnaforsen river between Lake Stor-Laisan and Lake Gäuta.

The first and the second subsection shall not apply to water operations that only make a minor environmental impact.

Section 7. The Ulriksdal-Haga-Brunnsviken-Djurgården area is a national urban park.

New development, new buildings and other measures shall only be permissible in national urban parks if they can be undertaken without encroaching on park landscapes or the natural environment and without detriment to any other natural and cultural assets of the historical landscape.

PBA Chapter 3. Demands on Buildings, etc.

Buildings

Section 1. Buildings shall be placed and designed in a suitable manner with regard to the townscape or the landscape and the natural and cultural values at the site. The exterior of buildings shall be designed and colored with regard to good aesthetical standards, appropriate to the building itself and a favorable overall impression. (Law 1998:805)

Section 2. Buildings shall be placed and designed in a manner that neither the buildings themselves nor their intended use will pose any threat to the traffic safety, cause any other danger or significant impact to the surroundings. Any influence on the groundwater which may be harmful to the surroundings, shall be limited. Regarding subterranean buildings, reasonable attention shall be paid in order not to complicate the land use above the buildings.

Section 3. Subject to provisions issued in pursuance of Section 21 of the Act (1994:847) on Technical requirements on Construction Works etc., buildings shall meet the standards set by Sections 2 and 2a of that act. (Law 1999:367)

Sections 4--9. Repealed (Law 1994:852)

Section 10. Alterations to a building shall be made cautiously, with regard to the building's characteristic features and with its constructional, historical, cultural, environmental and artistic values sustained. (Law 1998:805)

Section 11. In regard of construction measures that may be carried out without a building notification, Sections 1, 2 and 10 shall apply to the extent warranted by the nature and extent of the measures. (Law 1994:852)

Section 12. Buildings which are especially valuable from a historical, cultural, environmental or artistic viewpoint, or which form an integral part of a built area that is distinguished by the said qualities, must not be distorted.

Section 13. A building's exterior shall be kept in proper order. The maintenance shall match the building's value from a historical, cultural, environmental and artistic viewpoint as well as the character of the surroundings.

Buildings referred to in Section 12 shall be so maintained that their distinctive characters are preserved. (Law 1994:852)

Other Constructions than Buildings

Section 14. With regard to constructions referred to in Chapter 8, Section 2 subsection 1, the provisions of Sections 1--3 and Sections 10--13 on buildings shall apply.

With regard to such outdoor signs and light source facilities for which a building permit is required, the provisions of Sections 1 and 2 on buildings shall apply. (Law 1995:1197)

Sites, Public Spaces, etc.

Section 15. Sites used for development shall be arranged in a way that is suitable with regard to the townscape or the landscape and the natural and cultural assets there. In addition, efforts shall be made to ensure that

- (1) the natural prerequisites are utilized as far as possible;
- (2) no significant negative impacts on the surrounding occur;
- (3) the risk of accidents is limited and significant negative impacts for traffic is avoided;
- (4) there is a suitably located exit street or any other way out of the site and that there are facilities, allowing necessary transports and satisfying the requirement of accessibility of emergency vehicles to and from the buildings on the site;
- (5) the site can be used by persons with limited mobility or orientation capacity, unless the terrain and other circumstances makes it unnecessary;
- (6) suitable space for parking, loading and unloading of vehicles is arranged to a reasonable extent on the site or nearby.

Where sites are used for buildings involving one or several dwellings or premises for nursery school, school or any other similar facilities, a sufficient open space, suitable for play and outdoor recreation, shall be provided on the site or areas nearby.

Where the available spaces are not enough for providing both parking and open space, then open space shall be arranged in the first place.

Section 16. On developed sites, the provisions of Section 15 subsection 1 paragraph (6) and subsections 2--3 may be applied to a reasonable extent.

When altering a building requires a building notification, the site shall be arranged to meet the requirements laid down in Section 15 to a reasonable extent in view of the circumstances and with regard to the costs for the works and the special features of the site. (Law 1994:852)

Section 17. Irrespective of whether sites are used for buildings or not, they shall be kept in good condition. They shall be maintained to avoid significant negative impacts on the surroundings and the traffic and limit the risk of accidents. The Building Committee may decide that planting shall be carried out and that existing vegetation shall be preserved.

Sites, which are especially valuable from a historical, cultural, environmental or artistic viewpoint, may not be distorted with regard to any protective provisions of a detailed development plan or area regulations.

Installations, which have been made to meet the requirements of Section 15, shall be maintained to a reasonable extent.

Playgrounds and permanent constructions on playgrounds shall be maintained to limit the risk of accidents. (Law 1995:1197)

Section 18. The provisions of Section 17 subsection 2 shall always apply to public spaces and areas for other constructions than buildings, whilst the provisions of sections 15--16 and Section 17 subsections 1, 3 and 4 shall apply to a reasonable extent to such places.

Subject to provisions issued in pursuance of this Act, the spaces and areas to which the first subsection applies shall fulfill the requirement of Section 15 subsection 1 paragraph (5) on accessibility to persons with limited mobility or orientation capacity. (Law 2001:146)

PBA Chapter 4. The Comprehensive Plan

Section 1. The comprehensive plan shall record public interests subject to the provisions of Chapter 2 and the environmental issues and risk factors that warrant attention when decisions are made on the use of land and water areas. In this context, national interests according to Chapters 3 or 4 of the Environmental Code shall be specified.

The plan shall indicate

- (1) the fundamental features of the envisaged use of land and water areas;
- (2) the municipality's conception of the development and preservation of the built environment; and
- (3) the course of action which the municipality intends to take in order to satisfy the specified national interests and to observe environmental quality standards.

The substance and the consequences of the comprehensive plan shall be easily understood. (Law 1998:839)

Section 2. The planning description, prepared subject to the provisions of Section 8, as well as the County Administrative Board's evaluation statement, submitted subject to the provisions of Section 9, shall be annexed to the comprehensive plan.

If the County Administrative Board in some respect disagrees, an entry of the disagreement shall be made in the plan. (Law 1995:1197)

Section 2 a.

When a comprehensive plan is carried out the provisions in Chapter 6 sections 11-18 and 22 of the Environmental Code shall also be applied, if the plan is likely to have such an environmental effect as referred to in Chapter 6 section 11 of the Environmental Code. (Law 2004:603, in force 21 July 2004)

Section 3. When a proposal for a comprehensive plan or for an amendment of such a plan is prepared, the municipality shall consult the County Administrative Board and any regional planning body and municipality that may be affected by the proposal. Such authorities and such associations and individuals that have an essential interest in the proposal shall be provided an opportunity of entering into consultation. (Law 1995:1197)

Section 4. The purpose of consultation is to improve the material upon which decisions are made and to enable insight and influence. During the consultation, the municipality should give an account of the reasons for the proposal, relevant planning material as well as the substance and the consequences of the proposal.

A consultation report shall be compiled presenting the results of the consultation and proposals in response to the statements given.
(Law 1995:1197)

Section 5. The County Administrative Board's primary function during the consultation is to safeguard and co-ordinate the public interests; thereby the board shall

- (1) provide material for the municipality's evaluations and give advice relative to public interests according to Chapter 2 and such environmental issues and risk factors that warrant attention when decisions are made on the use of land and water areas;¹
- (2) promote compliance with national interests in accordance with Chapters 3 and 4 of the Environmental Code, and the observation of environmental quality standards established in accordance with Chapter 5 of that code;
- (3) promote a suitable co-ordination of the use of land and water areas which concern two or more municipalities. (Law 1998:839)

Section 6. Prior to the adoption of the comprehensive plan or its amendment, the municipality shall exhibit the plan proposal during at least two months. Anyone who wants to make statements regarding the proposal must do so in writing during the exhibition period.

Section 7. A public notice of the exhibition of the plan proposal shall be displayed on the municipality's notice board and be advertised in a local newspaper at least one week prior to the commencement of the exhibition period. The notice shall indicate where the exhibition takes place and within which time, in what way, and to whom, statements regarding the proposal shall be made. If the proposal concerns a part of the municipality, this shall be stated in the notice.

The notice should follow the provisions of the Act (1977:654) on Public Notices of Cases and Matters before Public Bodies.

Prior to the exhibition of the plan proposal, one copy thereof, together with the plan specification and the consultation report, shall be communicated to the County Administrative Board and to any regional planning body and municipality that may be affected by the proposal.

Section 8. During the exhibition period, the plan proposal shall be accompanied by

- (1) the planning description defined in the following subsection;
- (2) the consultation report;
- (3) the current comprehensive plan;
- (4) such planning material the municipality considers relevant to assess the proposal.

¹ Publishers note: the ordinance regulating the national responsibilities to present documentation on the public interests, is presented after this chapter.

A planning description gives account of the planning conditions, the reasons for the design of the plan and the measures envisaged by the municipality to implement the plan. Furthermore an assessment of the impacts of the plan must be stated.

When the proposal amends the comprehensive plan for a part of the municipality, an assessment of the impact of the amendment upon other parts of the municipality must be stated. (Law 1995:1197).

Section 9. During the exhibition period, the County Administrative Board shall deliver a review statement on the plan proposal.

From the report shall appear

- (1) whether the proposed plan fails to comply with national interests in accordance with Chapters 3 and 4 of the Environmental Code;
- (2) whether the proposed plan may contribute to the infringement of environmental quality standards established in accordance with Chapter 5 of the Environmental Code;
- (3) whether the proposed plan fails to provide a suitable co-ordination of the use of land and water areas, which affect two or more municipalities;
- (4) whether the proposed buildings are unsuitable with regard to the health of residents and others or with regard to the need for protection against accidents. (Law 1998:839)

Section 10. After the exhibition period, the municipality shall prepare an opinion that compiles the statements submitted and specifies any proposals in response to these statements, which shall be annexed to the case-documents.

If the proposed plan is substantially amended after the exhibition, a new exhibition shall take place.

Section 11. The municipal council adopts the comprehensive plan and amendments to that plan.

Section 12. A decision to adopt or amend the comprehensive plan is valid when the decision has come into force.

Section 13. Once the municipality's decision to adopt or amend the comprehensive plan has come into force, the municipality shall without delay transmit the plan, the planning description, the consultation report, the review statement, the opinion subject to Section 10, and one extract of the minutes of the municipality's decision to the National Board of Housing, Building and Planning, the County Administrative Board, and to any regional planning body and municipality which may be affected. (Law 1990:1365)

Section 14. The municipal council shall, at least once during its term of office, make a decision on the issue whether the comprehensive plan is up-to-date.

Prior to rendering a decision in accordance with the first subsection, the County Administrative Board shall provide a summarized

statement, containing an account of the board's views regarding public interests that may be of relevance to the municipality's decisions and giving the board's opinion on how these views relate to the comprehensive plan. (Law 1995:1197)

Ordinance (1998:896) on Land and Water Management, etc.

Authorities' Responsibility

Section 1. Within the jurisdiction conferred upon the central administrative authorities, each of them shall exercise supervision over the management of land and water areas. The National Board of Housing, Building and planning is responsible for the supervision of the management of land and water areas regulated by Chapter 4 of the Environmental Code. Pursuant to the Ordinance (1996:124) with Instructions for the National Board of Housing, Building and Planning, the Board shall also contribute to the co-ordination of the national authorities' obligation to produce data for the application of Chapters 3, 4 and Chapter 6, Sections 11-13, of the Environmental Code. In addition, the National Board of Housing, Building and planning is responsible for the general supervision of the management of land and water areas. The county administrative board is responsible for the supervision of the management of land and water areas within the county.

The central administrative authorities shall, in co-operation with the county administrative boards, keep track of the development of issues concerning the management of land and water areas. In the exercise of these duties, the authorities shall focus on issues, which are of great importance from a national perspective or where the development should be followed in accordance to Sweden's international commitments.

Data Concerning National Interests, etc.

Section 2. After consultation with the National Board of Housing, Building and Planning, with other central administrative authorities concerned and with county administrative boards concerned, the following central administrative authorities shall deliver in writing information to the county administrative boards on areas which the authorities deem to be of national interest in accordance with Chapter 3 of the Environmental Code.

Areas of national interest to the reindeer herding (Chapter 3, Section 5)	The Swedish Board of Agriculture
Areas of national interest to commercial fisheries (Chapter 3, Section 5)	The National Board of Fisheries
Areas of national interest to environment protection and	The Swedish Environmental Protection Agency

outdoor recreation (Chapter 3, Section 6)	
Areas of national interest to the preservation of cultural assets (Chapter 3, Section 6)	The National Heritage Board
Areas with deposits of substances or material of national interest (Chapter 3, Section 7)	The Geological Survey of Sweden
Areas of national interest in regard of special constructions (Chapter 3, Section 8)	
- Industrial production	The Swedish Business Development Agency
- Energy production and energy distribution	The Swedish Energy Agency
- Terminal storage of used nuclear fuel and nuclear waste	The Swedish Nuclear Power Inspectorate
- Transport and communications	The Swedish National Road Administration the National Swedish Rail Administration the Swedish Maritime Administration the Swedish Aviation Safety Authority the Swedish National Post and Telecom Agency
	In matters concerning services under the jurisdiction of each authority
- Water supply, - waste management	The Swedish Environmental Protection Agency
Areas of national interest to constructions belonging to the total defense system (Chapter 3, Section 9)	The Swedish Armed Forces the Swedish Emergency Management Agency,
	In matters concerning constructions under the jurisdiction of each authority
Ordinance (2002:524)	

Section 3. The county administrative board shall take the initiatives required to safeguard compliance with the provisions of Chapters 3 and 4 of the Environmental Code during the preparation of environmental impact statements and during early stages of the planning and decision-making processes. In that capacity, the county administrative board shall emphasize safeguarding national interests during the examination of cases and matters under the laws and provisions stated in Chapter 1, Section 2 of the Environmental Code. From the Planning and Building Act (1987:10) emerges that under that act the county administrative board shall promote safeguarding of national interests in municipal plans.

The county administrative board shall base its activities upon the data provided by the central administrative authorities specified in Section 2 of this ordinance, if such data is provided, or otherwise upon such data as the county administrative board may deem suitable.

Section 4. The county administrative board shall inform the National Board of Housing, Building and Planning and concerned central administrative authorities if the county administrative board considers that

- (1) an additional land or water area should be classified as of national interest in accordance with of Chapter 3 of the Environmental Code; or
- (2) a review should be carried out in regard of the classification of an area as of national interest in accordance with Chapter 3 of the Environmental Code or in regard of the general delimitation of such an area.

The Regional Plan and the Comprehensive Plan as a Basis for Evaluation

Section 5. The authority which decides a matter under the provisions of Chapters 3 and 4 of the Environmental Code shall include in its decision of the matter an evaluation stating whether the examined construction, activity or measure complies with a suitable use of land and water resources from a public point of view and with the current regional plan or the current municipal comprehensive plan.

The Duty to inform the Government in Certain Cases

Section 6. If a county administrative board or a central administrative authority, during their exercise of supervision within their jurisdiction, establishes that an amendment with regard to the selection of areas of national interests made under Chapter 4 of the Environmental Code is justified, then the county administrative board or the central administrative authority shall draw the Government's attention to the matter.

Section 7. A report delivered to the Government by a national authority pursuant to Chapter 6, Section 13 subsection 2 of the Environmental Code shall contain a statement on the co-operation required between the State and the concerned municipalities, to ensure that municipalities' planning under the Planning and Building Act (1987:10):

- (1) satisfies interests related to the management of land and water areas under Chapters 3 and 4 of the Environmental Code; or
- (2) creates opportunities for compliance with environmental quality standards established in accordance with Chapter 5 of the Environmental Code.

PBA Chapter 5. Detailed Development Plans and Area Regulations

Detailed Development Plan

Section 1. The examination of the suitability of a site for development and the regulation of the design of the built environment are carried out through a detailed development plan for

- (1) new continuous development;
- (2) a new individual building, the use of which will cause a significant impact on surroundings or which is to be located in an area where a considerable demand exists for building sites, unless it is admissible to carry out the development examination as part of the processing of the application for a building permit or a tentative approval;
- (3) built environment, which is going to be altered or preserved, if the regulations should be based on an overall perspective.

The provisions of the first subsection shall also apply to constructions other than buildings where these, in accordance with Chapter 8, Section 2, require a building permit.

A detailed development plan is not required where sufficient regulation exists by virtue of area regulations.

Section 2. The design of a detailed development plan must give reasonable consideration to existing buildings, property rights and real estate units with regard to their influence upon the implementation of the plan.

If by operation of Chapter 6, Sections 17--19, the plan allows for appropriation of land or particular property rights, the plan shall be so designed that the benefits derived from the plan outweigh the negative effects of the plan on individual property owners.

The detailed development plan shall not encompass an area, which is larger than warranted by the purpose of the plan and by the implementation period determined pursuant to section 5.

Section 3. The detailed development plan shall indicate and set the limits of

- (1) public spaces such as streets, streets, squares and parks;
- (2) Development districts for, inter alias, built-up areas, sports grounds, leisure centers, graveyards, constructions for traffic, water supply, sewerage and energy facilities as well as restricted areas and safety areas;
- (3) Water areas for, inter alias, yachting marinas and open-air bathes.

The plan shall specify the use and design of public spaces of which the municipality is in charge. The use shall be specified in regard of development districts and water areas.

Section 4. If the municipality shall not be in charge of the public spaces within the plan area, the detailed development plan shall specify this fact.

Section 5. The detailed development plan shall specify a period for implementation. The length of the period shall provide reasonable opportunities to implement the plan; at least five years and not longer than fifteen years.

The period starts running from the day when the decision to adopt the plan comes into force or earlier when a part of the plan may be implemented under a injunction issued in pursuance of Chapter 13, Section 8 subsection 2. The plan may provide that the period shall commence at a date later than the entry into force of the decision to adopt the plan. Different areas of the plan may have separate implementation periods.

If there is no provision settling the length of the implementation period, the period expires 15 years after the day stated in the first subsection.

Section 14 contains provisions on the extension or restoration of an implementation period.

Following the expiry of the implementation period, the plan is still enforceable until amended or annulled.

Section 6. Where the detailed development plan by virtue of Section 7 subsection 1 paragraph (9) allows temporary use of land or buildings, the plan shall contain a provision fixing the period during which the temporary use may continue. The period shall not exceed ten years and shall be considered to commence upon the date defined in accordance with Section 5 subsection 1. Where the plan

does not fix any period of time, it shall be five years. Provisions on the extension of the period are contained in Section 15.

Section 7. In addition to the provisions that the detailed development plan pursuant to Section 3 shall contain, the plan may contain provisions regulating

(1) to what extent measures shall require a permit subject to Chapter 8, Section 5 subsection 1, Section 6 subsection 1 paragraph (2)--(3), subsection 2 and subsection 3 paragraph (2), Section 8 subsections 1 and 3, and Section 9 subsections 1--2;

(2) The maximum level of development allowed above and below the ground surface, and, if justified by special issues relating to the housing supply or the environment, the minimum level of development;

(3) The use of buildings, and, in regard of dwelling houses, the proportion of different kinds of flats and their respective sizes;

(4) Placing, design and construction of buildings, other constructions and sites, where caution provisions may be introduced to specify the requirements under Chapter 3, Section 10; protective provisions on buildings within the purview of Chapter 3, Section 12 and on sites which are especially valuable from a historical, cultural, environmental or artistic viewpoint; demolition prohibitions on buildings within the purview of Chapter 3, Section 12; and such provisions in regard of other alterations to buildings than extensions which may be issued in pursuance of provisions of Section 21 of the Act (1994:847) on Technical Requirements on Construction Works, etc.;

(5) Vegetation and the design and height of the ground surface;

(6) Use and design of those public spaces of which the municipality shall not be in charge, and where protective provisions may be introduced for such places which are especially valuable from a historical, cultural, environmental or artistic viewpoint;

(7) Fences and exit drives or other ways out to public spaces;

(8) Placing and design of parking lots, prohibition on the use of certain land or buildings for parking and obligation to set up spaces for parking, loading and unloading pursuant to Chapter 3, Section 15 subsection 1 paragraph (6);

(9) Temporary use of land or buildings, which are not immediately required for the purposes indicated by the plan;

(10) Reserves of land for public lines, energy and traffic installations and street facilities;

(11) Protective devices with the purpose of counteracting disturbances emanating from the surroundings, and, where special reasons justify them, provisions on maximum permissible levels of

disturbances through air pollution, noise, vibration, light or other similar disturbances falling within the scope of Chapter 9 of the Environmental Code;

(12) The principles for the property division and the establishment of jointly owned properties;

(13) Protection for such public spaces of which the municipality is in charge and which are especially valuable from a historical, cultural, environmental or artistic viewpoint.

The detailed development plan may also subject to Chapter 6, Section 2 contain provisions on joint development. If a detailed development plan is adopted following the coming into force of a development decision, which was rendered subject to the Act (1987:11) on Joint Land Development, the plan shall specify whether the decision shall be implemented pursuant to that act. Where land required for joint development forms part of real estate whose owner is not a participant in the joint development, the plan shall contain a statement about that matter.

The plan shall not be more detailed than is required with regard to its purpose. Provisions aiming at a detailed regulation of the opportunities to carry on retail trading shall not be issued unless justified by significant reasons. (Law 1998:839)

Section 8. A detailed development plan may regulate that building permits shall not be granted for measures involving a substantial alteration of the use of the land, until

(1) certain traffic, water supply, sewerage or energy facilities, for which the municipality will not be in charge, have been installed;

(2) A certain building or construction on the site has been demolished, rebuilt or the use of the building has been altered to comply with the plan provisions or the exit street or any other way out of the property has been altered, or

(3) A decision, required by provisions contained in the detailed development plan, to adopt a property regulation plan, has either come into force, or may be implemented by virtue of a injunction issued pursuant to Chapter 13, Section 8 subsection 2.

Section 9. The detailed development plan consists of a plan map and a separate document containing the plan provisions. The plan may, however, consist of only either one of these documents or of one single document containing the plan map and the provisions, provided that the substance of the plan is obvious.

The plan map shall specify the division of the plan area into land for different purposes and the provisions applying to the respective areas.

The plan documents shall be arranged and designed so it is evident how the plan regulates the environment. (Law 1989:1049)

Section 10. The planning description prepared subject to Section 26 and the implementation description prepared subject to Chapter 6, Section 1, shall be annexed to the detailed development plan. If the detailed development plan consists of one single document, the planning description may be included in that document. (Law 1989:1049)

Section 11. Prior to the expiry of the implementation period, a detailed development plan may not be amended or annulled contrary to the wishes of the property owners affected, unless this is required as a result of new conditions of great public importance, which could not possibly have been foreseen when the plan was prepared.

When the implementation period has expired, the plan may be amended or annulled without regard to the rights derived from the plan.

Provisions on extension and renewal of the implementation period are contained in Section 14. Provisions on extension of the time granted for temporary use of land are contained in Section 15.

Section 12. The provisions contained in Sections 1--4 and 6--10 also apply to the amendment or revocation of a detailed development plan.

When a detailed development plan is amended, the provisions determining the implementation period shall also apply to the issues involved by the amendment. If there is no implementation period fixed for the plan when the amendment is adopted, then a special implementation period for the issues encompassed by the amendment shall be determined according to the provisions of Section 5. (Law 1991:604)

Section 13. If a detailed development plan is amended or is partially or entirely annulled with respect to an area that is covered by a property regulation plan, then the detailed development plan shall indicate which portions of the property regulation plan that according to Chapter 6, Section 11 shall cease to be valid.

From the provisions contained in Chapter 6, Section 5, it appears that a detailed development plan is amended as a result of the adoption of a property regulation plan.

Section 14. Prior to the expiry of the implementation period, the detailed development plan may be extended by a maximum of five years at a time. After the expiry of the implementation period, this period may be restored by a maximum of five years at a time. Extension and restoration may apply to a specific portion of the plan area.

Where measures have been applied to implement the plan on the part of a certain real estate unit during the implementation period,

but the measures have proven to be ineffective due to circumstances beyond the municipality's control, the implementation period for that real estate unit shall be extended by a reasonable period. The request for extension must be made prior to the expiry of the implementation period.

Section 15. The period during which temporary land use is permitted may be extended by a maximum of five years at a time. However, the extensions added together may not exceed twenty years.

Area Regulations

Section 16. Area regulations may be adopted for limited areas not covered by a detailed development plan, in order to ensure the purpose of the comprehensive plan or for safeguarding national interests in accordance with Chapters 3 and 4 of the Environmental Code. Area regulations may contain provisions on

(1) the scope of the requirements for a permit under Chapter 8, Section 5 subsection 2, Section 6 subsection 1 paragraphs (1) and (3) and subsections 2 and 3, Section 7, Section 8 subsections 2 and 3, and Section 9 subsection 3;

(2) The fundamental features for the use of land and water areas for building or for leisure constructions, traffic routes and other comparable purposes;

(3) The maximum permissible building or utility area of holiday cottages and the size of sites for such use;

(4) Placing, design and construction of buildings, other constructions and sites, where caution provisions may be introduced to specify the requirements under Chapter 3, Section 10; protective provisions on buildings within the purview of Chapter 3, Section 12 and on sites which are especially valuable from a historical, cultural, environmental or artistic viewpoint; demolition prohibitions on buildings within the purview of Chapter 3, Section 12; and such provisions in regard of other alterations to buildings than extensions which may be issued in pursuance of provisions of Section 21 of the Act (1994:847) on Technical Requirements on Construction Works, etc.;

(5) The use and design of public spaces, and where protective provisions may be introduced for such places which are especially valuable from a historical, cultural, environmental or artistic viewpoint;

(6) The vegetation and the design and height of the ground surface within areas within the purview of Chapter 8, Section 9 subsection 3;

(7) Protective devices with the purpose of counteracting disturbances emanating from the surroundings; and

(8) Joint development pursuant to Chapter 6, Section 2. (Law 1998:839)

Section 17. A separate document shall contain an account of the area regulations and the reasons for them. The document shall be arranged and designed so it is evident how the plan regulates the environment.

The provisions of the first subsection also apply when the area regulations are amended or annulled.

Procedural Issues, etc.

Section 18. The detailed development plan shall be based on a program specifying the starting points and the objectives of the plan, unless this is unnecessary.

An environmental impact report shall be prepared if the authorized use of land, buildings or other constructions in a detailed development plan may cause a significant impact on the environment, on human health or on the management of land, water or other resources. The environmental impact report shall provide the information necessary for an overall assessment of the impact by a planned structure, activity or measure on the environment, human health and management of land, water and other resources. (Law 1998:839)

When planning is carried out the provisions in Chapter 6 sections 11-18 and 22 of the Environmental Code shall be applied, if the plan is likely to have such an environmental effect as referred to in Chapter 6 section 11 of the Environmental Code. (Law 2004:xxx, in force 21 July 2004)

Section 19. When drafting a proposal for a detailed development plan, one or more relevant maps (base maps) and a real estate list shall be drawn, unless this is clearly unnecessary. The real estate list shall render an account of the following, if affected by the plan:

- (1) real estate units, land which is jointly-owned by several real estate units and other areas, as well as owners of and holders of other special rights than ownership rights in tenant-owners' flats or rights of tenancy in the aforementioned properties;
- (2) Joint facilities in accordance with the Act (1973:1149) on Joint Facilities and the owners of those properties, which participate in the facilities.

If a joint ownership association subject to the Act (1973:1150) on the Management of Joint Property Units administers land in joint ownership or a special right or a joint facility, the association shall be recorded instead of owners or holders.

Section 20. When a program is prepared and when a proposal for a detailed development plan is drafted, the municipality shall consult

the County Administrative Board, the Cadastral Authority and municipalities, which are affected by the program or the proposal. The affected parties and the co-operative tenant owners, tenants and residents who are affected by the program or the proposal and those authorities, associations and those other individuals which have an essential interest in the program or the proposal shall be offered an opportunity to consultation. (Law 1995:1415)

Section 21. The purpose of consultation is to improve the material upon which the decisions are made and to enable insight and influence. During the consultation, the municipality should present relevant planning material as well as the most important consequences of the proposal. Any program or environmental impact report shall also be presented. When consultation is about a proposed detailed development plan, the reasons for the plan shall be presented.

Statements submitted during consultation and comments or proposals in response to these statements shall be presented in a joint consultation report. (Law 1995:1197)

Section 22. The County Administrative Board's primary function during the consultation is to safeguard and co-ordinate the public interests; thereby the board shall

- (1) give advice on the application of Chapters 2 and 3;
- (2) Promote compliance with national interests in accordance with Chapters 3 and 4 of the Environmental Code, and the observation of environmental quality standards established in accordance with Chapter 5 of that code;
- (3) Promote a suitable co-ordination of the use of land and water areas, which concern two or more municipalities. (Law 1998:839)

Section 23. Prior to the adoption of a detailed development plan, the municipality shall exhibit the plan proposal during at least three weeks. Anyone who wants to submit statements regarding the proposal must do so in writing during the exhibition period.

Section 24. A public notice of the exhibition of the plan proposal shall be displayed on the municipality's notice board and be advertised in a local newspaper at least one week prior to the exhibition period. However, the notice may be published as late as the day upon which the exhibition period commences, provided the exhibition will last at least four weeks. The notice shall indicate

- (1) the location of the plan area;
- (2) Whether the proposal divagates from the comprehensive plan;
- (3) The land or special rights to land, which as a result of the adoption of the plan may be appropriated under Chapter 6, Section 17--19;
- (4) The place of the exhibition;

(5) the time, way and receiver of statements on the proposal;

(6) That the right to appeal against the decision to adopt the plan may be forfeit if statements are not submitted in accordance with Chapter 13, Section 5 before the expiry of the exhibition period.

The notice shall be conducted in accordance with the provisions of the Act (1977:654) on Public Notices of Cases and Matters before Public Bodies.

Prior to the exhibition of the plan proposal, one copy of the proposal together with the plan report prepared in accordance with Section 26, the implementation report prepared in accordance with Chapter 6, Section 1, and the consultation report, shall be communicated to the County Administrative Board and to those municipalities, which are affected by the proposal. (Law 1989:1049)

Section 25. At the latest on the day of publication, information of the contents of the public notice shall be sent to

(1) known affected parties;

(2) Known organizations of tenants who are parties to an agreement of negotiations for a real estate unit affected by the plan proposal or, in default of such an agreement, known tenants' associations affiliated to a national federation with a territorial scope of operation encompassing the real estate unit at issue;

(3) Others, which have a substantial interest in the proposal.

If the proposal affects a land in joint ownership for which a board or other organization was appointed for its management, the information may be sent to a board member or the manager. In case that no board or no manager has been appointed, the information may be sent to one of the joint owners who shall keep the information available to all the other joint owners.

A notice pursuant to the first subsection is not necessary if a large number of people are involved and if the expenses incurred and inconveniences caused by such service cannot be justified with regard to the purpose of the information. Information pursuant to the first subsection shall, however, always be sent to owners of land and holders of special rights to land within the ambit of Section 24 subsection 1 paragraph (3). The same applies to those who have been directed pursuant to Section 28a. (Law 1991:604)

Section 26. During the exhibition period, the plan proposal shall be accompanied by

(1) the planning description and the implementation report;

(2) The consultation report;

(3) Program for the plan, environmental impact report, base map and real estate list, if such documents have been prepared;

(4) Other planning material, which the municipality considers relevant to an assessment of the proposal.

The planning description shall give an account of the planning situation, the purpose of the plan and the reasons for the design of the plan as well as considerations leading to the extent of the demand for a building permit within the plan area. Illustrative material shall be annexed to the planning description unless such material is clearly unnecessary. If the plan proposal differs from the comprehensive plan, the derogation and the reasons why shall be specified in the planning description.

Other available material illustrating the substance of the proposal should also be exhibited. (Law 1994:852)

Section 27. After the exhibition period, the municipality shall compile the statements, which have been submitted in writing during that period and describe the proposals made by the municipality in response to these statements in an opinion, and annex it to the case-documents.

The opinion, or information of where the opinion is made available, shall be sent as soon as possible to those who have not gotten their demands attended. If a large number of people must be informed, the municipality may instead inform them by public notice pursuant to Section 24, or by notice on the municipality's bulletin board, newsletter or the notice circulated to residents affected by the proposal for detailed development plan and letter to affected parties and organizations or associations within the purview of Section 25 subsection 1 paragraph (2) which have not gotten their demands attended.

If the proposal is substantially amended after the exhibition, a new exhibition must take place. (Law 1989:1049)

Section 28. Differing from the provisions of Sections 18 and 20, Section 21 subsection 2, and Sections 22--27, the provisions of subsection 2 may be applied (simple planning procedure), if the proposal for detailed development plan is of limited importance, is of no interest to the public and is compatible with the comprehensive plan as well as with the County Administrative Board's review statement pursuant to Chapter 4, Section 9.

During simple planning procedure the County Administrative Board and those property owners set forth in Section 25 subsection 1, shall be given the opportunity to consultation. As soon as the proposal for detailed development plan is available, they shall be informed of the proposal and, if they do not accept the proposal, they shall have the opportunity for a period of at least two weeks to submit their statements in writing. This period may be reduced if all the parties affected agree. The statements submitted and the proposals in

response to these statements shall be compiled in an opinion annex to the case-documents.

Section 28a. Prior to the adoption of a detailed development plan, the municipality may direct those, who on account of the adoption may experience damage falling within the ambit of Chapter 14, Section 8 subsection 1 paragraph (2) or (3), to notify the municipality within a fixed time of at least two months of their claims for compensation or redemption. A specification of the provisions, which the municipality intends to adopt, amend or annul, shall accompany such an injunction. Those who fail to notify their claims within the time fixed forfeit their right to compensation or redemption.

The provision contained in the first subsection does not preclude claims for compensation or redemption on account of a damage that could reasonably not have been anticipated within the fixed time. (Law 1991:604)

Section 29. The Municipal Council adopts detailed development plans. The council may pass to the Municipal Executive Board or to the Building Committee the right to adopt plans that are not of fundamental character or otherwise of greater importance.

Section 30. At the latest one day after the display of the approval of the minutes of the decision to adopt the detailed development plan on the municipality's notice board, the municipality shall send by post information about the announcement, the extract of the minutes of the decision and the details about conditions of appeal against the decision to:

(1) the County Administrative Board and regional planning bodies as well as municipalities which are affected by the plan;

(2) The affected parties, co-operative tenant owners, tenants and residents as well as those organizations or associations specified in Section 25 subsection 1 paragraph (2) which at the latest during the exhibition period or during the period specified in Section 28 subsection 2 have submitted written statements with demands which the municipality has not met, or which have a right to appeal by virtue of Chapter 13, Section 5 subsection 2 sentence 1.

If a large number of persons is to be informed in accordance with the first subsection, paragraph (2), and this should involve greater cost and inconvenience than is warranted for the purpose of notifying each of them, notification may be given instead by a public notice on the municipality's bulletin board as referred to in Section 24, by newsletters to the residents concerned, and by mail to affected parties and organization or association specified in paragraph (2) of the first subsection. However, notification shall always be according to the first subsection in case of owners of land and holders of special rights to land, which may be appropriated

under Chapter 6, Section 17--19. The same applies to those who have been directed pursuant to Section 28a.

A notice served according to subsection two shall specify the matter decided by the decision, the date for display on the municipality's notice board and the details about conditions of appeal against the decision. If the notice is advertised in a local newspaper, it must be published the same day as the display on the bulletin board. (Law 1991:604)

Section 31. Once the decision to adopt a detailed development plan has come into force, a notice shall be served on those who, as a result of the decision, may be entitled to compensation pursuant to Chapter 14, Section 5 or 8. The notice shall also include information about the contents of Chapter 15, Section 4.

The municipality may decide whether the notice shall be served by mail or by a public notice in accordance with Section 24.

The municipality shall make an entry on the plan documents stating the date when the plan came into force. If an injunction was issued pursuant to Chapter 13, Section 8 subsection 2, the entry shall also state the date upon which the injunction was issued. Once the decision to adopt the detailed development plan comes into force, the municipality shall transmit one copy of the plan, the plan report, the implementation report and the real estate list to the County Administrative Board, the Cadastral Authority as soon as possible, unless this is clearly unnecessary.

If the documents cannot be delivered to the authorities within two weeks from the date upon which the plan comes into force, the authorities shall immediately be informed about the contents of the documents. (Law 1995:1415)

Section 32. The provisions of Sections 18--31 shall also apply when a detailed development plan is amended or annulled.

Section 33. The provisions of Section 19 on a real estate list and the provisions of Sections 20--31 shall apply to the adoption, amendment and revocation of area regulations.

Section 34. A decision to adopt, amend or annul a detailed development plan or area regulations is not valid until it comes into force or a injunction is issued pursuant to Chapter 13, Section 8 subsection 2.

Section 35. Area regulations for a specific area are terminated when the decision to adopt a detailed development plan covering the same area comes into force or may be implemented due to an injunction issued pursuant to Chapter 13, Section 8 subsection 2.

Section 36. From Chapter 8, Sections 11, 12, 16 and 18, it follows that a building permit, a demolition permit and a site improvement permit may not be granted in contravention of a detailed

development plan or area regulations unless otherwise stated in the plans.

Measures which do not require a permit and which concern buildings, other constructions, sites and public spaces shall be implemented in compliance with a detailed development plan or area regulations. This provision, however, does not apply to measures specified in Chapter 8, Section 4 subsection 1, provided they do not require a permit.

Subject to special provisions, decisions under other statutes than this Act may not be rendered in contravention of a detailed development plan or area regulations. (Law 1994:852)

EC Chapter 5. Environmental Quality Standards and Environmental Quality Administration

Provisions Concerning Environmental Quality

Section 1. The Government may issue rules with respect to certain geographical areas or to the country as a whole concerning the quality of land, water, air or the environment in general if this is necessary in order to provide lasting protection for human health or the environment or to remedy adverse effects on human health or the environment (environmental quality standards).

The Government may instruct a public authority to issue environmental quality standards arising out of Sweden's membership of the European Union.

Matters to be specified in Environmental Quality Standards

Section 2. Environmental quality standards shall specify

1. The levels of pollution or disturbance to which the population may be exposed without any risk of significant detriment or to which the environment or nature may be exposed without any risk of substantial detriment and that must be complied with after a specified date or during one or several periods of time,
2. The levels of pollution or disturbance that must be pursued or aimed to achieve after a specified date or during one or several periods of time,
3. The maximum or minimum occurrence in surface water and groundwater of organisms that can serve as indicators of the state of the environment, or
4. Any other demand of environmental quality arising out of Sweden's membership of the European Union.

Environmental quality standards shall be reviewed whenever necessary. (Law 2003:890)

Compliance with Environmental Quality Standards

Section 3. Public authorities and municipalities shall ensure compliance with the environmental quality standards that are adopted pursuant to section 1 in connection with:

- Decisions concerning permissibility, permits, approvals, exemptions and notifications,
- Supervision; or
- The issuance of rules.

Municipalities and public authorities shall comply with environmental quality standards in conjunction with planning.

Action Program

Section 4. The Government or the authority appointed by the Government shall establish a proposal for an action program if this is necessary for compliance with an environmental quality standard.

In the event of failure to comply with an environmental quality standard for a geographical area because the environment is affected by an activity pursued outside the area, an action program shall be established for the whole of the area in which there occur disturbances that affect the possibility of compliance with the standard.

Consultations should be initiated by advertisement in local papers or by other means and authorities, municipalities, organizations, operators, the public and others affected by the action program may give their opinions during at least two months.

A consultation report shall be compiled after consultation referred to in the third paragraph, presenting the opinions and how they have been taken into account.

The consultation report shall be annexed to the case-documents. (Law 2003:890)

Section 5. The Government shall adopt an action program pursuant to section 4 or the authority or municipality appointed by the Government. If necessary, the Government may appoint several authorities or municipalities responsible for adoption.

The municipal council shall adopt an action program that is established by a municipality.

For the purposes of this section, 'municipalities' shall include associations of municipalities. (Law 2003:890)

Section 6. An action program may relate to any activities or measures that may affect the possibility to comply with environmental quality standards.

An action program shall specify:

1. The environmental quality standard that is to be complied with;
2. The measures needed to be taken by authorities and municipalities to ensure compliance with the environmental quality standard, the authorities and municipalities, which need to undertake the specified measures and the time limits by which, the measures are to be completed,
3. Any other information arising out of Sweden's membership of the European Union.

An action program shall include an analysis of the impacts from public and private view.

Action program shall be reviewed whenever necessary, and at least once every six years. (Law 2003:890)

Section 7. The Government may provide that the Government shall examine certain action program.

The Government may issue further rules concerning establishing an action program, what such a program should contain and how consultations should be carried out. (Law 2003:890)

Section 8. Authorities or municipalities shall within their jurisdiction take measures according to action program adopted pursuant to section 5. (Law 2003:890)

Checks

Section 9. In connection with the issuance of the rules referred to in section 1 the Government shall also decide who shall need to check compliance with an environmental quality standard.

The Government or the authority appointed by the Government may issue rules concerning measuring and other methods to check compliance with an environmental quality standard and the presentation of results. (Law 2002:175)

Ordinance (2001:527) on Environmental Quality Standards on Ambient Air ¹

General Provisions

Section 1. This Ordinance contains provisions with respect to environmental quality standards on ambient air subject to Chapter 5 of the Environmental Code.

Section 2. For the purposes of this Ordinance, the terms 'environmental quality standard' and 'action program' shall be understood and applied as defined in Chapter 5 of the Environmental Code.

Section 3. For the purposes of this Ordinance 'ambient air' shall mean outdoor air in the troposphere, excluding work places, road tunnels and metro tunnels;

'Major city' shall mean a zone with a population concentration in excess of 250 000 inhabitants or, where the population concentration is 250 000 inhabitants or less, a population density per km² which justifies the need for ambient air quality to be assessed and guaranteed;

'PM 10' shall mean particulate matter which passes through a size-selective inlet with a 50 % efficiency cut-off at 10 µm aerodynamic diameter; and

'Margin of tolerance' shall mean the percentage of the environmental quality standard by which this standard may be exceeded, prior to the date upon which it must be accomplished, without initiating an action program with the aim to reduce pollution.

Environmental Quality Standards

Nitrogen Dioxide and Oxides of Nitrogen

Section 4. To protect human health, after 31 December 2005 the concentration of nitrogen dioxide in ambient air must not exceed (1) an average of 90-µg/m³ ambient air during one hour (hourly average value),

(2) An average of 60 µg/m³ ambient air during 24 hours (daily average value), and

¹ Publishers note: Annex 1 and 2 are omitted.

(3) An average of 40- $\mu\text{g}/\text{m}^3$ ambient air during one calendar year (annual average value).

The average value laid down in subsection 1 paragraph (1) may be exceeded 175 times per calendar year (98-percentile) on condition that the level of pollution never exceeds 200 $\mu\text{g}/\text{m}^3$ ambient air during one hour more than 18 times per calendar year (99.8-percentile).

The average value laid down in subsection 1 paragraph (2) may be exceeded 7 times per calendar year (98-percentile).

Section 5. Notwithstanding the provisions of Section 4, the concentration of oxides of nitrogen in ambient air must not exceed an average of 30 $\mu\text{g}/\text{m}^3$ ambient air during one calendar year (annual average value) within areas located more than 20 km from major cities or more than 5 km from other built-up areas, industrial installations or motorways.

Sulphur Dioxide

Section 6. To protect human health, the concentration of sulphur dioxide in ambient air must not exceed

(1) an average of 200 $\mu\text{g}/\text{m}^3$ ambient air during one hour (hourly average value) and

(2) An average of 100- $\mu\text{g}/\text{m}^3$ ambient air during 24 hours (daily average value).

The average value laid down in subsection 1 paragraph (1) may be exceeded 175 times per calendar year (98-percentile) on condition that the level of pollution never exceeds 350 $\mu\text{g}/\text{m}^3$ ambient air during one hour more than 24 times per calendar year (99.7-percentile).

The average value laid down in subsection 1 paragraph (2) may be exceeded 7 times per calendar year (98-percentile) on condition that the level of pollution never exceeds 125 $\mu\text{g}/\text{m}^3$ ambient air more than 3 times per calendar year (99-percentile).

Section 7. Notwithstanding the provisions of Section 6, within areas located more than 20 km from major cities or more than 5 km from other built-up areas, industrial installations or motorways, the concentration of sulphur dioxide in ambient air must not exceed

(1) an average of 20 $\mu\text{g}/\text{m}^3$ ambient air during the period beginning on 31 October and ending on 31 March (winter average value), and

(2) An average of 20- $\mu\text{g}/\text{m}^3$ ambient air during one calendar year (annual average value).

Carbon oxide

Section 7 a. To protect human health, after 1 January 2005 the concentration of carbon oxide in ambient air must not exceed an average of 10 mg/m³ during 24 hours.

The average value shall be calculated as follows. An eight-hour average is calculated for every hour. Every eight-hour average is decided as the average of the measured values from the previous eight hours. The daily average value is the highest of these 24 eight hour average values. The first of the eight hour average values covers the period between 5 pm the previous day until 1 am the immediate day and the last eight hour average value covers the period between 4 pm and midnight the immediate day. Ordinance (2003:112)

Lead

Section 8. To protect human health, the concentration of lead in ambient air must not exceed an average of 0.5-µg/m³ ambient air during one calendar year (annual average value).

Bensen

Section 8 a. To protect human health, after 1 January 2010 the concentration of bensen in ambient air must not exceed an average of 5 µg/m³ during one calendar year (annual average value). Ordinance (2003:112)

Particulate Matter (PM 10)

Section 9. To protect human health, after 31 December 2004 the concentration of particulate matter in ambient air must not exceed (1) an average of 50 µg/m³ ambient air during 24 hours (daily average value), and

(2) An average of 40-µg/m³ ambient air during one calendar year (annual average value).

The average value laid down in subsection 1 paragraph (1) may be exceeded 35 times per calendar year (90-percentile).

Checking of Levels of Pollution

Section 10. A municipality is obliged to supervise the compliance with the environmental quality standards laid down in Sections 4--9 within its territorial jurisdiction. In this respect, two or more municipalities may co-operate in their supervisory duty. With regard to the environmental quality standards laid down in Sections 4, 7 a, 8 a and 9, respectively, the municipality's obligation to check the level of pollution is effective before the environmental quality standards come into force.

The supervision shall be implemented by way of measurements, by way of calculations or by way of the employment of objective-estimation techniques. Ordinance (2003:112)

Section 11. Within major cities, the supervision of compliance with the environmental quality standards laid down in Sections 4, 6 and 7 a -- 9 must be implemented by measurements. In other areas, the supervision must be implemented by measurements as soon as there is reasonable cause to assume that an environmental quality standard may be exceeded. Measurements may be supplemented by calculations to obtain necessary information about the air quality. Ordinance (2003:112)

Section 12. If earlier measurements or calculations, which have been established as representative of earlier averaging periods when supervision was carried out pursuant to Sections 10 and 11, substantiate that the level of the concentration during that period (1) exceeds the upper assessment threshold laid down in Annex I, the supervision must be implemented by measurements that may be supplemented by calculations;

(2) Falls below the upper assessment threshold laid down in Annex I, the supervision may be implemented by way of a combination of measurements and calculations;

(3) Falls below the lower assessment threshold laid down in Annex I, the supervision may be implemented by way of calculations alone, or by way of the employment of objective-estimation techniques.

The provisions of first subsection paragraph (3) shall not apply for nitrogen dioxide and sulphur dioxide within major cities.

Section 13. The Swedish Environmental Protection Agency may give further rules on measuring methods, calculation models, and methods of evaluation, presentation of measurement results and the approval of measuring equipment.

Section 14. If a municipality, on the basis of checking measures carried out pursuant to Sections 10-13, establishes that there is reasonable cause to assume that an environmental quality standard with any margin of tolerance detailed in Annex II will be exceeded, the municipality shall immediately inform the Swedish Environmental Protection Agency and county administrative boards concerned.

Action Program

Section 15. When informed in accordance with Section 14, the Swedish Environmental Protection Agency shall investigate whether Chapter 5, Section 5 of the Environmental Code, requires an action program. If the Swedish Environmental Protection Agency determines that an action program is required, the agency shall submit a report to the Government, suggesting that such a program

should be prepared and indicating the body that should prepare the program.

Section 16. An authority or municipality that pursuant to the provisions of 5 Chapter 5, Section 5 of the Environmental Code has prepared an action program shall submit a copy of the program to the Swedish Environmental Protection Agency and further authorities and municipalities concerned.

Information on Levels of Pollution

Section 17. The municipalities shall ensure that up-to-date information on ambient concentrations of nitrogen dioxide and oxides of nitrogen, sulphur dioxide, carbon oxide, lead and particulate matter, is made available in a suitable manner. The information shall always indicate any exceeding of the environmental quality standards and significantly high levels of pollution pursuant to Section 18 as well as providing the municipality's assessment in relation to exceeding and appropriate information regarding potential effects on health.

The information pursuant to the first subsection must be updated every 24 hours. This covers the items of information that the municipalities has available from the monitoring pursuant to Sections 10-12. Information on nitrogen dioxide, sulphur dioxide and carbon oxide shall, when possible, be updated once an hour. For lead it is sufficient with an update once every three months. For benzene it is sufficient that information about an annual average is updated every three menthes. When possible, the information about benzene should be updated once a month.

The information shall be made available to the public as well as to others affected or with an interest in the matter. Ordinance (2003:112)

Section 18. When a concentration level is significantly high, a municipality shall immediately inform the public, the Swedish Environmental Protection Agency and the county administrative boards concerned. This applies when the concentration level, in an area that is representative of air quality and is at least 100 km² or in a major city, measured over three consecutive hours, exceeds

- (1) an average of 350 µg sulphur dioxide per m³ ambient air; or
- (2) an average of 400 µg nitrogen dioxide per m³ ambient air.

Section 19. The information provided in accordance with Section 18 must be made available to the public by means of press, broadcast media or some other appropriate media. The information must contain the following items:

- (1) the date, time and location of the exceedance and, if established, the reason for the exceedance;
- (2) Any predicted change in the concentration;

- (3) A forecast about what geographic areas that are concerned;
- (4) A forecast of the duration of the exceedance;
- (5) The details on the categories of population that are affected; and
- (6) Details of appropriate measures for the protection of the categories affected.

Reporting to the European Commission

Section 20. The Swedish Environmental Protection Agency has the responsibility to submit reports to the Commission of the European Union under Articles 10 and 11, point 1, of Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management, and under Articles 3, 5 and 7 of the Council Directive 1999/30/EC of 22 April 1999 on limit values for sulphur dioxide, oxides of nitrogen and nitrogen dioxide, particulate matter and lead in ambient air and under the article 5.6 of European Parliament and Council Directive 2000/69/EC of 16 November 2000 on limit values for benzene and carbon oxide in ambient air. The reporting shall be based on the zoning determined by the Swedish Environmental Protection Agency. Ordinance (2003:112)

Transitional Provisions

2001:527

This Ordinance comes into force on 19 July 2001 at which date the Ordinance (1998:897) on Environmental Quality Standards is repealed.

2003:432

This Ordinance comes into force on 1 jai 2003 but is applied from 1 June 2003.

EC Chapter 6 (partly)

1. This Act will come into force on 21 July 2004.
2. With regard to plans and program where the formal preparation was started before 21 July 2004 the new provisions in Chapter 6, Sections 11-18 and 22 will apply only if the plan or program is adopted or submitted for regulation after 21 July 2006.

Environmental assessment and environmental impact report for plans and program

Section 12. When an authority or a municipality is preparing or amending a plan or program, which is required by law or other statutes, the authority or municipality shall make an environmental

assessment of the plan, program or amendment, if the implementation is likely to have a significant environmental effect.

The purpose of the environmental assessment is to integrate environmental aspects into the plan or program in order to promote a sustainable development.

The Government may issue provisions about the kind of plans and program that always are likely to have a significant environmental effect and about exceptions from the requirement for environmental assessment. The Government may also issue provisions about consultation in connection with the assessment whether a plan, program or amendment is likely to have a significant environmental effect.

Section 12. Within the framework of the environmental assessment in accordance with Section 11 the authority or the municipality shall prepare an environmental impact report where the significant environmental impact that the implementation of the plan or program is likely to have is identified, described and assessed. Reasonable alternatives with regard to the purpose and geographical extent of the plan or program shall also be identified, described and assessed.

The environmental impact report shall contain

1. A summary of the contents of the plan or program, its main purpose and connection to other relevant plans and program,
2. A description of the environmental conditions and the probable development of the environment if the plan, program or amendment is not implemented,
3. A description of the environmental conditions in the areas that is likely to be significantly affected,
4. A description of the relevant present environmental problems that are related to such a nature area that is referred to in Chapter 7 or to another area of particular importance for the environment,
5. A description of how the relevant environmental goals and other environmental consideration are taken into account in the plan or program,
6. A description of the significant environmental effect that is likely to occur with regard to biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, landscape, buildings, ancient monuments and cultural assets and other parts of the cultural heritage as well as the interrelationship between these environmental aspects,
7. A description of measures planned to prevent hinder or counter act significant adverse environmental effects,

8. A statement summing up how the assessment was done, the reasons for choices made on different alternatives and any problems in connection with assembling the information,

9. An account for measures planned for follow-up and monitoring of the significant environmental effects that the implementation of the plan or program may have, and

10. A non-technical summary of the information referred to in 1-9.

Section 13. An environmental impact report in accordance with Section 12 shall contain information that is reasonable with regard to

1. Methods of assessment and current knowledge,

2. The contents and the level of detail in the plan or program,

3. The interests of the public, and

4. That certain issues can be better assessed in connection with the examination of other plans and program or of development consent for operations or measures.

Before an authority or a municipality decides on the extent and the level of detail of the environmental impact report, the authority or the municipality shall consult with municipalities and county administrative boards concerned by the plan or program. For plans and program on a national level consultation shall instead be held with the Environmental Protection Agency and other central administrative authorities concerned.

Section 14. The authority or municipality that has prepared an environmental impact report in accordance with Section 12 shall make it and the plan or program available for municipalities and authorities concerned and the public. They shall be allowed a reasonable time for opinions.

Section 15. If an environmental impact report in accordance with Section 12 relates to a plan or program where the implementation is likely to have a significant environmental effect in another country, the authority designated by the Government shall send the report and the proposed plan or program to the state concerned. Such information shall also be given if another state that is likely to be exposed to a significant environmental effect so requests.

If the state concerned so requests, consultation shall be held about the transponder environmental effects that the implementation of the plan or program is likely to have and the measures planned to prevent, hinder or counter act significant adverse environmental effects.

Section 16. If an environmental assessment is required according to Section 11, the environmental impact report referred to in Section 12 and opinions from consultations according to Section 14 and 15

must be taken into consideration before the plan or program is adopted or submitted for regulation. When the plan or program has been adopted the deciding authority or municipality shall in a specific compilation state

1. how the environmental aspects have been integrated into the plan or program,
2. how the environmental impact report and opinions have been taken into account,
3. the reasons for adopting the plan or program instead of the alternatives that was under consideration, and
4. the measures meant to be taken for follow-up and monitoring of the significant environmental impacts that the implementation of the plan or programmed will have.

The compilation and the plan or program shall be made available for those consulted in accordance with Section 14 and 15. They shall also be informed that the plan or program has been adopted.

Section 17. The Government may issue provisions on how consultation and information referred to in Section 14 – 16 shall be done.

Section 18. When a plan or program has been adopted the deciding authority or municipality shall gather information about the significant environmental impacts that the implementation of the plan or program has in reality. This shall be done to inform the authority or municipality at an early stage of such significant environmental impacts that have not been previously identified so that suitable remedial measures can be taken.

Co-ordination

Section 22. Authorities and municipalities shall strive to co-ordinate the work with the assessments and descriptions made in accordance to the provisions of this chapter.

PBA Chapter 6. Implementation of Plans

Implementation description

Section 1. When the proposal for a detailed development plan is drafted, a separate document (an implementation description) shall describe the organizational, technical and financial measures as well as the actions under real estate law, which are required for a co-ordinate and in other respects appropriate implementation of the plan.

Joint Land Development

Section 2. The municipality may decide that joint land development, in accordance with the Act (1987:11) on Joint Land Development, may be permitted if it is important that the preparation of sites and constructions needed for the buildings is carried out in a co-ordinate way. Provisions in a detailed development plan or area regulations give such a decision.

The decision shall specify the principal delimitation of the joint development area and the period within which a decision according to the Act on Joint Land Development shall be notified. This period shall be maximum of five years from the day upon which the decision to adopt the plan or the area regulations comes into force or from that earlier date upon which a part of the plan or the area regulations may be implemented in accordance with a injunction under Chapter 13, Section 8 subsection 2. If no decision on joint land development is rendered within the fixed time, the provision in the plan or area regulations on joint development ceases to be valid.

Property Regulation Plan

Section 3. For an area covered by a detailed development plan a property regulation plan may contain provisions on the division of land into real estate units and on easements, public utility easements, similar special rights as well as joint facilities.

The adoption of a property regulation plan is mandatory if

- (1) it is necessary for the implementation of a purposeful real estate division,
- (2) it otherwise facilitates the implementation of the detailed development plan,
- (3) a property owner so demands and the plan is not obviously unnecessary.

Section 4. A property regulation plan shall cover a suitably delimited area. Reasonable consideration shall be given to existing buildings, ownership rights and real estate units, which can affect the implementation of the plan.

If the plan shall regulate the division of the land into real estate units or if it shall contain provisions on easements and similar special rights, then Chapter 3, Section 1 of the Real Estate Formation Act (1970:988) shall be applied.

If the plan shall regulate the establishment of a joint facility, then Sections 5 and 6 of the Act (1973:1149) on Joint Facilities shall be applied. If the plan shall regulate public utility easement, then Section 6 of the Act (1973:1144) on Utility Easements shall be applied.

Section 5. A property regulation plan may not contravene the detailed development plan. Minor deviations from the plan can be tolerated if they are not contrary to the purpose of the plan. In such cases it will be assumed that the detailed development plan is designed in accordance with the property regulation plan.

Section 6. If required for the realization of the purpose of a property regulation plan, the plan shall specify

- (1) the division of the area into real estate units,
- (2) the easements, public utility easements and similar special rights that are going to be established, amended or annulled,
- (3) the constructions, which are to be joint facilities,
- (4) the real estate units, which shall participate in the joint facilities and the areas, occupied by these facilities.

Section 7. The property regulation plan may stipulate that the plan is only valid when the decision to adopt the detailed development plan has come into force or may be implemented due to an injunction issued under Chapter 13, Section 8 subsection 2.

Section 8. A property regulation plan consists of a plan map and a separate document containing the regulations. The plan may, however, consist of either one of these documents or one single document containing both the plan map and the regulations, provided the contents of the plan is obvious. (Law 1989:1049)

Section 9. The property regulation plan shall be accompanied by a plan report prepared in accordance with Section 12. If a property regulation plan consists of one single document, the planning description may be included in that document. (Law 1989:1049)

Section 10. Prior to the expiry of the implementation period of the detailed development plan, the property regulation plan may not be amended or annulled contrary to the wishes of the property owners affected, unless this is required as a result of new conditions of great public importance, which could not possibly have been foreseen when the plan was prepared.

When the implementation period of the detailed development plan has expired, the property regulation plan may be amended or annulled without regard to rights derived from that plan.

Section 11. If a property regulation plan, due to an amendment of the detailed development plan, is completely or partially in conflict with that plan, the property regulation plan shall cease to be valid in the concerned parts. If a detailed development plan is completely or partially annulled, the property regulation plan shall cease to be valid in the concerned parts where the detailed development plan is annulled.

Section 12. The provisions of Chapter 5, Sections 18--28 and 30 shall apply to the preparation of a property regulation plan. If a property regulation plan is not prepared at the same time as the detailed development plan, consultations are however not required with the County Administrative Board or with municipalities which are affected by the plan proposal. Nor is it necessary to send the plan proposal to those public bodies.

The plan report shall specify the detailed development plan under which the provisions of the property regulation plan operate, and the reasons for the choice of design of the latter plan. If the plan proposal deviates from the detailed development plan, the plan report shall note the deviations and their reasons. (Law 1989:1049)

Section 13. The property regulation are adopted by the Building Committee or, if the plan was prepared at the same time as the detailed development plan, by the same body that adopts the detailed development plan.

The municipality shall note on the plan documents the date when the decision to adopt the plan came into force. If an injunction was issued under Chapter 13, Section 8 subsection 2, the note shall also state the date when that injunction was issued. Once the decision to adopt a property regulation plan comes into force, the municipality shall send one copy of the plan, the plan report and the real estate list to the Cadastral Authority as soon as possible, unless this is clearly unnecessary.

If the documents cannot be delivered to the Cadastral Authority within two weeks from the date upon which the plan comes into force, the authority shall immediately be informed about the contents of the documents.

Where the detailed development plan, in accordance with Section 5, is assumed to have the same frame as the property regulation plan, the municipality shall note on the detailed development plan the deviations and send one copy of the detailed development plan and the documents specified in subsection 2 to the County Administrative Board or notify the Board about the contents. (Law 1996:1315)

Section 14. The provisions contained in Sections 3--9, 12 and 13 also apply when a property regulation plan is amended or annulled.

Section 15. A decision to adopt, amend or annul a property regulation plan is valid when it comes into force or may be implementation due to an injunction issued under Chapter 13, Section 8 subsection 2. However, if a decision to adopt, amend or annul a property regulation plan was reached by using a simplified planning procedure, and a real estate owner whose property is covered by the property regulation plan requests that the decision is implemented prior to its entry into force, and every one affected by

the decision has given a written consent to the plan proposal, the Building Committee may grant that request. (Law 1991:604)

Section 16. From Chapter 8, Section 11 follows that a building permit may not be issued in contravention of a property regulation plan to a greater extent than is permitted under that section.

Measures carried out on buildings, other constructions, sites and public spaces, which do not require a building permit, may not be inconsistent with a property regulation plan. This provision, however, does not apply to measures under Chapter 8, Section 4 subsection 1 paragraph (3)--(6).

Subject to special provisions, decisions under other statutes than this Act may not be rendered in contravention of a property regulation plan. (Law 1987:246)

Appropriation of Land, etc.

Section 17. The municipality may acquire land that according to a detailed development plan shall be used for public spaces for which the municipality is in charge.

The municipality may acquire land that according to the plan shall be used for purposes other than private building and where the achievement of these purposes is not otherwise sufficiently safeguarded.

If special rights cover land that the municipality may acquire in accordance with the first or second subsection, the municipality may acquire the rights.

Chapter 14 contains provisions on the municipality's duty to acquire land in certain cases.

Section 18. If the municipality shall not be in charge of public spaces, the owner of undeveloped land that according to the detailed development plan shall be used as public space is obliged to surrender that land without compensation, if the land is needed to make purposeful use of development districts that belonged to the said owner.

Section 19. The County Administrative Board may, at the municipality's request, direct that land needed for a purposeful use of that area in accordance to a proposed detailed development plan and intended for public places where the municipality is in charge or for public buildings, shall be made available to the municipality without compensation to the owner. At the municipality's request the County Administrative Board may also direct that land intended for public space where the municipality is not in charge, shall be made available without compensation to the body in charge. The adoption of the detailed development plan shall be delayed until the decision on the request has come into force.

The injunction may only be rendered when it is justified by the benefits, which the landowner can expect to derive from the plan and other relevant circumstances.

The injunction shall specify the position and boundaries of the land. The surrender or concession of the land shall take place when the intended purpose requires it.

If a detailed development plan is amended, the County Administrative Board may on the request of the municipality direct that land, which has been or should be surrendered, shall be replaced by other land, provided this measure is appropriate and does not cause the landowner inconvenience.

Section 20. When an issue has been raised concerning the application of Section 19, the municipality shall immediately notify the Cadastral Authority for entry into the Real Estate Register. Transfer of land after such a notification shall not affect the assessment carried out under Section 19 subsection 2. (Law 2000:248)

Section 21. Any one who surrenders land pursuant to Section 19 shall dismortgage it and free it from any other special right. If this cannot be done, the landowner is liable for damage caused the transferee.

Section 22. On the municipality's request, the County Administrative Board may include in a injunction issued under Section 19, if it is reasonable, that the land owner shall finance the construction of streets and roads and of systems for water supply and sewage disposal.

Section 23. The provisions of Sections 19--22 on landowners shall also apply to joint land development properties established under the Act (1987:11) on Joint Land Development.

Section 24. If the municipality is in charge of public spaces, it may after the expiry of the implementation period buy real estate units or parts of real estate units which belong to different owners and which, pursuant to a property regulation plan, shall constitute a single real estate unit.

After the expiry of the implementation period, a municipality in charge of public spaces may also require land that has not been developed in substantial conformity with the detailed development plan. This right to acquire land does not exist however, while there is a valid building permit.

If land referred to in the first and special rights cover second subsection, the municipality may acquire the right (Law 1989:1049)

Section 25. A right to use land in accordance with Section 18 or 19 has priority over any other right to the land, which was established after the adoption of the detailed development plan.

Surrender of certain Public Spaces, etc.

Section 26. The municipality shall be in charge of public spaces within areas covered by detailed development plan, unless there are special reasons against this. Pursuant to Chapter 5, Section 4, the plan must indicate any public spaces where the municipality is not in charge.

The municipality shall, following the completion of development in accordance with the plan, construct streets and other public spaces for which it is in charge, so the spaces can be used in compliance with the intended purpose. The public spaces shall be opened for public use within areas developed in conformity with the plan before the end of the implementation period. In areas where development is carried out in conformity with the plan after the end of the implementation period, the public spaces shall be opened to public use when the development is completed.

Section 27. When streets and other public spaces for which the municipality is in charge are opened, their height, width and general design shall conform to the plan. They shall be designed to fit their purpose and be in conformity with local practice. Minor deviations from the plan can be tolerated if they are not contrary to the purpose of the plan.

Section 28. If someone wishes to develop a real estate before the completion of the street to which the real estate shall have an exit and before the completion of a sewer line serving the property, then the street access and a sewage pipes must be constructed by the developer. The municipality is obliged to make land available for those purposes and owned by the municipality available without compensation.

Section 29. If the State is responsible for maintenance of roads within an area covered by a detailed development plan, then what is specified in Section 26 subsection 2, and Section 27 regarding the municipality's responsibility for streets will apply to the State.

Costs due to a street built in conformity with the plan but to a greater width or a more expensive standard than warranted by traffic, shall nevertheless be borne by the municipality unless the Government determines otherwise.

Section 30. The municipality shall maintain streets and such other places for which the municipality is in charge. This responsibility for maintenance remains even if the detailed development plan for the area is annulled.

Where the State is responsible for maintenance within an area covered by a detailed development plan, the responsibility for maintenance of public roads shall, with the limitations imposed by Section 29, subsection 2, follow the provisions of the Road Act (1971:948).

Provisions on the maintenance of roads and other public spaces, for which a private body is in charge, are contained in the Act (1973:1149) on Joint Facilities. (Law 1997:618)

Street Costs, etc.

Section 31. If a municipality in charge of public spaces, constructs or improves streets and other public spaces, the municipality may determine that the cost shall be borne by owners of real estate units located within the affected area for measures taken in order to satisfy the demands of that area for public spaces and installations linked to them.

The costs shall be apportioned among the real estate units according to reasonable and fair principles.

The municipality decides the boundaries of the affected area, the costs to be apportioned as well as the principles by which this will be done.

Section 32. If the municipality in charge of public spaces constructs or improves a street, the municipality may decide that the construction costs shall be borne by the owners of real estate units located along the street. The municipality may charge each real estate unit with a compensation that corresponds to one half of the cost of the construction work carried out adjacent to the property at issue. The costs for installations, which normally concern a street, may be apportioned in equal amounts between the property owners. The cost of providing cross roads may be apportioned in equal amounts between the owners of the properties located at the street intersections.

If the costs for the construction or improvement of the streets are not the same everywhere, the municipality may decide that the costs shall be apportioned between the property owners according to some other reasonable and fair principles than according to the first subsection.

Section 33. The payment, which pursuant to Section 31 or 32 falls to each real estate unit, shall be adjusted if the costs are unreasonably high or the measures exceed what is considered normal with regard to the permitted use of the real estate.

Section 34. The determination of the payment pursuant to 31 or Section 32 may be based either on the actual costs or on an estimate of the costs based on previous experience of costs incurred by the construction or improvement of streets and other public spaces in a similar design.

Section 35. A property owner's obligation to compensate the municipality for costs, incurred in regard of streets and other public spaces, arises when the construction can be used for its intended purpose.

Payment shall be made on demand. Unsettled amounts carry an interest as of the maturity date; the level of interest is determined pursuant to Section 6 of the Interest on Debts Act (1975:635).

If the amount of compensation is burdensome in relation to the financial viability of the real estate or with regard to other circumstances, the real estate owner may pay by installments, provided there is valid security for the whole amount. The minimum installment is ten percent per annum. Each unsettled installment accumulates interest calculated pursuant to Section 5 of the Interest on Debts Act; the interest period of each individual installment starts at the maturity date of the first installment and finishes at the date upon which each successive installment is paid, or upon the date on which the second subsection shall apply on the obligation to pay interest. If the terms of payment still remain too burdensome to the real estate owner, the terms shall be adjusted.

Once the obligation to pay has arisen, the obligation is binding on a new owner of the real estate unit to the same extent as it is on preceding owners. A new owner is, however, not liable for payments due prior to the new owners possession.

Section 36. Before the municipality decides pursuant to Section 31 or 32 that the costs for the construction of streets and other public spaces shall be paid by the property owners, the municipality shall investigate the issue and prepare a proposal based on the results. Property owners, co-operative tenant owners, tenants and residents who are affected by the proposal, as well as associations and other individuals that have an essential interest in the proposal, shall have an opportunity to consultation.

The purpose of the consultation is to exchange information and viewpoints. During the consultation, the municipality should present the reasons for the proposal, relevant planning material and the most important consequences of the proposal. A consultation report shall be compiled presenting the results of the consultation and proposals in response to the viewpoints given during the consultation.

A proposal concerning payment of costs within the provisions of Section 31 shall be exhibited for at least three weeks after the date upon which a notice to the public was completed in compliance with the provisions on time and procedure specified in Chapter 5, Section 24. In addition, information about the exhibition of the proposal shall be communicated by mail to known real estate owners whose rights are affected by the proposal. However, a notice need not be delivered to those who have given their written approval of the proposal. During the exhibition period the proposal shall be accompanied by the consultation report. Once the exhibition period has expired, the municipality may decide on the matter.

If the proposal results in responsibility to pay compensation pursuant to Section 32, those real estate owners who are affected and who have disapproved of the proposal shall be given an opportunity to express their opinions before any decision is taken. The consultation report shall be annexed to the proposal. (Law 1989:1049)

Section 37. Land in front of a real estate unit located at a square, park or a similar public space, shall be regarded as a street up to a width of five quarters of the maximum building height according to the detailed development plan in force when the street was opened to public use.

Section 38. Provisions on real estate units contained in this chapter shall also apply to land, which is held in joint ownership between several real estate units. By “property owner” is meant the owners of the real estate units which participate in the ownership of the joint ownership property. If the joint ownership property is not meant for building, it shall be regarded as developed when it is used substantially in accordance with the purpose stated. The maximum allowed building height should then be fixed as the average of the maximum building heights that the plan allows the real estate units participating in the joint ownership property.

Determination of Compensation

Section 39. Chapter 4 of the Expropriation Act (1972:719) shall apply to the determination of payment pursuant to Section 17 or 24. The provisions of Chapter 4, Section 3 of the said Act shall apply to the increase in value occurring over a time span beginning at a date ten years prior to the date upon which the action for compulsory purchase was raised.

PBA Chapter 7. Regional Planning

Regional Planning Body

Section 1. If several municipalities are affected by the use of certain land or water areas and these issues require co-ordination, or if the preparation of several municipalities’ comprehensive plans requires co-ordination, and if the co-ordinate examination or preparation cannot be accomplished otherwise, the Government may appoint a regional planning body to be responsible, either for a limited period or until further notice, for the exercise of such work (regional planning). A decision to appoint a regional planning body shall specify the body’s principal responsibilities.

The Government may appoint an existing local municipal federation as a regional planning body. The Government may also direct the concerned municipalities to form a special regional planning

federation, which shall function as a regional planning body. The rules on local municipal federations contained in the Act (1991:900) on Local Government shall apply to a special regional planning federation, unless contradictory provisions are given in this chapter.

Special provisions apply to the regional planning incidental to the municipalities belonging to the county of Stockholm. (Law 1997:552)

Section 2. If the affected municipalities are generally opposed to the formation of a regional planning body, the body shall not be formed.

Section 3. A regional planning body shall follow regional issues and shall successively deliver data relevant as a basis to the planning carried out by municipalities and state authorities.

A regional planning body may adopt a regional plan for the entire region or for a part of the region. Sections 4--7 shall then be applied.

A region includes those municipalities on behalf of which the regional planning body has been appointed.

Regional Plan

Section 4. The regional plan shall serve as guidance for decisions on comprehensive plans, detailed development plans and area regulations. The plan may, if it is of importance for the region, indicate fundamental features of the use of land and water areas and recommend principles for the location of buildings and constructions.

The provisions of Chapter 4, Section 1 subsection 3 and Section 2 on planning documents, their frame and on planning description shall apply to the regional plan. However, no report need be delivered on the measures envisaged for the implementation of the plan. (Law 1995:1197)

Section 5. The provisions of Chapter 4, Sections 3--10 regarding consultation, exhibition, public notice, review statement and exhibition opinion shall apply to the processing of a proposal for a regional plan, amending or an annulment of a regional plan, with the exception that the exhibition period shall be at least three months.

Section 6. The council of the local municipal federation or the regional planning federation, which constitutes the regional planning body, shall adopt the regional plan. That council shall also decide on amendments to and annulments of the plan.

Section 7. Within one day after the approval of the minutes of the decision to adopt, amend or annul the regional plan has been posted on a notice board in accordance with the provisions of Chapter 3, Section 28 paragraph (10) of the Act (1991:900) on Local Government, the municipality shall send information about the

notification and an extract of the minutes to those municipalities and county administrative boards which are affected by the plan, as well as to the Government.

Once the decision comes into force, the plan shall be sent to the county administrative boards located within the region and to the National Board of Housing, Building and Planning. (Law 1997:552)

Section 8. The regional plan is valid for a maximum period of six years after the expiry of the period stated in Chapter 12, Section 5 or, if the Government has examined the decision to adopt the plan, six years after the date upon which the Government delivered its decision.

A decision to amend or annul a regional plan is valid from the date indicated in the first subsection. The amended plan is valid during the same period, as the original plan would remain in force.

PBA Chapter 8. Building permits, Demolition Permits and Site Improvement Permits

Measures requiring a Building Permit

General Provisions

Section 1. A building permit is required in order to:

- (1) erect a building;
- (2) make extensions to a building;
- (3) use or adapt buildings either wholly or partly for a purpose essentially incompatible with the purpose for which the building previously has been used or for which a building permit was granted;
- (4) make alterations to buildings, which provide additional dwellings or additional premises for retail, handicraft or industry.

With regard to buildings for farming, forestry or similar enterprises within areas not covered by a detailed development plan, a building permit is required only for measures within the purview of paragraph (3) of the first subsection.

Sections 4 and 10 contain special provisions on single-family and two-family dwellings and on certain buildings intended for the national defense system. Pursuant to Sections 5--7 the municipality may decide to put aside the requirement of a building permit or decide on more extensive requirements. (Law 1994:852)

Section 2. With regard to constructions other than buildings, a building permit is required in order to:

- (1) construct an amusement park, a zoological gardens, a sports ground, a ski slope with ski lifts, a cabin cableway, a camping

ground, a shooting range, a yachting marina, an open-air bath, a motor-racing track or a golf course,

(2) provide a storage area or a supply yard,

(3) construct a tunnel or rock cavities, other than subways or for mining operations,

(4) erect a permanent cistern or other permanent facility for either chemical products, which are injurious to health and environment, or for goods which may cause fires or other kinds of accidents,

(5) erect a radio or mobile communication mast or tower,

(6) erect a wind power station if the turbine diameter is over two meters or if it is placed at a distance less than the height of the station above the ground level from any border or if it is to be fixed to a building,

(7) erect walls or fences,

(8) provide parking outdoor,

(9) provide cemeteries,

(10) make major alterations to any of the items referred to in paragraphs (1)--(9).

A building permit is not required for setting up or erecting or altering a construction referred to in paragraph (4) or (5) of the first subsection, as long as the construction is minor and is designed for the purpose of serving a particular real estate unit. A building permit for measures according to paragraph (8) of the first subsection is not required if no more than one or two single-family dwellings or one two-family dwelling are located on the property and the car park is designed for the exclusive purpose of serving the property, or if the car park is set up pursuant to the Road Act (1971:948) or located on land which according to a detailed development plan intended for streets or roads.

Pursuant to Section 5 and Section 6 subsection 3 paragraph (2) the municipality may decide to put aside the requirement of a building permit or decide on more extensive requirements. Section 10 contains special provisions on certain constructions intended for the national defense system. (Law 1992:1769)

Special Provisions for Areas covered by a Detailed Development Plan

Section 3. In addition to the regulations of the preceding Sections 1 and 2, a building permit is also required within areas covered by a detailed development plan in order to:

(1) repaint buildings or replace facing or roofing material or make any other alterations to buildings which essentially change their external appearance,

- (2) erect or substantially alter a sign or light source facility,
- (3) erect, make extensions to or in other ways make alterations to buildings for farming, forestry or similar matters.

Sections 4 and 10 contain special provisions on single-family or two-family dwellings and on certain buildings intended for the national defense. The municipality may in pursuance of Section 5 decide to put aside the requirements in the first subsection.

Special Provisions for Single-family or Two-family Dwellings

Section 4. The provisions of Sections 1--3 shall not apply with reference to the measures below in regard of single-family or two-family dwellings and their separate outhouses, garages and other minor buildings (accessory buildings):

- (1) to change the color of a building located within an area covered by a detailed development plan, if the character of the building is not essentially altered,
- (2) to use a wall or fence for setting up a sheltered outdoor area next to the dwelling house, if the height of the wall or fence is less than 1.8 meters, does not extend more than 3.0 meters out from the house and does not come closer to the site boundary than 4.5 meters,
- (3) setting up a protecting roof over a sheltered outdoor area as indicated in the second paragraph, or above a terrace, balcony or an entrance, if the protecting roof is not larger than 12.0 square meters and does not come closer to the site boundary than 4.5 meters,
- (4) to erect a maximum of two accessory buildings in the immediate surrounding of the dwelling house, if the total building area of the new buildings does not exceed 10.0 square meters, the height of the building ridge does not exceed 3.0 meters and the buildings do not come closer to the site boundary than 4.5 meters.

Within areas not covered by a detailed development plan, single-family and two-family dwellings and their accessory buildings, walls and fences, not included in assembled dwellings, are exempted from the provisions of Sections 1--2 with regard to the following measures

- (1) to erect minor extension, if the extension does not come closer to the nearest site boundary than 4.5 meters;
- (2) to erect accessory buildings or walls and fences in the immediate vicinity of the dwelling house, if the measure does not come closer to the site boundary than 4.5 meters.

Measures within the purview of paragraphs (2)--(4) of the first subsection or the second subsection that are carried out closer to the site boundary than 4.5 meters does not require a building permit if the affected neighbors allow them.

Subject to Section 6, the municipality may decide that measures within the purview of paragraph (1) of the first subsection or the second subsection shall require a building permit. (Law 1995:1197)

Municipal Decisions on the Extent of Requirements for a Building Permit

Section 5. The municipality may decide in a detailed development plan that measures within the purview of Sections 1--3 require no building permit provided they comply with regulations regarding time and method.

The municipality may decide in area regulations that no building permit is required for the following measures in compliance with the regulations:

- (1) to erect, make extensions to or in any other way alter accessory buildings,
- (2) to make minor extensions,
- (3) *Repealed by (Law 1994:852)*
- (4) to install or alter constructions specified in Section 2,
- (5) to make extensions to or in any other way alter industrial buildings,
- (6) to erect, make extensions to or in any other way alter simple holiday cottages, allotment garden cottages and similar buildings.

Decisions subject to the first and second subsection are not allowed where a building permit is required in order to safeguard the interests of neighbors or public interests.

Within areas with assembled dwellings measures referred to in paragraphs (1) and (2) of the second subsection may not be carried out without a building permit unless affected neighbors have given their consent. (Law 1995:1197)

Section 6. The municipality may decide that within a valuable environment, a building permit shall be required for

- (1) measures referred to in Section 3 subsection 1 paragraph (1) carried out within an area not covered by a detailed development plan,
- (2) repainting of single-family or two-family dwellings and accessory buildings within an area covered by a detailed development plan,
- (3) maintenance of buildings with a special conservation value in accordance with the provisions of Chapter 3, Section 12.

The municipality may decide that a building permit is required for measures referred to in Section 4 subsection 2 paragraph (1) and (2) within a valuable environment or where area regulations have been adopted.

The municipality may also, where special reasons justify it, decide that a building permit is required to:

(1) erect, make extensions to or in other ways alter buildings for farming, forestry or similar matters within areas not covered by a detailed development plan,

(2) set up or substantially alter structures for groundwater catchments referred to in the Environmental Code, Chapter 11, Section 11 paragraph (1).

Provisions decided pursuant to subsections 1--3 shall be contained in a detailed development plan or area regulations.

No provision under subsections 1--2 or subsection 3 paragraphs (2) is allowed on buildings and other constructions falling within the purview of Section 10. (Law 1998:839)

Section 7. The municipality may with area regulations decide that a building permit is required to:

(1) set up or substantially alter light source facilities within areas close to existing or planned constructions for the national defense, state-owned airports, other public airports, nuclear reactors, other nuclear energy constructions or other constructions which require a restricted area or safety area,

(2) set up or substantially alters signs or light source facilities within valuable built areas. (Law 1991:604)

Measures Requiring a Demolition Permit or a Site Improvement Permit

Section 8. A demolition permit is required for the demolition of buildings or parts of buildings within areas covered by a detailed development plan, unless otherwise specified in the plan.

The municipality may with area regulations decide that a demolition permit is required for the demolition of buildings or parts of buildings.

A demolition permit is not required for the demolition of such buildings or parts of buildings, which may be erected without a building permit. The municipality may however decide that a demolition permit shall be required for such measures.

Section 9. If a detailed development plan contains no provisions to the contrary, excavation and filling of sites causing a substantial change of the height level of sites or land for public space requires a site demolition permit. If a certain height level of the ground surface is indicated by the plan, a site improvement permit is however not required for the raising or lowering of the ground surface to that level.

The municipality may decide in a detailed development plan that a site improvement permit is required for the felling of trees or a forestation.

The municipality may decide in area regulations according that a site improvement permit is required for the excavation and filling of sites, for felling of trees or for a forestation, within areas which are intended for building or within areas close to existing or planned constructions for the national defense, state-owned airports, other public airports, nuclear reactors, other nuclear constructions or other constructions requiring a security area or a safety area.

Certain Buildings intended for the National Defense, etc.

Section 10. The provisions on building permit, demolition permit and site improvement permit are not applicable to measures on buildings or other structures designed for the national defense and which are of a secret nature. Such measures shall be preceded by consultations with the County Administrative Board, which, following a suitable procedure, shall inform the municipality about the measures and about the places at which these measures will be carried out.

Prerequisites of Permits

Building Permit

Section 11. Applications for a building permit for measures carried out within an area covered by a detailed development plan shall be approved if:

- (1) the measure complies with the detailed development plan and any property regulation plan covering the area, but the fact that the implementation period for the detailed development plan has not started prevents a building permit,
- (2) the real estate unit and the building or other construction upon which the measure shall be carried out
 - (a) comply with the detailed development plan and with the property regulation plan for the area, or
 - (b) do not comply with these plans but the deviations have been accepted in the issuing of a building permit under this Act or at a property formation according to Chapter 3, Section 2 subsection 1 sentence 2 of the Real Property Formation Act (1970:988), and
- (3) the measure meets the requirements laid down in Chapter 3, Sections 1, 2 and 10--18.

If the real estate does not comply with a property regulation plan in some respect other than specified in the provisions of paragraph (2b) of the first subsection and if the application is received before the expiry of the implementation period of the detailed development plan, the applicant shall be directed to prove within a specified

period that an application has been made for a cadastral procedure to accomplish the property division in accordance with the property regulation plan.

Even if the prerequisites of the first subsection paragraph (2) is not met, a building permit shall be granted for internal alterations of a building within the purview of Section 1 subsection 1 paragraph. (4) and for external alterations of a building within the purview of Section 3 subsection 1 paragraph. (1).

Even if the prerequisites of the first subsection is met, a building permit may be granted for measures on land that according to a detailed development plan is a development district intended for a public purpose, only if that purpose is specified in the plan.

If the detailed development plan lacks provisions on the use of buildings and if the application concerns a residential flat required to meet demands for housing, a building permit may not be granted for measures within the purview of Section 1 subsection 1 paragraph (3).

A building permit may be issued for measures involving minor deviations from the detailed development plan or from the property regulation plan, if the deviations are compatible with the purpose of the plan. In cases where paragraph (2b) of the first subsection and Chapter 17, Section 18a applies, a joint assessment shall be made of the deviating measures applied for as well as the ones previously approved. (Law 1994:852)

Section 12. Applications for a building permit for measures within an area not covered by a detailed development plan shall be granted if the measure:

- (1) meets the requirements of Chapter 2,
- (2) must not be preceded by a detailed development plan to fulfill the requirements of Chapter 5, Section 1,
- (3) does not conflict with area regulations, and
- (4) meets the requirements of Chapter 3, Sections 1, 2 and 10--18.

Applications for a building permit for complementary measures according to Section 13 carried out on a single-family or a two-family dwelling, shall be granted if the measure meets the requirements of the first subsection paragraph (4) and does not conflict with area regulations issued in accordance with Chapter 5, Section 16 paragraph (3) or (4).

The provisions in the second subsection applies also to other buildings than a single-family or a two-family dwelling, if the application relates to measures on buildings within the scope of Section 3 subsection 1 para.1 or to maintenance on buildings within the purview of Chapter 3, Section 12.

A building permit may be granted for measures involving minor deviations from area regulations, if the deviations are compatible with the purpose of the area regulations. (Law 1994:852)

Section 12a. An application for a building permit to carry out measures specified in Section 6 subsection 3 paragraphs. (2) shall be granted if the measure does not involve a risk of damage to existing groundwater catchments or to such catchments included in the municipality's plans. (Law 1991:604)

Section 13. Complementary measure is defined as

- (1) the erection of accessory buildings,
- (2) the erection of minor extensions,
- (3) the performance of measures on buildings specified in Section 3 subsection 1 paragraph. (1),
- (4) the performance of maintenance measures on buildings specified in Chapter 3, Section 12. (Law 1994:852)

Section 14. If an application for a building permit cannot be granted due to Section 11 or 12, a building permit for a temporary measure may be granted if the applicant so demands. Such a permit shall be granted if the temporary measure complies with provisions on temporary use of buildings or land in a detailed development plan.

A permit according to provisions of the first paragraph may grant that a building or other construction is erected, extended or altered and may also authorize a change of the use of a building or a part of a building. The permit shall be valid for a maximum of ten years. On the applicant's request, that time may be extended by a maximum of five years at a time. The total period of validity may not however exceed 20 years.

Section 15. If a building permit for a certain measure has been refused because an expropriation permit was granted, and that permit has ceased to be valid, a renewed request for a building permit for the same measure may not be refused for the same reason until ten years have elapsed from the day upon which the original expropriation permit was granted.

Demolition Permit and Site Improvement Permit

Section 16. An application for a demolition permit shall be granted, unless the building or a part of the building

- (1) is covered by a demolition prohibition in a detailed development plan or area regulations;
- (2) is required for the housing supply; or
- (3) ought to be preserved because of the historical, cultural, environmental or artistic values of the building or the built environment.

Section 17. Repealed (Law 1994:819)

Section 18. An application for a site improvement permit shall be granted if the proposed measure does not

- (1) contravene a detailed development plan or area regulations,
- (2) prevent or obstruct the affected area's use for building,
- (3) result in inconvenience to the use of defense constructions or other constructions specified in Section 9 subsection 3,
- (4) involve disturbances to the environs.

A site improvement permit may be granted for measures involving minor deviations from a detailed development plan or area regulations, if the deviations are compatible with the purpose of the plan or the regulations.

General Provisions

Section 18a. If a decision has been rendered to adopt, amend or annul a detailed development plan, area regulations or a property regulation plan, then a building permit, a demolition permit or a site improvement permit may be granted if the permit is made conditional that the plan or the area regulations come into force. The decision about a permit shall therefore inform that the applicant has no right to commence the measure until the plan decision comes into force. (Law 1991:604)

Processing of Permits*General Provisions*

Section 19. The Building Committee shall examine an application for a building permit, a demolition permit or a site improvement permit.

Applications for a permit shall be made to the committee. An application shall be in writing. However, in regard of minor measures the application may be verbal.

Provisions on the examination of a building permit, a demolition permit or a site improvement permit without application are found in Chapter 10, Section 19 subsection 2.

Section 20. An application must be accompanied by the drawings, specifications and other relevant information needed for the examination.

If the application documents are incomplete, the Building Committee may direct the applicant to remedy the deficiencies within a specified period. If the applicant disregards the injunction, the matter may be decided in its existing condition or the application dismissed.

If the applicant disregards an injunction issued pursuant to Section 11 subsection 2, the matter may be decided in its existing condition.

Injunctions according to the second or precedent subsection shall include information of the legal effects of the disregard of an injunction.

Section 21. Even if a measure on buildings, other constructions or land does not require a permit according to Sections 1—9, the Building Committee shall nonetheless on request examine whether a permit may be granted.

The provisions on permits of this Act shall apply in matters of the first subsection.

Section 22. Prior to granting a permit, the Building Committee shall inform known affected parties and known co-operative tenant owners, tenants and affected residents as well as such known organizations or associations defined in Chapter 5, Section 25 subsection 1 paragraph. (2), and provide an opportunity to give an opinion on the application, if the measure

(1) deviates from a detailed development plan or area regulations; or

(2) will be carried out within an area, which is not covered by a detailed development plan and is neither a complementary measure nor specified in area regulations.

In cases specified in Chapter 5, Section 25 subsection 3 sentence (1) the information may be done giving a public notice pursuant to Chapter 5, Section 24, or by a notice on the municipality's bulletin board, a newsletter containing the notice spread to the residents affected and a letter to property owners and organizations or associations within the purview of Chapter 5, Section 25 subsection 1 paragraph. (2).

An application for a permit may not be decided unless the applicant has been informed of any material submitted by others and was provided an opportunity to comment. The Building Committee may however decide without this taking place if it is obviously unnecessary. (Law 1989:1049)

Section 23. If permission is requested for the expropriation of the building or land for which a permit is sought, or if work is initiated to adopt, amend or annul a detailed development plan, area regulations or a property regulation plan covering the building or land, the Building Committee may postpone its decision on the permit until the expropriation issue has been settled or the planning work has been completed. If the municipality has not completed the planning work within two years from the Building Committee's receipt of the application for a permit, the application shall be dealt with without further delay.

Section 24. Repealed (Law 1994:819).

Section 25. If the Building Committee establishes that there are reasonable grounds for assuming that a measure requiring a permit also requires permission by another authority, the committee shall inform the applicant of this.

Section 26. A decision granting a permit shall specify the permit's period of validity, the conditions attached and other information needed. (Law 1994:852)

Section 27. The Building Committee must immediately inform the applicant on the contents of a decision on the application for a permit. A notice shall also be delivered to such persons, organizations or associations specified in Section 22 subsection 1 that have submitted an opinion, unless obviously unnecessary. If the decision is against anyone's interests, information in the decision shall specify details about appeal against the decision and any different opinions entered into minutes or any one other kind of document.

Notification shall be delivered by service. Service on the applicant may not be done by Section 12 or 15 of the Service Act (1970:428). (Law 1989:1049)

Section 28. When an injunction is issued pursuant to Chapter 12, Section 4, the Building Committee shall immediately submit relevant decisions on permits and tentative approvals the County Administrative Board.

Section 29. Repealed (Law 1994:852).

Section 29a. Repealed (Law 1995:1197).

Section 30. Repealed (Law 1994:852).

Section 31. Repealed (Law 1994:819).

Section 32. A building permit may specify that construction works may not commence until the real estate owner has paid for the construction of streets or other public spaces or has given security for this.

If a building permit or a site improvement permit is granted for a measure, which already has been implemented, the permit may specify obligations to make amendments. The decision shall specify the period within which the amendments must be completed.

Validity of Permits

Section 33. A building permit, a demolition permit or a site improvement permit will cease to be valid, if the measure has not been put into work within two years and completed within five years from the date when the permit was granted.

Provisions on a building permit for temporary measures are contained in Section 14.

Tentative approvals

Section 34. On request, the Building Committee shall render a tentative approval stating if a measure requiring a building permit may be accepted on the intended site.

If the tentative approval is granted, necessary conditions may be issued. The approval is binding if an application for a building permit is done within two years from the date upon which the tentative approval was granted.

If no application for a building permit is made within the period stated in the second subsection, the tentative approval is no longer valid. Information about this must be included in the tentative approval. The applicant shall also be informed that the tentative approval does not give any right to commence the applied measure.

The provisions contained in Sections 19-23 and 25-28 shall apply to tentative approvals.

PBA Chapter 9. Construction Work, Supervision and Control

Section 1. Anyone who on his own account carry out or commissions any one else to carry out construction, demolition or site improvement work (the builder), shall ensure that the work is carried out in compliance with the provisions of this Act and in compliance with directions issued or decisions rendered in pursuance of this Act. The builder shall also ensure that sufficient control and tests are carried out.

Work shall be planned and carried out with consideration so that people and property will be caused no harm and the least possible inconvenience occurs.

When a demolition plan must be prepared, according to Section 4, the demolition shall be done in a way that allows for the various materials to be taken care of separately in pursuance of the plan.
(Law 1995:1197)

Section 2. At least three weeks before the work commences, the builder shall notify the Building Committee (building notification) if the work involves

- (1) the erection or extension of a building;
- (2) measures specified in Chapter 8, Section 2 subsection 1;
- (3) alterations to a building that affect the load-bearing structure or which substantially affect its layout plan;
- (4) the installation or substantial alteration of elevators, fireplaces, flues or ventilation constructions in buildings;

(5) the installation or substantial alteration of facilities for water supply or sewage in buildings or within sites;

(6) the maintenance of buildings of special conservation value covered by protective provisions issued in pursuance of Chapter 5, Section 7 subsection 1 paragraph. (4) or Section 16 paragraph (4).

The work may commence earlier than stated in the previous subsection if the Building Committee so allows.

The building notification ceases to be valid if the work has not commenced within two years from the notification.

The demolition of buildings or parts of buildings which are not accessory buildings, buildings for matters within the scope of Chapter 8, Section 1 subsection 2 or buildings within the scope of Chapter 8, Section 10, shall be notified to the Building Committee (demolition notification).

The provisions in the first, second and third subsections about when a notification is needed, when the work may be commenced and when the notification is no longer valid shall also apply to demolition work. (Law 1997:1198)

Section 2a. If there is reasonable cause to assume that in connection with building measures specified in Section 2 subsection 1 paragraph (3)--(5), there will be demolition material containing waste regulated by special provisions, the Building Committee may decide within one week after the building notification that a demolition plan pursuant to Section 4 must be added. In such cases the provisions of Section 12 subsection 2 shall apply. (Law 1997:1198)

Section 3. A building notification is not required:

(1) for measures applied to one or two-family dwellings and their accessory buildings if they are exempted pursuant to Chapter 8, Section 4 from the requirement of a building permit;

(2) to erect, extend or alter buildings for farming, forestry or similar matters within areas not covered by a detailed development plan;

(3) for measures on constructions specified in Chapter 8, Section 2 subsection 2;

(4) for measures subject to Section 2 subsection 1 paragraph (3)--(5) applied to buildings or sites, which belong to the State or a county council;

(5) for measures, which concern such buildings or other constructions, which are intended for the national defense and which, are of secret nature. (Law 1994:852)

Section 4. Building notifications and demolition notifications shall be in writing. However, for simple measures a verbal notification is sufficient. A description of the type and character of the project shall

be annexed to the notification. A demolition notification shall contain a plan for the handling of the demolition material (demolition plan). In individual cases the Building Committee may decide however that a demolition plan need not be submitted. (Law 1995:1197)

Section 5. If construction measures specified in Section 2 subsection 1 paragraph (1)--(5) require a building notification and the work refers to premises where employees carry out work for an employer and the envisaged use of the spaces is known, the work may not commence until a safety delegate, a safety committee or an organisation representing the employees have been provided an opportunity to make comments on the measures.

If the construction measures refer to temporary staff dwellings for a minimum of ten residents, the work may not commence until the organization representing the employees has been given an opportunity to make comments on the measures. (Law 1994:852)

Section 6. When a building notification has been entered, the Building Committee shall expeditiously stake out the building, extension or construction and mark its height, if this is called for with regard to the site conditions and other circumstances. If the building or construction is located so it depends on the determination of the boundary to a neighbor's real estate unit, the neighbor shall be summoned to the staking out. (Law 1994:852)

Section 7. When a building notification has been entered, the Building Committee shall promptly summon a consultation (building consultations), unless it is clearly unnecessary. The developer, the person who in accordance with Section 13 has been notified as responsible for quality matters and others decided by the committee, shall be summoned to the building consultations. If required, the Swedish Work Environment Authority shall also be summoned. If such insurance for building work is required, which falls within the scope of the Act (1993:320) on Building Defects Insurance, the Building Committee shall provide the insurer an opportunity to attend the consultations.

If the Building Committee finds building consultations unnecessary, the committee shall without undue delay notify the builder of this and at the same time inform the builder in accordance to Section 8 subsection 3.

Building consultations shall always take place if the builder so requests. (Law 2000:770)

Section 8. The building consultations shall address:

- (1) the planning of the works;
- (2) the measures for inspection, supervision and other control measures required to assure that the building or construction will meet the demands of Chapter 3;

(3) the required co-ordination.

Minutes shall be taken of the consultation.

If the Building Committee finds reasons to assume that a project, which does not require a building permit, will require permission from another authority, the committee shall inform the developer on this. (Law 1994:852)

Section 9. During the building consultations or as soon as possible thereafter, the Building Committee shall, unless it is obviously unnecessary, decide on a control plan for the works. The control plan shall specify the control that shall be carried out, the certificates and other documents that shall be produced before the Building Committee as well as the notifications that shall be made to the committee. The control may be carried out through documented self-implemented control, independent experts, or, if justified by special reasons, the Building Committee.

The Building Committee may carry out inspections of the building project as specified in Chapter 16, Section 7 subsection 1 also in other cases than according to the first subsection second sentence.

The Building Committee may in connection with interventions pursuant to Chapter 10, Section 3 decide on amendments to the control plan. (Law 1994:852)

Section 10. When the builder has fulfilled the commitments in the control plan and the Building Committee has established no cause for intervention under Chapter 10, the committee shall issue a certificate verifying these facts (final certificate).

If the Building Committee establishes a lack in the preconditions for a final certificate, the committee shall without undue delay decide to what extent the building may be used before the defects are rectified. (Law 1994:852)

Section 11. The Building Committee's decisions on building consultations and control plan cease to be valid if the building works are not commenced within two years from the day a building notification was made. (Law 1994:852)

Section 12. If insurance for the building works is required subject to the Act (1993:320) on Building Defects Insurance, the work may not commence until proof is produced before the Building Committee verifying insurance. The same applies to notification whether air-raid shelter is required pursuant to Chapter 6, Section 8 of the Act (1994:1720) on Civil Defense.

If a demolition plan is mandatory pursuant to Section 4, demolition works may not commence until the Building Committee has approved the demolition plan. (Law 1995:1197)

Section 13. For measures specified in Section 2 subsection 1, which require building notification and demolitions, which shall comply with a demolition plan, the builder shall appoint a person responsible for quality matters. Different persons may be appointed as responsible for quality matters for separate parts of the building. One of them shall co-ordinate their tasks. The builder shall notify the Building Committee of who is appointed as responsible for quality matters.

The person responsible for quality matters shall make sure that control plans in accordance with Section 9 and demolition plans in accordance with Section 4 are followed and that control measures under Section 8 subsection 1 paragraph. (2) is performed. He shall attend building consultations held pursuant to Section 7 and inspections and other controls. (Law 1995:1197)

Section 14. Only those approved by a body, which was accredited under Section 14 of the Act (1992:1119) on Technical Control (national authorization), may be appointed as responsible for quality matters, or a person who was approved by the Building Committee for performing a special task. (Law 1994:852)

Section 15. If the Building Committee finds that the person appointed as responsible for quality matters has failed to meet the obligations, the committee may decide that another person shall be appointed. If this is the case when national authorization has been granted, the Committee shall report the disqualification to the body granting the national authorization. (Law 1994:852)

PBA Chapter 10. Sanctions and Actions Resulting from Infringements, etc.

Introductory Provisions

Section 1. As soon as the Building Committee establishes a reasonable cause to assume that there has been a violation of this Act or any provision or decision rendered in pursuance of this Act, the committee shall raise the question of sanctions or actions under this chapter.

If a measure requiring a building permit, a demolition permit or a site improvement permit has been carried out without a permit, the Building Committee shall ensure the removal or any other correction, unless a permit is granted afterwards.

Section 2. To any one who demands, the Building Committee shall inform in writing whether a measure has been carried out on a certain building or other construction which gives rise to action pursuant to this chapter.

Prohibition on Continuation of Building Work, etc.

Section 3. The Building Committee may prohibit the continuation of a specific building, demolition or site improvement work that obviously contravenes this Act or any provision or decision rendered in pursuance of this Act. If the Building Committee establishes that a builder has failed to comply with an essential part of a control plan, the committee may also prohibit the continuing of the building until the failure is rectified.

If it is obvious that work or a measure specified in the first subsection endanger the stability of a building or endangers people's life or health, the Building Committee shall prohibit the continuation of the work or measure regardless of whether the prerequisites specified in the first subsection are fulfilled or not.

If the Building Committee establishes that the builder has deviated from a demolition plan in some essential respect, the committee may prohibit the continuation of the demolition until the builder proves there is reasons to assume the plan will be followed.

A prohibition issued under this section may be combined with a fine.

Decisions in accordance with this section come into force immediately. (Law 1995:1197)

Fees

Section 4. If anyone carries out a measure without the required grant of a building permit, demolition permit or site improvement permit, a building fee shall be levied.

The building fee shall be four times the fee, which, according to a tariff set under the provisions of Chapter 11, Section 5, should have been charged in case a permit had been granted for the measure. However, the building fee shall not be less than 500 SEK. If the fee is calculated on the basis of the tariff, there will be no regard to such increased or reduced rates of the standard tariff that are called for by the circumstances of the particular case. In addition, neither expense for drawing up a site map, of staking out the site or for positioning checks of a building nor other survey measures may be considered.

If the violation is minor, the building fee may be determined at an amount, which is lower than the amount determined by the application of the second paragraph, or the fee may be completely waived.

Section 5. No building fee shall be levied if correction is undertaken prior to the meeting when the Building Committee would decide on the matter. In addition, no building fee shall be levied if the measure concerns demolition of a building and the demolition has been carried out

- (1) by virtue of law or any other statute or in some other respect has been necessary in order to avert or reduce considerable damage on other property; or
- (2) because the building was substantially damaged by fire or by some other similar event.

Section 6. A special fee shall be levied in other cases than mentioned in Section 4 subsection 1, if a violation is constituted by

- (1) work performed without the appointment of a person responsible for quality measures pursuant to Chapter 9, Section 13;
- (2) a failure to make a required building notification or a demolition notification; or
- (3) a measure carried out in contravention of a decision under this Act by the Building Committee.

The special fee shall be at least 200 SEK and not more than 1 000 SEK. If the violation is minor, a fee may be waived. (Law 1995:1197)

Section 7. A supplementary fee shall be levied in addition to a building fee where there has been a violation within the scope of Section 4 subsection 1, if the measure involves:

- (1) the erection of a building;
- (2) the erection of an extension;
- (3) a building totally or partly utilized or equipped for a purpose essentially different from the last use of the building or part of the building or from a granted building permit; or
- (4) the demolition of a building.

A supplementary fee shall not be levied in cases within the scope of Section 5. Nor shall a supplementary fee be levied where the illegal measure does not exceed a gross floor area of ten square meters.

The supplementary fee shall be levied at an amount corresponding to 500 SEK for each square meter of the gross floor area to which the measure has been applied. However, before the gross square area is calculated, ten square meters shall be deducted.

The fee may be determined at a lower amount than following the third subsection or totally remitted if an injunction for correction has been given pursuant to Section 14, if correction has been accomplished by official assistance or some other way or if there are special circumstances.

Section 8. The Building Committee shall examine issues concerning building fees and special fees.

An administrative court, on request of the Building Committee, examines issues concerning supplementary fee.

Leave to appeal is required to the Administrative Court of Appeal.
(Law 1994:1423)

Section 9. The building fee shall be levied on the person who was the owner of the real estate unit, building or construction in question at the time of the illegal measure. The special fee shall be levied on the person who committed the violation.

The supplementary fee shall be levied on:

- (1) the owner of the building, where the measure was carried out, at the time of the illegal measure;
- (2) the person who committed the violation;
- (3) his or her representative;
- (4) anyone likely to profit from the violation.

Section 10. With two or more owners of the real estate unit, building or construction where the illegal measure was carried out, they are jointly and severally liable for the payment of the building fee and the supplementary fee.

Section 11. Having regard to special circumstances of the matter, the County Administrative Board may reduce or completely waive a building fee or special fee levied by the Building Committee. Questions of reduction or waiver are tried after appeal in accordance with Chapter 13, Section 2.

Actions to achieve Redress, etc.

Section 12. The Enforcement Service may decide on official assistance in order to remedy a situation when anyone

- (1) has carried out a measure without a required building permit, demolition permit or site improvement permit;
- (2) has carried out a measure in accordance with a building permit, a demolition permit or a site improvement permit, but where the permit has been amended or annulled by a decision, which has come into force;
- (3) in other cases than specified in paragraph (1) has carried out a measure in contravention of this Act or any provision or decision rendered by virtue of the Act;
- (4) has failed to execute work or implement a measure, which was imposed pursuant to Section 15, Section 16 subsection 1 or Section 17. (Law 1991:871)

Section 13. The Building Committee may apply for official assistance. The Act on Injunction to Pay and Official Assistance (1990:746) contains the provisions relating to such assistance. (Law 1991:871)

Section 14. In cases referred to in Section 12 subsections 1--3, the Building Committee may, instead of applying for official assistance, direct an injunction to the owner of the real estate unit, building or construction in question to rectify the matter within a specified period. If this is not needed the Building Committee may request official assistance.

Where an injunction according to the first subsection, relates to a measure that was implemented without a building permit, where such a permit is required, the Building Committee may include in the injunction a prohibition against a repetition of the measure.

If a building permit, a demolition permit or a site improvement permit is granted after the issuance of the injunction; the injunction ceases to be valid.

Section 15. If anyone fails to perform work or take any other measure, which is required under this Act or any rules issued or decision rendered in pursuance of this Act, the Building Committee may direct an injunction in order to implement the measure within a specified period.

Section 16. If a building or other construction is neglected or seriously damaged and is not repaired within a reasonable period of time, the Building Committee may direct an injunction to the owner to demolish the building or construction within a specified period.

If the defective condition of a building or a construction endangers the safety of those who are inside it or in the vicinity of it, the Building Committee may prohibit the use of the building or the construction. Depending on the circumstances the committee may direct the prohibition to the owner, any person having usufruct rights to the property or to both.

A decision to prohibit the use is immediately effective and is valid until the Building Committee decides otherwise.

Section 17. If a building or other construction within an area covered by a detailed development plan has resulted in considerable inconvenience to traffic safety, due to changed conditions, the Building Committee may direct an injunction to the owner to remove it or to apply any other measure necessary. However, with regard to buildings, such an injunction may be issued only if the building can be moved without difficulty or is of little value.

The Building Committee may direct an injunction to the owner of a real estate unit or a building, covered by a detailed development plan, to erect a fence or change an exit drive or other exits to a street or road, if it's necessary with regard to traffic safety.

If a building or a construction for industrial purposes is out of use, the Building Committee may direct an injunction to the owner to erect fences necessary for protection against accidents.

Section 18. An injunction issued pursuant to Section 14 subsection 1, Section 15, Section 16 subsection 1 or Section 17 may be combined with a fine or a directive that failure to comply with the injunction may lead to implementation through the Building Committee at the expense of the negligent. A prohibition issued under Section 14 subsection 2 and Section 16 subsection 2 may be combined with a fine.

If an injunction where the Building Committee may commission the implementation of the measure is not fulfilled, the Building Committee shall, unless reasons are given for another decision, decide that the measure shall be implemented and how it shall be done. The Committee shall ensure that excessive costs will not occur.

A decision rendered under the first or second subsection may contain a directive that it shall become effective immediately.

The Enforcement Service shall offer the assistance needed to implement decisions rendered pursuant to the second subsection.

Section 18a. If the Building Committee pursuant to Chapter 9, Section 10 decides that a building or a part of a building must not be used until its defects are eliminated, the decision may be combined with a fine. (Law 1994:852).

Section 19. If a measure is taken without the grant of the required building permit, demolition permit or site improvement permit, but there is reason to assume that a permit would be granted for the measure, the Building Committee shall give the owner an opportunity to apply for a permit within a specified period before official assistance is requested or an injunction for correction is decided.

If an application is not made within the specified time, the Building Committee may nevertheless examine the issue to grant a permit. If so, the committee may, at the owner's expense, have prepared the drawings and specifications needed and take the measures required for the examination of the matter.

Section 20. If the Building Committee establishes that the maintenance of a building or other construction is substandard, the committee may commission an expert to investigate the need for maintenance measures on the owner's expense.

Effects of Injunctions in Certain Cases etc.

Section 21. If an injunction subject to Section 14 subsection 1, Section 15, Section 16 subsection 1 or Section 17 or a prohibition subject to Section 14 subsection 2 or Section 16 subsection 2 has been imposed upon the owner of a real estate, and the title to the real estate is conveyed to a new owner, the injunction or prohibition is valid against the new owner instead. If the injunction or the

prohibition is combined with a periodic fine pursuant Section 4 of the Act (1985:206) on Fines and if the conveyance of title to the real estate is effected by means of purchase, exchange or gift, the fine applies to the new owner starting on the date when the title was conveyed, on condition that an entry of the fine was made in accordance with Section 22 prior to the conveyance. A periodic fine for a specified period of time may only be addressed to one being owner at the beginning of the period. Other types of fine are not valid against the new owner, but the Building Committee may decide on a new fine directed to the current owner.

The first subsection also applies where an injunction or a prohibition is aimed at the one with site leaseholder ship rights or the owner of a building on land belonging to someone else. Regulations on periodic fines however apply only to injunctions and prohibitions addressed to anyone with site leaseholder ship right.

In matters concerning injunction or prohibition within the scope of the first or second subsection, the provisions of the Code of Judicial Procedure shall apply for the transfer of the subject of a dispute and to the participation of a third party in proceedings.

Entries into the Registration Section of the Real Estate Register, etc.

Section 22. The authority, which decides to issue injunction or to impose a prohibition within the provisions of Section 21, shall immediately transmit its decision to the registration authority to be recorded in the registration section of the Real Estate Register. If the injunction or the prohibition is combined with a periodic fine, notice of this shall also be made. The registration authority shall immediately send a registered letter informing the one who last applied for registration of title or of acquisition of a land leasehold about the entry, unless this is the addressee of the injunction or prohibition. (Law 2000:248).

Section 23. If an injunction or prohibition, which has been recorded pursuant to Section 22, is annulled, the Building Committee shall immediately report this to the registration authority for deletion of the entry. If an injunction or prohibition which have come into force, has ceased to be valid or has been annulled or have been complied with, the Building Committee shall as soon as this is known report the matter to the registration authority for deletion of the entry. (Law 2000:248).

Section 24. If the Building Committee fails to make a report according to the provisions of Section 23, the County Administrative Board shall make the report if requested by an affected party.

Other Provisions

Section 25. If a real estate, upon which a measure has been implemented within the meaning of Section 4 subsection 1, is conveyed to a new owner in return for payment, and if a directive for correction has been issued under this chapter, then Chapter 4, Section 12 of the Real Estate Code shall apply, unless the transferor informed about the measure at the time of the conveyance or the transferee was otherwise informed about it or through due diligence should have known about it.

Section 26. Building fees and special fees accrue to the municipality. Supplementary fees accrue to the State.

Section 27. If the Building Committee fails to discuss the sanction on a violation falling within the scope of Section 4 subsection 1, within ten years from the violation, a building fee and/or a supplementary fee may not be decided. This also applies to special fees. However, the time limit in regard of a special fee shall be three years instead of ten years.

Once ten years have elapsed since a measure was carried out within the scope of Section 12 paragraph (1)--(3), the Building Committee no longer has any jurisdiction to request official assistance or to decide on an injunction pursuant to Section 14 subsection 1. However, this provision shall not apply if someone without a required permit according to Chapter 8, Section 1 subsection 1 paragraph. (3), has made use of or equipped a residential flat for essentially other purposes than dwelling. (Law 1989:1049).

Section 28. Decisions or judgments imposing a fee under this chapter shall immediately be transferred to the County Administrative Board. The fee is payable to the County Administrative Board within two months from the date when the decision or judgment came into force. Notice of this shall be included in the decision or judgment.

Section 29. If a fee is not paid within the period of time specified in Section 28, a penal fee shall be levied on arrears pursuant to the Act (1997:484) on Penal Fees on Arrears. The outstanding fee together with the penal fee shall be handed over for enforced collection. The Government may direct that enforced collection should not be applied if the amount in question is minor. Provisions on enforced collection are contained in the Act (1993:891) on Collection of State Claims, etc. Execution of enforced collection may take place pursuant to the Enforcement Code.

The collected amount shall first and foremost be applied to the defrayal of the municipality's claimable amount. (Law 1997:531).

Section 30. A fine imposed in accordance with this chapter may not be converted into imprisonment.

PBA Chapter 11. The Building Committee

Section 1. In addition to the duties devolving upon the Building Committee from other provisions under this Act, the committee shall

- (1) encourage sound cultural quality in the built environment and a sound and aesthetically pleasing urban environment and landscape;
- (2) actively follow the general development within the municipality and its closest vicinity and take any initiatives required in matters concerning planning, building and property formation;
- (3) co-operate with authorities, organizations and individuals whose work and interests concerns the committee's authority;
- (4) offer advice and information concerning the committee's authority;
- (5) supervise compliance with this Act and the provisions and decisions issued under this Act.

The Building Committee shall use the opportunities offered by the provisions of this Act to simplify and facilitate matters affecting individuals and encourage the application of provisions of this Act on limited use of the need for a building permit. (Law 1998:805).

Section 2. If required the Building Committee shall provide written information with regard to planning, building and property formation.

If a site map is required to examine an application for a building permit within an area with continuous building, the Building Committee shall provide such a map if the applicant so demands.

Section 3. The provisions on committees contained in the Act (1991:900) on Local Government shall apply to the Building Committee.

The power under Chapter 6, Section 33 of the Act on Local Government to delegate functions and duties does not include the power to

- (1) decide on matters of principal nature or otherwise of great importance;
- (2) issue an injunction or to impose a prohibition with a fine except within the scope of Chapter 10, Section 3 and Section 16 subsection 2, or to issue a directive with a provision that failure to comply may lead to implementation at the order of the committee but at the expense of the negligent;
- (3) decide matters concerning fees pursuant to Chapter 10. (Law 1991:1703).

Section 4. For a satisfactory conduct of the Building Committee's functions and duties, a staff that has enough and adequately

educated personnel, including at least one person with an architect's degree, shall assist the committee.

Section 5. The Building Committee may levy a fee in matters regarding a permit and a tentative approval and in matters initiated by a building notification or a demolition notification in accordance with Chapter 9, Section 2 and in matters warranting the preparation of a site map, examination of drawings, inspections, the preparation of archive-quality documents or other time-consuming or costly measures.

In addition, the Building Committee may, after receiving a building notification of measures specified in Chapter 9, Section 2 subsection 1 paragraph. (1) or (2) concerning the erection, extension or other alteration of a building or a construction, levy a planning fee in order to cover the costs incurred by measures carried out under this Act required for the preparation of or amendment to detailed development plans, area regulations and property regulation plans. A planning fee may only be levied if the plan or regulations will serve the interests of the real estate owner.

The maximum fee that may be levied is an amount corresponding to the municipality's average expenses for the measures. The basis for calculation of the fees shall be detailed in a tariff adopted by the municipal council.

The fees shall be levied on the applicant and may be levied in advance. (Law 1995:1197).

PBA Chapter 12. Governmental Interventions with regard to Areas of National Interest, etc.

Section 1. The County Administrative Board shall examine the municipality's decision to adopt, amend or annul a detailed development plan or area regulations if there is cause to believe that the decision

(1) will not satisfy a national interest within the scope of Chapter 3 or 4 of the Environmental Code;

(2) regulates matters on the use of land and water areas affecting more than one municipality in a way that does not provide a suitable co-ordination;

(3) does not observe an environmental quality standard under Chapter 5 of the Environmental Code; or

(4) leads to a built environment that is unsuitable with regard to the health of residents and others or the need for protection against accidents. (Law 1998:839).

Section 2. Within three weeks from the date when the municipality's decision was delivered to the County Administrative

Board, the board shall decide whether it shall carry out an examination or not in pursuance of Section 1.

Section 3. If any of the conditions set forth in Section 1 are met, the County Administrative Board shall annul the entire decision. The decision may be partially annulled if the municipality so agrees.

Section 4. Where special reasons warrant such an injunction, the County Administrative Board or the Government may direct that Sections 1--3 shall apply to decisions to issue a permit or a tentative approval within a certain area.

Where the County Administrative Board, having issued a injunction by virtue of the first subsection, decides to examine a permit or a tentative approval, the County Administrative Board may direct that the permit or the tentative approval shall not be enforceable until the matter is finally decided.

Section 5. The Government may examine a decision to adopt, amend or annul a regional plan. Within three months from the date when the Government received the decision, the Government shall decide whether an examination shall take place. The Government's examination may only concern the issue whether the plan satisfies national interests in accordance with Chapters 3 and 4 of the Environmental Code.

The Government has the authority to annul the decision in its entirety or partially. (Law 1998:839).

Section 6. The Government may direct the municipality to adopt, amend or annul a detailed development plan or area regulations (planning injunction) within a specified time, if this is required in order to satisfy interests within the purview of Section 1 paragraph (1) and (2).

Section 7. If the municipality fails to comply with a planning injunction, the Government may at the expense of the municipality have the necessary proposals prepared and may adopt, amend or annul the detailed development plan or the area regulations. The County Administrative Board is responsible for the processing of the matter.

PBA Chapter 13. Appeal

Section 1. The following types of decisions rendered under this Act may be appealed as prescribed for a legality review under Chapter 10 of the Act (1991:900) on Local Government:

- (1) a decision by a municipal council on a comprehensive plan;
- (2) a decision by a municipal council to delegate to a municipal committee the power to adopt, amend or annul detailed development plans and area regulations, or to render decisions on

real estate owners' obligation to pay for construction of streets and other public spaces, or to render decisions on the general conditions for such payments;

(3) a decision by a municipal council or municipal committees not to adopt, amend or annul a detailed development plan, area regulations or a property regulation plan;

(4) a decision by a municipal council or municipal committees on the principles governing the obligation to pay for construction of streets and other public spaces and on the general conditions for such costs;

(5) a decision by the municipal council on tariffs on matters handled by the Building Committee; and

(6) a decision on a regional plan by the council of a local municipal federation or by the council of a regional planning federation.

No appeal lies against other decisions on street costs than those specified in paragraph (4) of the first subsection. It emerges from Chapter 15, Section 8 that civil actions on street costs are to be brought before a real estate court. (Law 1991:1703).

Section 2. Other decisions under this Act, than those referred to under Section 1, by a municipal council or a municipal committee are appealed to the County Administrative Board.

Such decisions may not be appealed as far as

(1) the matter has already been resolved by a detailed development plan, area regulations or a tentative approval;

(2) it concerns the need for a building consultation. (Law 1995:1197).

Section 3. Provisions on appeals against decisions referred to in Section 2 are contained in Sections 23--25 of the Administrative Procedure Act (1986:223).

The period for appeal against a decision to adopt, amend or annul a detailed development plan, area regulations or a property regulation plan commences on the day upon which a public notice of the approved minutes of the decision was displayed on the bulletin board of the municipality. When the Municipal Council renders such a decision, the provisions contained in Sections 23--25 of the Administrative Procedure Act addressing the authority rendering the decision, shall apply for the Municipal Council. (Law 1995:1197).

Section 4. Decisions by the County Administrative Board according to Chapter 12, Section 3 to entirely or partly annul a detailed development plan; area regulations or a property regulation plan may be appealed to the Government. Other decisions by the County Administrative Board under Chapter 12 may not be appealed.

Decisions by the County Administrative Board in matters appealed concerning adoption, amendment or annulment of a detailed development plan, area regulations or a property regulation plan may be appealed to the Government.

Other decisions by the County Administrative Board under this Act may be appealed to an administrative court of general jurisdiction. If the case concerns the Armed Forces, the National Fortifications Administration, the Defense Materiel Administration or the National Defense Radio Centre the court shall deliver the case to the Government.

Leave to appeal is required for appeal to the Administrative Court of Appeal. (Law 2003:132).

Section 5. Decisions to adopt, amend or annul a detailed development plan, area regulations or a property regulation plan may be appealed only by those who made a written statement prior to the expiry of the exhibition period, which have not been satisfied. If the provisions for a simple planning procedure have been applied, only those who made written statements, in accordance with Chapter 5, Section 28, which have not been satisfied, may appeal the decision.

If a plan proposal was amended after the exhibition period or, with application of the provisions for a simple planning procedure after information on the proposal pursuant to Chapter 5, Section 28 subsection 2, and the amendments are to the disadvantage of someone, then he may, despite the provisions of the first subsection, appeal against the decision. The provisions in the first subsection do not prevent appeal against the decision on the grounds it has not been reached in a legal way.

Section 6. Repealed (Law 1994:819).

Section 7. A decision on a permit or a tentative approval within a restricted area or safety area within the purview of Chapter 8, Section 9 subsection 3, may be appealed against by the National Swedish Civil Aviation Administration if the decision concerns a civil airport, by the Supervisory Authority if the decision concerns a nuclear reactor or another kind of nuclear energy plant, and in other cases by the Swedish Armed Forces, the Swedish Emergency Management Agency or the Swedish Rescue Services Agency or any authorities appointed by these. Law (2002:519).

Section 8. The authority which is responsible for the examination of an appeal against a decision to adopt, amend or annul a detailed development plan, area regulations or a property regulation plan, must either uphold or annul the decision entirely. If the municipality has given its consent, the authority may, however, annul a part of the decision or alter it in another way. Minor alterations may be done without the municipality's consent.

If the appeal has not yet been finally determined, the authority may, on the municipality's request, order that the appealed decision may be implemented in regard of issues which obviously fall outside the scope of the appeal. No appeal lies against such an order. (Law 1995:1197).

PBA Chapter 14. Obligations to Acquire Land and to Pay Compensation

Acquisition

Section 1. The municipality is obliged to acquire areas within a detailed development plan meant for public spaces where the municipality is in charge or meant for other purposes than private development, if the real estate owner so demands. The existing body for joint ownership, or the body being established, is obliged to acquire areas within a detailed development plan meant for public spaces where someone else than the municipality is in charge, either by way of ownership right, usufruct or some other special right, if the real estate owner so demands. The same obligation lies upon the State or that municipality which pursuant to the Road Act (1971:948) is responsible for the road maintenance. The body for joint ownership or the road maintainer may decide whether the acquisition shall be based on ownership, usufruct or some other special right.

If the detailed development plan admits temporary use of land, the first subsection shall not apply to land prior to the expiry of the period during which such use of the land is allowed.

Special provisions apply to land, which is located within the boundaries of a joint land development area established pursuant to the Act (1987:11) on Joint Land Development. (Law 1997:618).

Section 2. If a detailed development plan contains provisions where land which is meant for private development is also to be used for a public traffic installation, for a traffic installation that is common to several real estate units or for a public utilities installation, then the body responsible for the installation shall acquire the usufruct or such other special right which is required with regard to the purpose of the installation, if the real estate owner so demands. The body responsible for the installation may decide under which rights the acquisition shall apply to.

Compensation for Damages and Compulsory Acquisition in Certain Cases

Section 3. Where the Building Committee by virtue of Chapter 10, Section 17 has issued an injunction ordering that a building, or any other construction, shall be removed or subjected to some other

measure, or that an exit drive or other exit shall be altered, the owner is entitled to compensation by the municipality for damages involved.

Section 4. If an area which, according to a detailed development plan was intended for public communications, as a result of the implementation of a new plan wholly or partly is used for other purposes or has been altered with regard to height and if this causes damage to the interests of an owner of a real estate unit adjacent to the area or to the interests of a holder of special rights to the real estate, there is a right to compensation from the road maintainer for the damage involved.

Section 5. If a detailed development plan is amended or annulled prior to the expiry of the implementation period, the owner of a real estate unit and the holder of special rights to the property are entitled to compensation by the municipality for the damage involved.

If the amendment or annulment cause a great disadvantage to the use of a real estate unit, the municipality is obliged to buy the real estate, if the owner so demands.

If a detailed development plan is amended or annulled after the expiry of the implementation period, the first and second subsections apply, if a building permit was requested but the matter was not finally decided prior to the expiry of the implementation period.

Section 6. If damages arise as a result of measures specified in Chapter 16, Section 7, the municipality is liable to compensate the injured party for the damages or, if the activities causing the damage has been pursued on commission by a state authority, by the state.

Section 7. If the cost for streets have been paid in accordance with either Chapter 6, Section 31 or 32, or any corresponding older provisions, the municipality is obliged to repay such costs if damage is caused the owner of the real estate by a refused building permit, preventing the use of the property envisaged when the costs were paid.

The municipality is also obliged to pay interest in accordance with Section 5 of the Interest on Debts Act (1975:635) from the date the real estate owner paid the compensation. (Law 1989:1049).

Section 8. The municipality is obliged to compensate an owner of a real estate and a holder of special rights to a real estate, if damages occur as a consequence of

(1) a refusal to grant a building permit for replacing a demolished building, or a building destroyed as a result of an accident, with a substantially similar building, provided the application for a building permit was made within five years from when the building was demolished or destroyed;

(2) a demolition prohibition given in a detailed development plan or area regulations or a refusal to grant a demolition permit by virtue of Chapter 8, Section 16 paragraph. (2) or (3);

(3) protective provisions in a detailed development plan pursuant to Chapter 5, Section 7 subsection 1 paragraph. (4) or (6) or in area regulations pursuant to Chapter 5, Section 16 paragraph. (4) or (5);

(4) provisions in area regulations on vegetation or the design of the ground surface and height, within areas described in Chapter 8, Section 9 subsection 3;

(5) the refusal to grant a site improvement permit by virtue of Chapter 8, Section 18 subsection 1 paragraph. (2) or (3).

The right to achieve compensation in accordance with paragraph (1) of the first subsection exists only when the building is destroyed as a result of an accident. In other cases to which the first subsection paragraph. (1) and (2) apply; there is a right to achieve compensation if the damage is considerable with regard to the value of the affected part of the property. In cases within the purview of paragraphs (3)--(5) of the first subsection, there is a right to achieve compensation if the damage involves a significant hindrance to the on going use of the affected part of the real estate.

If decisions referred to in the first subsection cause a great disadvantage to the use of a real estate unit, the municipality is obliged to acquire the real estate unit if the owner so demands.

At the application of the second and third subsections, other decisions mentioned in the first subsection as well as the following decisions shall be taken into consideration provided they were decided within ten years before the latest decision, in accordance with Chapter 3, Section 2 of the Act (1988:950) on Ancient Monuments and Finds; Chapter 7, Sections 3, 5, 6, 9, 22 or 24 of the Environmental Code; refusals under Chapter 7, Section 11 subsection 2 or Sections 28b--29a of that same code; a prohibition issued pursuant to Chapter 12, Section 6 subsection 4 of that same code or where an exemption in accordance to the mentioned subsection is not granted, or a decision rendered pursuant to Section 18 of the Forestry Act (1979:429), under the condition that the decisions have been notified with on 10 years from the preceding decision. Furthermore the regulations under Section 30 of the Forestry Act with demands for special considerations shall be observed. If the right to appeal or the right to compensation for acquisition in accordance with the mentioned decisions has been lost due to Chapter 15, Section 4 or the corresponding provisions of the Environmental Code or the Act concerning Ancient Monuments and Finds, etc, it will not be a constraint to consider the decision here.

If the municipality after an injunction under Chapter 12, Section 6 has decided to issue a demolition prohibition or protective provisions mentioned in the first subsection paragraphs 2 or 3, in order to safeguard a national interest in accordance with Chapter 3 or 4 of the Environmental Code, the state is obliged to remunerate the municipality for expenses incurred by compensation or acquisition. In cases covered by the provisions of paragraphs (4)--(5) of the first subsection, the owner of the construction, in favor of which a restricted area or safety area was established, is obliged to remunerate the municipality for expenses incurred by compensation or acquisition. (Law 2001:442).

Determination of Compensation

Section 9. When deciding compensation in accordance to Sections 1--8, Chapter 4 of the Expropriation Act (1972:719) shall be applied unless otherwise is prescribed in Section 10. The provisions of Chapter 4, Section 3 of the mentioned Act shall apply to the increase in value during ten years prior to the date when the action for acquisition was brought.

Section 10. Compensation for a reduction of a property's market value in cases within the purview of Section 3, Section 4, Section 5 subsection 1 or Section 8 subsection 1, shall be determined as the difference between the property's market value before and after the decision or the measure referred to in Section 4. Expectations attached to an anticipated change of the use of land shall not be allowed to influence.

Compensation for damages in cases within the purview of the provisions of Section 8 subsection 1 paragraph (1)--(2) shall be reduced with the amount corresponding to what, in accordance with Section 8 subsection 2, can be regarded as acceptable without compensation.

PBA Chapter 15. Court Decisions, etc.

Section 1. Unless contradicting provisions are issued in this Act, in addition to Chapter 6, Section 39 and Chapter 14, Section 9, the Expropriation Act (1972:719) shall be applied in cases concerning (1) redemption in accordance with Chapter 6, Section 17 or 24; or (2) compensation or redemption or acquisition of usufruct or such other special rights referred to in Chapter 14, Sections 1--8.

Section 2. Claims concerning redemption in accordance with Chapter 6, Section 17, may be raised even though the decision to adopt the detailed development plan has not come into force.

Section 3. Claims concerning redemption in accordance with Chapter 6, Section 24 subsection 2 shall be raised within three years after the expiry of the implementation period.

If an application has been made to extend the implementation period or if the municipality has raised the issue whether the implementation period shall be restored, the case shall be regarded as pending until the matter has been finalized. If the implementation period is extended or restored, the claim of the municipality will become void.

The provisions of the second subsection on pending cases also apply where a claim has been raised concerning redemption according to Chapter 6, Section 24 subsection 1 and an application has been made for a property formation in compliance with a property regulation plan. When a property is formed in compliance with the property regulation plan, the claim of the municipality will become void.

When the municipality has claimed redemption in accordance with Chapter 6, Section 24 subsection 1, the Real Estate Court shall immediately inform the Cadastral Authority of this. (Law 1995:1412).

Section 4. In cases specified in Chapter 14, Sections 3, 5, 7 or 8 claims shall be raised within two years from the date when the decision constituting the cause of action came into force.

In cases specified in Chapter 14, Sections 4 or 6 claims shall be raised within two years from the date when the measure constituting the cause of action was carried out.

Claims may be raised at a later date than given in the first and second subsections, provided the damage could not reasonably have been foreseen within the specified period.

Section 5. Compensation for damages specified in Chapter 14, Sections 3--6 or 8, shall be determined as a sum payable once or, where there are special reasons, by specified annual amounts. If the circumstances change, the annual amount shall be re-examined, if the municipality, the real estate owner or a holder of special rights to the property so requests.

If the municipality so demands, and the demand is not clearly unreasonable, the court shall direct that compensation pursuant to Chapter 14, Section 8 subsection 1 paragraph (2) or (3) does not fall due until certain measures have been carried out on the building.

Compensation that was agreed upon, or clearly must be presumed to have been agreed upon, between the municipality and the owner of a real estate unit, or between the municipality and the holder of special rights to the real estate unit, is legally binding upon a new

owner of the property or a new holder of special rights to the property.

Section 6. If a claim raised under Section 1 by the owner of a real estate unit, or by the holder of special rights to the real estate unit, is dismissed, the court may direct that he shall pay his own costs, if the court finds that the claimant brought the action without sufficient cause. If the claim obviously was raised without reasonable grounds, the court may also oblige him to pay the respondent's costs.

Section 7. If compensation determined in a case on redemption has not been reduced as prescribed in the Expropriation Act (1972:719) the following shall apply. If any one entitled to compensation requests payment, the claim for the compulsory transfer of land shall be dropped with regard to his rights, provided the land has not been taken into possession or otherwise has been transferred in accordance with Chapter 6, Section 10 of the Expropriation Act.

Section 8. A dispute between the municipality and a real estate owner on compensation for street costs and costs for other public spaces and the terms of payment of such compensation shall be decided by the Real Estate Court in whose district the real estate unit is located.

In cases referred to in the first subsection, the provisions of the Act (1969:246) on Property Cases shall apply. In cases where compensation is reduced in accordance with Chapter 6, Section 33 the matter of court costs shall be regulated in accordance with the Expropriation Act (1972:719). If the property owner loses such a case, the court may direct that he shall defray his own costs, if he brought the action with insufficient cause. If the claim obviously was raised without reasonable grounds, the court may also oblige him to pay the municipalities costs. (Law 1987:246).

PBA Chapter 16. Authorizations, etc.

Section 1. The Government or an authority designated by the Government may issue provisions on requirements on buildings etc, which in addition to the provisions of Chapter 3 are needed

- (1) to protect life, personal safety or health;
- (2) for a suitable design of buildings and other constructions as well as of sites, areas for other constructions than buildings and public spaces;
- (3) to control the observance of provisions within the purview of paragraph (1).

The Government or an authority designated by the Government may issue the provisions on persons responsible for quality matters that are required in addition to the provisions of Chapter 9, Sections 13-15.

The Government or an authority designated by the Government may in individual cases grant exemptions from the provisions of Chapter 3. (Law 2001:146).

Section 2. Repealed (Law 1994:852).

Section 3. Repealed (Law 1994:852).

Section 4. Where the country is at war or is exposed to the danger of war or such exceptional conditions prevailed by war or danger of war to which the country was exposed, provisions may be issued by the Government derogating from the provisions of this Act to the extent required by the national defense or to maintain other construction activities.

Section 5. Where a real estate unit was let with a site leaseholder ship right, the provisions of this Act which apply to a real estate owner or a real estate, shall also apply to the leaseholder or the site leaseholder ship right, with the exception that the leaseholder must not be obliged to defray any costs of constructing streets or other public spaces.

Section 6. A person who occupies real estate by virtue of a right of occupation or by virtue of the condition of a fideicommissum or by a testamentary provision without ownership shall for the purposes of this Act be considered as the owner of the property.

Section 7. In order to carry out their obligations in accordance with this Act, the Building Committee and the County Administrative Board and anyone commissioned on their account undertakes to carry out an assignment under this Act, have the right to access real estates, buildings and other constructions and carry out measures required for the performance of their duties.

The rights referred to in the first subsection also apply to anyone who, in other purposes than those mentioned, carries out survey work.

Police authorities shall grant assistance when required.

PBA Chapter 17. Transitional Provisions

Entry into Force, etc.

Section 1. The present Act enters into force on 1 July 1987.

By the present Act is repealed, with the limitations prescribed by this Chapter,

the Building Act (1947:385);
the Building Ordinance (1959:612);
the Act (1976:666) on the Consequences and Interventions Ensuing
from Unlawful Development, etc.; and
the Act (1976:296) on Alternative Emergency Fuels, etc.

Section 2. Prior to 1 July 1990, each municipality shall adopt a comprehensive plan complying with the provisions of Chapter 4.

Until the municipality has adopted a valid comprehensive plan, decisions rendered pursuant to Chapter 5, Section 16 and Section 28 subsection 1 may be based on a comparable general plan, approved by the municipal council prior to the entering into force. (Law 1987:122).

Master Plans, etc.

Section 3. Master plans shall, if they have been confirmed, be valid as area regulations, which have been adopted under the present Act.

A claim for compensation or redemption pursuant to Section 22 of the Building Act (1947:385) shall, in other cases than referred to in Section 15 subsection 2 of this Chapter, be raised prior to the end of June 1988. In such cases scrutiny will be based on older provisions.

Older outline plans shall cease to be valid once this Act comes into force.

Town Plans, Building Plans, Subdivision Plans, etc.

Section 4. Town plans and building plans adopted under the Building Act (1947:385) or the Town Planning Act (1931:142), older types of plans and regulations referred to in Sections 79 and 83 of the latter act as well as subdivision plans, which are not covered by a injunction issued pursuant to Section 168 of the Building Act, shall be valid as detailed development plans adopted under the present Act. Subdivision plans, to the extent the above-mentioned injunction covers them, shall cease to be valid when this Act comes into force.

With regard to town plans and building plans which have been confirmed after the expiration of 1978, the implementation period shall be considered, in accordance with Chapter 5, Section 5, to be five years from the date when this Act comes into force. With regard to other plans and regulations referred to in the first subsection, the implementation period will be regarded as having expired.

Unless otherwise is prescribed in a plan or regulation, which subject to the first subsection shall be regarded as a detailed development plan under the present Act, Section 39 of the Building Ordinance (1959:612) shall apply as a regulation in the plan. (Law 1991:604).

Section 5. During the period that expires at the end of June 1991, the provisions of Chapter 14, Section 1, shall not apply to areas covered by a town plan. During that period, the provisions of Section 48 subsections 1 and 3 of the Building Act (1947:385) shall apply instead.

The provisions of Chapter 6, Section 24 subsection 2 shall not apply to such plans where the implementation period subject to Section 4 subsection 2 shall be regarded as expired.

Section 6. The provisions of Chapter 6, Section 26 subsection 1 shall not apply to areas covered by a building plan or subdivision plan.

Section 7. The provisions of Chapter 8, Section 11 subsection 4 shall not apply to areas covered by a town plan or a building plan.

Section 8. If damage occurs as a result a plan or provision, whose implementation period in accordance with Section 4 has expired, is amended or repealed, the owner and the holder of special rights to a property are entitled to compensation from the municipality on condition that

(1) the property is located in an area which is built to the major part in accordance with the plan or area regulations;

(2) notice about the decision regarding the amendment or revocation of the plan or regulations is rendered prior to the end of June 1992;

(3) the property after the amendment or annulment may either not be built upon or may only be used for building to an extent which is obviously unreasonable.

If the plan or regulation is amended or revoked after the end of June 1992 and if an application for a building permit, made before the date of the amendment or revocation has not been finally decided prior to that date, (then) the first subsection will apply.

Compensation shall be calculated as the difference between the property's market value before and after the decision to amend or annul the plan. The property's market value prior to the decision shall be determined in consideration of the planning provisions and the compensation principles that were valid when this Act came into force. However, if the municipality so demands, the value shall not exceed an amount equivalent to what according to the Instructions on the Application of Section 36 of the Municipal Taxation Act (1928:370) in force at the end of June 1990 that was deductible at the calculation of the capital gain from a sale of the property had it been sold on December 30, 1990, adjusted by the percentage by which the base amount under the General Insurance Act (1962:381) is adjusted until the valuation date.

An action for compensation in accordance with the first subsection shall be brought within two years of when the decision upon which the action is based came into force. Where a property owner or the holder of special rights to a property has brought an action and has a right for compensation, the municipality may instead acquire the property or the right.

In an action for compensation and acquisition, the provisions of Chapter 14, Section 9 and Chapter 15, Sections 1 and 6, shall apply. (Law 1991:604).

Section 9. With regard to town plans and building plans, which have been adopted but not confirmed prior to the entering into force of the present Act, older provisions shall apply for procedures as well as the examination of the matters.

Regional Plans

Section 10. A regional plan which has been confirmed after the end of June 1982, shall be valid as a regional plan under the present Act, however the longest until six years after the date when the plan was confirmed. Other regional plans cease to be valid when this Act comes into force.

Site Formation Plans

Section 11. Site formation plans under the Building Act (1947:385) or the Town Planning Act (1931:142) and such older site formation plans referred to in Section 80 of the latter Act shall be valid as property regulation plans under this Act.

Section 12. With regard to site formation plans, which have been adopted but not confirmed prior to the entering into force of the present Act, older provisions shall apply for the procedures as well as the examination of the matters.

Building Prohibitions

Section 13. With the exceptions stated in Sections 14 and 16 building prohibitions and demolition prohibitions issued under the Building Act (1947:385) shall cease to be valid when this Act comes into force.

Section 14. When a building prohibition has been imposed subject to Section 110 subsection 2 of the Building Act (1947:385), the prohibition shall be valid as a provision of the plan under Chapter 5, Section 8 paragraph. (1) of this Act.

Section 15. A prohibition imposed under Section 17 of the Building Act (1947:385) on excavation and filling of sites, felling of trees or any other equivalent measure shall continue to be valid, however not beyond the end of June 1990.

An action for compensation or acquisition pursuant to Section 22 of the Building Act on the ground of such prohibition as stated in the first subsection shall be brought before the end of June 1991. In such actions older provisions shall be applied on the examination on the matters.

Section 16. For areas with a building prohibition etc. in accordance with Section 81 of the Building Act (1947:385) or imposed under Section 82 of that act, an injunction requiring examination shall be considered as issued under Chapter 12, Section 4 with regard to decisions on building permits, site improvement permits and tentative approvals.

Within areas where the provisions of Section 54, clause 1, paragraph. (3) of the Building Ordinance (1959:612) apply, there is an obligation in accordance with Chapter 8, Section 7 to apply for a building permit to set up or substantially alter light source facilities and in accordance with Chapter 8, Section 9 apply for a site improvement permit for the excavation and filling of sites.

An action for compensation or acquisition on the ground of such prohibition as stated in the first subsection shall be brought prior to the end of June 1988. In such actions older provisions shall be applied on the examination on the matters.

Section 17. Within areas where a prohibition was issued under Section 40 subsection 2, or Section 110, subsection 4, of the Building Act (1947:385) against excavation and filling of sites, felling of trees or any other equivalent measure there is an obligation to, in accordance with Chapter 8, Section 9, apply for a site improvement permit for such measures.

Other Decisions under the Building Act

Section 18. If an exemption from a building prohibition issued under the Building Act (1947:385) or the Building Ordinance (1959:612) was allowed by a decision, which came into force after the end of June 1986, and no building permit for the measure allowed was issued before the present Act came into force, the exemption shall be valid as a tentative approval. The exemption ceases to be valid if no application is made for a building permit within two years from when the decision to allow the exemption came into force.

Where a decision on property formation under the Real Estate Formation Act (1970:988), or on establishment of jointly-owned facilities under the Act (1973:1149) on Joint Facilities, or on granting a utility easement under the Act (1973:1144) on Utility Easements is given on account of an exception from a prohibition according to the first subsection and the decision cannot be implemented unless a building permit is granted, the decision is valid as a tentative approval. The tentative approval will cease to be valid, unless an application for a building permit is made within two years from the

day when the decision came into force. On the same conditions and period the decision is binding for the examination of an application for a demolition permit or a site improvement permit.

In other cases decisions on exemptions cease to be valid. (Law 1987:122).

Section 18a. The Building Committee may in a matter concerning a building permit declare that a building measure or a property formation carried out in contravention of a town plan, a building plan, a subdivision plan or a site formation pursuant to Section 34, Section 38 subsection 3, or Section 110 subsection 1 of the Building Act (1947:385) or corresponding older provisions or pursuant to Chapter 3, Section 2 subsection 3 of the Real Estate Formation Act as amended up to the end of June 1987, shall be considered to constitute a derogation within the purview of Chapter 8, Section 11 subsection 1 paragraph(2 b). Such a declaration may concern only minor derogations from the plan or the site formation plan, which are compatible with their purpose. The declaration may be made only in approvals of applications for a building permit.

The first subsection shall also apply in respect of a real estate unit, a building or other construction, to the extent it following a decision to confirm a town plan, a building plan or a site formation plan constitutes derogation from the plan or the site formation. (Law 1989:1049).

Section 19. An injunction issued pursuant to Sections 70 and 113 of the Building Act (1947:385) concerning an obligation to surrender or grant the use of land shall be valid as an injunction issued pursuant to Chapter 6, Section 19 of this Act. A provision issued under Section 73 of the Building Act shall be valid as an injunction issued pursuant to Chapter 6, Section 22 of the present Act.

Special Demands on Existing Buildings, etc.

Section 20. Buildings erected prior to 1 July 1960 or for which a building permit was granted prior to that date shall, if necessary, be fitted with facilities for climbing onto the roof and facilities for the protection against accidents caused by falling from the roof.

With regard to a building erected prior to 1 July 1974 or for which a building permit was requested prior to that date gates and similar constructions shall be made to avert accident hazards.

Buildings erected prior to 1 July 1977 or for which a building permit was granted prior to that date shall be fitted with such facilities, which may be reasonably required in order to secure acceptable working conditions on behalf of those who collect the garbage from the building.

Requirements pursuant to subsections 1--3 may not significantly deviate from what could be required pursuant to corresponding older provisions.

Section 21. The provisions contained in the Building Ordinance (1959:612), Section 82a subsection 3, on the adaptation of certain buildings to persons with limited mobility shall continue to apply.

Section 21a. In buildings with premises to which the public has access and in public spaces, easily eliminated obstacles to the accessibility and the usefulness of the premises and the places for persons with limited mobility or orientation capacity shall be removed to the extent required by provisions issued under. (Law 2001:146).

Section 22. The Government or the authority appointed by the Government may, to the extent mentioned in Sections 20--21a, issue such further provisions required

- (1) for the protection of life, personal safety or health;
- (2) for a suitable design of buildings and other constructions as well as sites and public spaces. (Law 2001:146).

Sanctions, etc.

Section 23. For violations committed before this Act comes into force, the provisions of the Act (1976:666) on the Sanctions and Interventions against Illegal Buildings, etc. shall apply to the examination of the cases. However, the provisions of Chapter 10 shall apply if they lead to a lesser penalty.

If a person fails to perform work or take any other kind of measure, which devolves upon him according to a decision issued in pursuance of the Building Ordinance (1959:612), then the provisions of Chapter 10 shall apply at the examination of the case.

If a person has disregarded a condition or a direction, which was issued by virtue of Section 136a of the Building Act (1947:385), then the provisions of Chapter 29 of the Environmental Code shall apply. (Law 1998:839).

Street Costs, etc.

Section 24. Older provisions on the obligation to pay for the acquisition of street space and the construction of streets shall apply if the construction of streets has commenced before this Act comes into force

Pending Cases and Matters, etc.

Section 25. For matters decided under the Building Act (1947:385) or the Building Ordinance (1959:612) by the Building Committee before this Act came into force older provisions shall apply for procedures as well as the examination of the case.

In actions under the Building Act for compensation or acquisition brought prior to the time this Act comes into force older provisions shall apply for the examination of the case.

Section 26. The provisions of Sections 60--64 of the Building Ordinance (1959:612) shall apply to construction works for which an older building permit was issued under the Building Ordinance.

Section 27. What is prescribed in an act of law or any other statute on town plans shall instead apply to a detailed development plan, where the municipality is responsible for public spaces. Provisions on building plans shall apply to a detailed development plan, where some other body than the municipality is responsible for public spaces. Provisions on building permits shall -- depending on the nature of the measure to which the permit pertains -- instead apply to a building permit, a demolition permit or a site improvement permit.

Transitional Provisions

1989:1049

1. The present Act enters into force in respect of the new Chapter 8, Section 11 subsection 5, and Chapter 10, Section 27, on 1 January 1990, and in other respects on 1 April 1990.
2. The new provisions of Chapter 5, Section 31 subsections 2--3, and Chapter 6, Section 13 subsections 2--4 shall apply to such decisions, which come into force on or after 1 April 1990.
3. The new provisions of Chapter 8, Section 27 shall apply to decisions rendered on or after 1 April 1990.
4. The provisions of Chapter 10, Section 27, as amended, shall also apply to matters in which a measure subject to the provisions of Chapter 8, Section 1 subsection 1 paragraph. (3) was taken prior to the Act coming into force, unless the Building Committee's right under older provisions to require assistance or to issue an injunction has expired prior to the entering into force of the present Act.

1991:604

1. The present Act enters into force, in respect of Chapter 17, Section 8, three weeks after the date upon which the Act according to a notice inserted in the Act appeared in print in the Swedish Code of Statutes, and in other respects on 1 July 1991.
2. The provision contained in Chapter 17, Section 8 shall apply as amended only where the plan or provision is amended or annulled after the entering into force of the present Act.

1991:743

The present Act enters into force on 1 January 1992. However, proof of guarantee pursuant to the new provision of Chapter 9, Section 1 subsection 2 is not required if the request for a building permit was lodged with the Building Committee prior to 1 July 1992. (Law 1992:2).

1991:871

The present Act enters into force on the date decided by the Government. Older provisions shall continue to apply with respect to actions for assistance, which have been brought prior to the entering into force of the present Act.

1992:541

The present Act enters into force on 1 January 1993. Older provisions shall, however, still apply with regard to fees referred to in Chapter 10, which were payable before the entering into force of the present Act.

1992:1769

The present Act enters into force in respect of Chapter 16, Section 3 on 1 July 1993 and, in other respects, on the date, which the Government decides. (Law 1993:697). (Came into force on 1 January 1994, 1993:1646).

1993:321

The present Act enters into force on 1 July 1993. However, proof of guarantee pursuant to the new provision of Chapter 9, Section 1 subsection 2 is not required where the request for a building permit was lodged with the Building Committee prior to 1 October 1993.

1994:819

1. The repealed sections shall continue to apply to matters in regard of which an application was lodged prior to the end of June 1994.
2. The repealed provisions of Chapter 8, Sections 17 and 24 shall continue to apply with regard to a demolition permit pertaining to a building for which an order for restoration has been issued by virtue of Section 2 the Housing Modernization Act (1973:531) or for a building on behalf of which an action is brought before the Regional Rent Tribunal for an order for restoration.
3. The repealed provisions of Chapter 8, Section 31 and Chapter 13, Section 6 shall continue to apply where the applicant invokes an approval which he obtained from a tenants' association prior to the end of June 1994 or where the applicant invokes a permission issued

pursuant to Section 2a, subsection 2 of the Housing Modernization Act (1973:531).

1994:852

1. The present Act enters into force on 1 July 1995. (Law 1994:1576).
2. With regard to matters decided by the municipality before the entering into force of the present Act, older provisions shall apply.

1994:1423

The present Act enters into force on 1 January 1995. Where an action was brought before the entering into force of the present Act, the older provisions shall apply.

1995:1197

1. The present Act enters into force on 1 January 1996.
2. With regard to matters decided by the municipality before the entering into force of this Act, the older provisions shall apply, except in regard of Chapter 3, Section 14.
3. Older provisions referring to the concepts “real estate formation authority” and “land registry authority” shall continue to apply with regard to real property formation authorities and land registry authorities established pursuant to the Act (1971:133) on Municipal Real Property Formation Authorities and Real Estate Register Authorities. (Law 1995:1415).

1995:1412

1. The present Act enters into force on 1 January 1996.
2. Older provisions shall continue to apply with regard to real estate formation authorities which are established pursuant to the Act (1971:133) on Municipal Real Estate Formation Authorities and Real Estate Register Authorities.

1995:1730

The present Act enters into force on 1 May 1996, but shall not apply to cases in which the first decision on the matter was rendered before that date.

1997:552

1. The present Act enters into force on 1 January 1998.
2. However, older provisions may apply with regard to local municipal federations established prior to 1 January 1998, but not beyond 31 December 2002.

1998:839

1. The present Act enters into force on 1 January 1999.
2. With regard to matters decided by the municipality before the entering into force of the present Act, older provisions shall apply.
3. In addition to decisions and prohibitions issued within the ambit of Chapter 14, Section 8 subsection 4, other decisions and prohibitions shall continue to be valid if issued within the frame specified in the said subsection and in pursuance of provisions, which have been replaced by the provisions contained in the said subsection.

2000:248

The present Act enters into force on 1 July 2000.

2000:770

The present Act enters into force on 1 January 2001.

2001:146

The present Act enters into force on 1 July 2001.

2001:442

The present Act enters into force on 1 July 2001.

2002:519

The present Act enters into force on 1 July 2002.

2003:132

1. The present Act enters into force on 1 July 2003.
2. With regard to appeals on decisions by the County Administrative Board older provisions shall apply when the decision is made before 1 July 2003.

2004:603

The present Act enters into force on 21 July 2004.

The Planning and Building Ordinance (Ordinance 1987:383); PBO

As amended – up to and including Swedish Code of Statutes
2001:320

Introductory Provisions

Section 1. This ordinance contains provisions on the implementation of the Planning and Building Act (1987:10). For the purpose of this Ordinance, terms and concepts, which are used in the Planning and Building Act, shall have the same meaning in this Ordinance. Provisions on certain plan documents etc. are laid down in the Survey Regulations (1974:339). (Ordinance 1991:1634).

Requirements on Buildings, etc.

Buildings and Public Spaces

Section 2. The National Board of Housing, Building and Planning may issue provisions on the implementation and other provisions required for the application of demands on buildings laid down in Chapter 3, Section 2 of the Planning and Building Act (1987:10). (Ordinance 1994:1237).

Section 3. Repealed (Ordinance 1994:1237).

Section 4. Repealed (Ordinance 1994:1237).

Section 5. The National Board of Housing, Building and Planning may issue provisions on the implementation and other provisions required for the application of the following regulations in Chapter 17 of the Planning and Building Act (1987:10):

Section 20 on facilities for climbing onto the roof and protection against accidents; on gates and similar constructions; and on facilities for the collection of garbage;

Section 21 on the adaptation to persons with limited mobility or orientation capacity;

Section 21a on demands on the removal of easily eliminated obstacles and on exemptions from such demands. (Ordinance 2001:320).

Sites and Public Spaces

Section 6. The National Board of Housing, Building and Planning may issue provisions on the implementation and other provisions

required for the application of the following rules in Chapter 3, Section 15 subsection 1 of the Planning and Building Act (1987:10): paragraph. (3) on restraining the risk of accidents and safeguarding traffic against significantly detrimental effects; paragraph. (4) on adequate access for emergency vehicles; paragraph. (5) on sites, public spaces and areas for constructions other than buildings to be used by persons with limited mobility or orientation capacity. (Ordinance 2001:320).

Section 7. Repealed (Ordinance 1994:1237).

Section 8. Repealed (Ordinance 1994:1237).

Definitions

Section 9. When provisions in the Planning and Building Act (1987:10) or provisions or decisions issued under that act regulates the building height, cellar depth or the number of storey the following provisions shall apply, unless otherwise regulated.

The building height and cellar depth shall be measured from the mean ground surface level alongside the building. However, if the building is located less than six meters from a public space, the measurement shall be made in relation to the mean ground surface level of the public space alongside the site, unless otherwise warranted by special circumstances.

The building height shall be measured from the line constituting the intersection between the frontage plane and a plane, which inclined at an angle of 45 degrees inwards the building, touches the roof of the building. The cellar depth shall be measured from the top surface of the lowest positioned basement floor.

As a storey is also accounted an attic where dwellings or working premises can be fitted, if the measured building height in accordance with the first subsection extends further than 0.7 meters higher above the top surface level of the joist floor of the attic, and a cellar, if the top surface of the floor of the storey immediately above is located more than 1.5 meters above the mean ground surface level alongside the building. (Ordinance 1994:1237).

Matters regarding Plans and Area Regulations

Region Plans and Comprehensive Plans

Section 10. During consultation on a proposal to adopt, amend or annul a regional plan or a comprehensive plan, the County Administrative Board shall in a suitable manner keep affected Government authorities informed of the planning works. A statement shall be requested from the Regional Forestry Board if

forested land is affected. Authorities with opinions on the plan proposal shall submit them to the County Administrative Board.

When the plan proposal shall be exhibited, the County Administrative Board shall notify those Government authorities, which can be expected to give opinions on issues where the County Administrative Board shall render a position in its review statement.

The County Administrative Board shall notify the Cadastral Authority on decisions to adopt, amend or annul a regional plan or a comprehensive plan. Other Government authorities shall be informed if they had opinions on the plan proposal or if they are especially affected by the decision. (Ordinance 1995:1445).

Detailed Development Plans, Property Regulation Plans and Area Regulations

Section 11. At consultations on proposals for detailed development plans, property regulation plans or area regulations the same order as prescribed in Section 10 subsection 1 shall apply. However, the County Administrative Board need not notify the Cadastral Authority or authorities that are concerned by the proposal as parties.

In other cases authorities that have not submitted any opinions on the comprehensive plan shall be notified only if the proposal has no basis in the comprehensive plan or particularly affects the authority.

A statement shall be requested from the Regional Forestry Board if forested land is affected. (Ordinance 1995:1445).

Section 12. Repealed (Ordinance 1995:1200).

Plan Documents, etc.

Section 13. Documents which by virtue of Chapter 4, Section 13, Chapter 5, Section 31 subsection 2 and Section 33, Chapter 6, Section 12 and Section 13 subsection 2 and Chapter 7, Section 7 of the Planning and Building Act (1987:10) shall be delivered to The National Board of Housing, Building and Planning, the County Administrative Board and the Cadastral Authority shall be suitable for an archive. (Ordinance 1995:1445).

Reporting Plans, etc.

Section 14. The County Administrative Board shall on request give the National Board of Housing, Building and Planning such reports on detailed development plans and area regulations, as well as planning material for regional plans, comprehensive plans, detailed development plans and area regulations needed to inform the National Board of Housing, Building and Planning on current trends within the authority's field of responsibility. (Ordinance 1991:74).

Matters regarding Permits and Notifications

Section 15. Written applications for permits or tentative approvals and documents specified in Chapter 8, Section 20 subsection 1 of the Planning and Building Act (1987:10) shall be suitable for archival filing in their existing condition or after being microfilmed, if the Building Committee so requests. (Ordinance 1994:1237)

Section 15a. A construction or demolition report shall specify the designation of the real estate unit upon which the building or demolition works are intended to take place, the name and address of the developer and the date on which the building or demolition works are planned to commence. (Ordinance 1995:1200).

Section 15b. The Building Committee may in a decision on a quality control plan state that documents describing the building or construction in finished condition, and which are suitable for archival filing or for microfilming, shall be lodged with the committee when the works are terminated, if the documents can be expected to be of significant relevance to the Building Committee's future supervisory duties. (Ordinance 1994:1237).

Section 16. The National Board of Housing, Building and Planning may issue provisions on the implementation required for the application of the rules on the processing of matters regarding permits and tentative approvals contained in Chapter 8, Section 19 subsection 2, Section 20 subsection 1 of and Section 34 subsection 4 of the Planning and Building Act (1987:10). (Ordinance 1994:1237).

Building Works, etc.

Quality Supervisor and Controller

Section 17. Persons responsible for quality matters pursuant to Chapter 9, Section 14 and such expert controller specified in Chapter 9, Section 9 subsection 1 shall have the education and experience required and be suitable for the duty.

A decision to confer national authority to a person responsible for quality matters pursuant to Chapter 9, Section 14 of the Planning and Building Act (1987:10) shall be temporary and may be restricted to a special category of works.

An expert controller specified in Chapter 9, Section 9 subsection 1 of the Planning and Building Act (1987:10) might be certified by a body accredited under Section 14 of the Act (1992:1119) on Technical Control for rendering that service. The certification shall be temporary and may be restricted to a special category of works.

The National Board of Housing, Building and Planning may issue further provisions on persons responsible for quality matters with national authorization and for certification of expert controllers. (Ordinance 1994:1237).

Section 18. Unless special circumstances warrant otherwise the Building Committee shall accept a person with national authorization and reports from experts whose competence is assured by certification. The question of when the Building Committee may decide to substitute a person responsible for quality matters is regulated in Chapter 9, Section 15 of the Planning and Building Act (1987:10). (Ordinance 1994:1237).

Section 19. The National Board of Housing, Building and Planning may issue provisions on the implementation needed for the application of the provisions of Chapter 9, Section 1, of the Planning and Building Act (1987:10) on construction, demolition and site improvement works. (Ordinance 1994:1237).

Section 20. If a building to be demolished is contaminated with vermin or wood-destroying insects, then these shall be exterminated. Materials, capable of causing adverse effects to humans, fauna or flora shall be handled in a safe manner.

The National Board of Housing, Building and Planning may issue provisions on the implementation needed for the application of the first subsection. (Ordinance 1991:74).

Section 21. Repealed (Ordinance 1994:1237)

Section 22. Repealed (Ordinance 1994:1237)

Enforced Collection

Section 23. Provisions on a request for enforced collection etc. are contained in Sections 4--9 of the Debt Retrieval Regulations (1993:1229). The person liable for payment must be demanded to pay his debt prior to a request for forced collection in accordance with to Section 3 of the Debt Retrieval Regulations. Enforced collection is not necessary for a claim less than 100 SEK if enforced collection is not called for in the public interest. (Ordinance 1993:1249).

Transitional Provisions

1987:383

The present Ordinance comes into force on 1 July 1987.

Regulations issued by the National Board of Physical Planning and Building in pursuance of Section 76 clause (1) of the Building Ordinance (1959:612) will cease to be valid at the entry into force of this Ordinance. With regard to matters decided by the municipality before 1 July 1987, older provisions shall apply. At the implementation of Section 2, the National Board of Physical Planning and Building may decide that pending further notice older provisions shall apply.

1991:74

The present Ordinance comes into force on 1 July 1991.

1991:1634

The present Ordinance comes into force on 1 January 1992.

1993:1249

The present Ordinance comes into force on 1 January 1994.

1994:1237

1. The present Ordinance comes into force on 1 July 1995. (Ordinance 1994:1575).
2. With regard to matters decided pursuant to the Planning and Building Act (1987:10) by the municipality before the coming into force of the present Ordinance, older provisions shall apply.

1995:1200

The present Ordinance comes into force on 1 January 1996.

1995:1445

1. The present Ordinance comes into force on 1 January 1996.
2. Older provisions shall continue to apply with regard to real property formation authorities and land register authorities established pursuant to the Act (1971:133) on Municipal Real Property Formation Authorities and Real Property Register Authorities.

Act (1994:847) on Technical Requirements for Construction Works, etc

Amendments including 1999:366

Scope of Application

Section 1. This Act contains provisions on technical requirements for construction works (buildings and other civil engineering works) and construction products.

For the purposes of this Act, 'construction product' means any product, which is intended for incorporation in a permanent manner in construction works. (Law 1999:366).

Technical Requirements for Construction works

Section 2. Constructions which are erected or altered shall, on the assumption of normal maintenance, during of economically reasonable time of use comply with essential technical requirements concerning:

- (1) load bearing capacity, stability and durability;
- (2) safety in case of fire;
- (3) precautions with regard to hygiene, health and environment;
- (4) safety in use;
- (5) protection against noise;
- (6) energy economy and thermal insulation;
- (7) suitability for the intended purpose;
- (8) accessibility and fitness for use with regard to persons with limited mobility or orientation capacity; and
- (9) economical management of water and waste.

The provisions on technical specifications shall be observed with regard to caution provisions laid down in accordance with Chapter 3, Sections 10--14 of the Planning and Building Act (1987:10).

Constructions shall be maintained in order to essentially preserve the requirements in the first subsection. Facilities intended to meet the demands of the preceding subsection paragraphs (2)--(4), (6) and (8) shall be kept in proper condition. (Law 1999:366).

Section 2a. Lifts in buildings shall, even when the first subsection of Section 2 is not applicable, be designed and equipped to reasonably fulfill the technical requirements for construction works in accordance with in Section 2. (Law 1999:366).

Section 3. Special provisions on construction works, supervision, control and sanctions are set out in Chapters 9 and 10 of the Planning and Building Act (1987:10).

Construction Products

Requirements on Suitability

Section 4. Construction products shall be suitable for their intended use in order to be incorporated in construction works. A construction product is suitable if it has such characteristics that the construction in which it is to be incorporated, when properly designed and built, can satisfy the requirements laid down in Section 2 first subsection paragraph (1)--(6) or issued under Section 22. (Law 1999:366).

Section 5. Construction products that satisfy the requirements for suitability in Section 4 or in regulations under Section 22 may be placed on the market and used for its intended purpose.

Marking

Section 6. If a construction product shall be provided with a CE mark in accordance with regulations under Section 22 paragraph (3), the provisions in the Act (1992:1534) on CE Marking also apply. (Law 1994:1589).

Supervision

Section 7. The authority or authorities designated by the Government shall supervise that regulations in Sections 4--6 and under Section 22 are observed.

Section 8. A supervisory authority has the power to demand from anyone who manufacture, import, sell or use construction products within the scope of the supervision:

- (1) access to the products for inspection;
- (2) information and documents necessary for the control; and
- (3) access to areas, premises and other spaces, provided they are not used for residential purposes.

A supervisory authority may request assistance by the Enforcement Service in performing the actions mentioned in the preceding section.

Section 9. If warranted by safety aspects, a supervisory authority may issue orders and impose prohibitions required in individual

cases to enforce compliance with Section 5 and regulations under Section 22.

Section 10. If a construction product has been CE marked in contravention of the requirements on CE marking, a supervisory authority may order a manufacturer, importer or vendor of the construction product to:

- (1) cease using the CE marking;
- (2) recall unsold products; or
- (3) remove the CE mark.

An order issued under the preceding subsection is valid until the product is brought in compliance with the requirements. (Law 1994:1589).

Section 11. An order or a prohibition issued in accordance with Section 9 or 10 may be combined with a default fine.

Appeals and Implementation

Section 12. An appeal against decisions of a supervisory authority in accordance with Section 9 or 10 or with provisions under Section 22 may be made to an administrative court of general jurisdiction.

However, leave to appeal is required to the Administrative Court of Appeal.

A decision to impose a prohibition is immediately effective.

Section 13--14. Repealed. (Law 1999:366).

Inspection of Performance

Section 15. If special provisions require inspections of the performance of ventilating systems, to ensure a satisfactory indoor climate in accordance with Section 2 subsection (1) paragraph (3)--(6), a specialist ('performance controller') shall carry out the inspection. The owner of the building appoints the performance controller.

Section 16. Only a person with approval (national authorization) from a body accredited for this purpose in accordance with Section 14 of the Act (1992:1119) on Technical Control, or a person approved for certain control by the municipal committee exercising the duties within the planning and building administration, may be appointed performance controller.

Section 17. If the municipal committee referred to in Section 16 establishes that a performance controller has failed to meet the obligations, the committee may decide that another performance

controller shall be appointed. If the performance controller has national authorization, the committee shall report the disqualification to the body that issued the national authorization.

The committee's decision in these issues or with respect to an approval for performing certain control subject to Section 16 may be appealed to an administrative court of general jurisdiction.

However, leave to appeal is required to the Administrative Court of Appeal. Lag (1999:366).

Type-Approval and Production Control

Section 18. After application may be assessed whether certain kinds of material, structures or arrangements may be used in constructions (voluntary type-approval).

If necessary for the protection of life, personal safety or health, the Government may direct that material, structures or arrangements may not be used in constructions unless they are type-approved (mandatory type-approval).

A type-approval may be combined with a demand for continuous control (production control). Also when no type-approval is involved, an application may lead to a decision that production control shall be performed.

Section 19. It shall be presumed that type-approved or production controlled materials, structures or arrangements satisfy the requirements in Section 2 with regard to the aspects covered by the approval or control.

Section 20. Decisions on type-approval and production control pursuant to Section 18 must be rendered by bodies accredited for this purpose in accordance with Section 14 of the Act (1992:1119) on Technical Control.

Authorizations

Section 21. The Government, or the authority designated by the Government, may issue further provisions required for compliance of constructions with Sections 2--2a. (Law 1999:366).

Section 22. In order to fulfill Sweden's international obligations, the Government, or the authority designated by the Government, may issue provisions on

- (1) requirements on construction products to become suitable for the intended use;
- (2) attestation of conformity with current standards for construction products;
- (3) marking of construction products as a condition for their placing on the market and their use;
- (4) construction products which play a minor part with regard to health and safety, where the manufacturer has issued an affirmation on the construction products' compliance with officially recognized and applied technology; and
- (5) prohibitions against the placing on the market of construction products which fail to comply with the criteria on suitability. (Law 1999:366).

Section 23. The Government, or the authority designed by the Government, may issue further provisions required for checks of compliance with regulations under Section 21. (Law 1999:366).

Section 24. The Government, or the authority designed by the Government, may issue further provisions on performance controllers, required in addition to the provisions in Sections 15--17.

Section 25. The Government, or the authority designed by the Government, may issue further provisions on type-approval and production control.

Transitional Provisions

1994:847

1. This Act comes into force on 1 July 1995, at which date the Act (1992:1535) on Construction Products is repealed. (Law 1994:1577).
2. This Act shall not apply to matters decided before it's coming into force by the municipality pursuant to the Planning and Building Act (1987:10).

1994:1577

This Act comes into force on 1 July 1995.

1994:1589

This Act is promulgated on 8 December 1995.

1999:366

This Act comes into force on 1 July 1999

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The Ordinance (1994:1215) on Technical Requirements for Construction Works, etc

Amendments including 2002:186

Scope of Application

Section 1. This Ordinance contains provisions on the implementation of the Act (1994:847) on Technical Requirements for Construction Works, etc.

For the inspection of lifts and other mechanically operated devices there are provisions in the Ordinance (1999:371) on Control of lifts and Certain Other Mechanically-Operated Devices in Buildings.

For the inspection of ventilation systems there are provisions in the Ordinance (1991:1273) on Performance Control of Ventilating Systems.

The Ordinance (1994:99) on Electricity, Water and Heat Meters sets out special provisions on electricity, water and heat meters. (Ordinance 1999:372).

Technical Specifications on Constructions

General Requirements

Section 2. The provisions of Sections 3--8 shall apply
(1) when construction works are erected; and

(2) to additions or alterations, when a construction is extended or changed in some other way.

Section 3. The construction works must be designed and built in such a way that the impacts likely to occur during the period of building and use will not lead to:

(1) collapse of the whole or part of the structure:

(2) major deformations to an inadmissible degree;

(3) damage to other parts of the construction or to installations or equipment as a result of major deformation of the load-bearing construction;

(4) damage to an extent disproportionate to the cause of action.

Section 4. Construction works must be designed and built in such a way that in the event of an outbreak of fire:

- (1) the load-bearing capacity of the construction can be assumed for a specific period of time;
- (2) the generation and spread of fire and smoke within the construction are limited;
- (3) the spread of the fire to neighboring construction works is limited;
- (4) people inside the construction works on fire can leave it or to be rescued by other means;
- (5) the safety of rescue teams is taken into consideration.

Section 5. Construction works must be designed and built in such a way that they will not be a threat to the hygiene or health of the occupants or neighbors, in particular as a result of any of the following:

- (1) the giving-off of toxic gas;
- (2) the presence of dangerous particles or gases in the air;
- (3) the emission of dangerous radiation;
- (4) pollution or poisoning of the water or soil;
- (5) faulty elimination of waste water, smoke, solid or liquid waste;
- (6) the presence of damp in parts of the works or on surfaces within the works.

Section 6. Construction works must be designed and built in such a way that it does not present unacceptable risks of accidents in service or in operation such as slipping, falling, collision, burns, electrocution, injury from explosion.

Section 7. Construction works must be designed and built in such a way that noise perceived by the occupants or people nearby is kept down to a level that will not threaten their health and will allow them to sleep, rest and work in satisfactory conditions.

Section 8. A construction and its heating, cooling and ventilation installations must be designed and built in such a way that the amount of energy required in use shall be low, having regard to the climatic conditions of the location and the occupants.

Special Requirements on Buildings

New Buildings

Section 9. When a building is erected, the provisions in Sections 10-13 shall apply in addition to the provisions in Sections 3--8.

Section 10. The heating system of a building, containing dwellings or working premises, must, as far as is reasonable in consideration of

the heating method and the source of energy supply, be designed to allow for alternate sources of energy, suitable from a general energy point of view, without extensive alterations.

The general layout of a single-family or a two-family dwelling, which is mainly heated by electricity or natural gas, must be designed to facilitate a conversion of the heating system to another source of energy supply.

Single-family or two-family dwellings may be supplied with a heating system for direct-acting electric heating if the building has particularly good energy economy possessions.

The provisions of this section shall not apply to holiday cottages with the maximum of two dwellings.

Section 11. Buildings which contain dwellings, must be designed and built in such a way that the dwellings to a reasonable extent have separable spaces for sleep and rest, social contact, cooking, meals, hygiene and storage.

To the extent warranted by the use of the dwellings, there shall be facilities and equipment for hygiene and cooking.

Section 12. Buildings containing dwellings, working premises or premises to which the general public has access, must be designed and built in such a way that the dwellings and the premises are accessible to, and can be used by, people with limited mobility or orientation capacity. However, if justified by the nature of the topography, the requirement for access to the building does not apply to single-family and two-family dwellings.

The provisions of the preceding subsection shall not apply to
(1) working premises, if it is not necessary with regard to the kind of activities intended in the premises; and
(2) holiday cottages with not more than two dwellings.

Buildings shall be fitted with lifts or other lifting appliances to the extent needed with regard to the requirement on accessibility. The requirement that dwellings shall be accessible by lift or other lifting appliance does not apply to buildings with less than three floor levels. However, if such buildings contain dwellings, which are not accessible from the ground, they shall be designed and built in such a way that lift or other lifting appliance may be installed without difficulties. An attic containing a dwelling or the main portion of a dwelling is regarded as a floor level.

Section 13. Buildings shall be designed and built in a way that allows good economy in the use of water. In areas with shortage or anticipated shortage of water, the municipality may issue water management provisions made necessary by the situation within the area, in a detailed development plan or area regulations.

If a holiday cottage with not more than two dwellings, due to its standard or location, is unsuitable for residential use for longer periods, the preceding subsection applies only to the extent reasonable with regard to the degree of the use and the water situation. (Ordinance 1995:598).

Alterations to Buildings

Section 14. If a building is extended or it is altered in some other way, the requirements in Sections 3--8 and 10--13 shall be satisfied in regard to the part added or altered. The same applies to the requirement on economical management of waste in Section 2 subsection 1 paragraph 9 of the Act (1994:847) on Technical Requirements for Construction Works, etc.

When the provisions of the preceding subsection are applied, consideration shall be paid to the proportions of the alteration and the standard of the building. (Ordinance 1995:598).

Section 15. If an alteration to a building other than an addition considerably extends the building's working life or causes a substantial change in the use of the building or a part thereof, the requirements in Sections 3--8 and 10--14 shall be satisfied also with regard to those parts of the building which, without being subjected to the alteration, are indirectly affected this. In the event of such alterations, Section 12 shall apply to the extent this is not evidently unreasonable in view of the extent of the alteration and the standard of building. (Ordinance 1995:598).

Section 16. If an alteration to a building shall be carried out in stages and if, during an early stage, the provisions of Section 15 require extensive alterations in parts of the building other than the part directly concerned, the Building Committee may, if this is more appropriate for technical, social or economic reasons, prescribe in a control plan in accordance with Chapter 9, Section 9 of the Planning and Building Act (1987:10), or in a special decision, that such a consequential alteration need not be carried out until at a certain later date. The decision shall specify the date when the consequential alteration must be carried out.

Section 17. For alterations to buildings other than extensions, the municipality may in a detailed development plan or in area regulations determine requirements less demanding than those, which follow from Sections 14 and 15, provided that the built environment nevertheless will have acceptable properties in the long term.

Special Provisions

Section 18. The National Board of Housing, Building and Planning may, except in cases referred to in the third subsection, after consultation with other concerned authorities issue the provisions required for the implementation of Sections 3--8 and 10—15, if no other authority under some statutory instrument other than this Ordinance is empowered to issue such provisions. The same applies for provisions on economical management of waste and on requirements of maintenance in accordance with Section 2 subsection 1 paragraph 9 and subsection 3 of the Act (1994:847) on Technical Qualities of Buildings, etc.

The National Board of Housing, Building and Planning may for an individual case approve of minor derogations from the provisions in Sections 10-15 if warranted by special reasons.

The Swedish National Road Administration may after consultation with the National Board of Housing, Building and Planning issue provisions required for the implementation of Sections 3--8 with regard to roads and streets, except for vehicular tunnels, and to road or street facilities. (Ordinance 1999:774).

Section 19. The National Board of Housing, Building and Planning may issue further provisions regarding the implications of the requirements on the technical specifications on constructions referred to in Section 2 subsection 1 paragraph 7--8 of the Act (1994:847) on Technical Requirements for Construction Works, etc. with regard to such cableway installations which are covered by the Directive 2000/9/EC of the European Parliament and of the Council of 20 March 2000 relating to cableway installations designed to carry persons. (Ordinance 2002:186).

Section 19a. Repealed. (Ordinance 1999:372).

CE marked Construction Products

Section 20. A construction product shall be considered suitable for use in construction works in accordance with Section 4 of the Act –

(1994:847) on Technical Requirements for Construction Works, etc. if it is

(1) CE marked in accordance with the provisions of Section 21 or 22 and the Act (1992:1534) on CE Marking, or

(2) manufactured in some other country within the European Economic Area and CE marked pursuant to the provisions adopted in that other country. (Ordinance 1995:598).

Section 21. Construction products may be CE marked if the products have been attested to conform to a technical specification and satisfy the provisions, which may follow from other regulations regarding requirements for CE marking. The specification may be of the following kind:

(1) a national standard that implements the relevant harmonized standard for construction products, published in the Official Journal of the European Community;

(2) a European technical approval referred to in Section 27; or

(3) any other technical specification for construction products that has been published in the Official Journal of the European Community.

The attestation of conformity must be carried out as stated in connection with the technical specification. If this requires the participation of a third-party body, the provisions regarding notified bodies in Section 3 of the Act (1992:1119) on Technical Control shall apply to the third-party body. However, in the case of individual production, the manufacturer may always attest the conformity on the basis of initial type testing by the manufacturer and on the internal factory production control system, unless otherwise stated in the technical specification. (Ordinance 1997:1240).

Section 22. When required, in connection with such a specification mentioned in Section 21, that the attestation of conformity shall be done by an assurance given by the manufacturer, and this assurance shall be based on initial type testing of the product, performed either by a laboratory or by the manufacturer, and on the internal factory production control system, the product may be CE marked even without conformity with the specification. The conditions in such a case are that

(1) the requirements for suitability in Section 4 of the Act (1994:847) on Technical Requirements for Construction Works, etc. are satisfied;

(2) the type test of the product is performed by a laboratory which is a notified body in accordance with Section 3 of the Act (1992:1119) on Technical Control; and

(3) the product complies with provisions in other statutes concerning the requirements for CE marking. (Ordinance 1997:1240).

Section 23. Special regulations concerning notified bodies in accordance with Section 3 of the Act (1992:1119) on Technical Control are given in that act and in provisions issued in pursuance of the said act.

Section 24. The National Board of Housing, Building and Planning may issue provision on

(1) how CE marking shall be done on different product categories; who shall mark the products; and the information that shall accompany the mark;

(2) the information in an EC Certificate of Conformity and an EC Declaration of Conformity; and

(3) the class or level which may be used for a construction product, provided such subdivision has been made in conjunction with the technical specification and no other authority has the jurisdiction under this Ordinance or any other statutory instrument to issue such provisions on the construction works in which the construction product shall be incorporated. (Ordinance 1999:774).

Section 25. The National Board of Housing, Building and Planning shall communicate to the Commission of the European Communities the Swedish national technical specifications, which should be published and are referred to in Section 21 subsection 1 paragraph 3. (Ordinance 1995:598).

Section 26. Repealed. (Ordinance 1995:598).

European Technical Approvals

Section 27. European technical approvals may, on application, be granted for a construction products

(1) which differ significantly from the standards referred to in Section 21 subsection 1 paragraph (1) and (3);

(2) which are not comprised in any standardization mandate issued by the Commission of the European Community; or

(3) where the Commission of the European Community has found no other impediment to the approval.

The approval shall be issued for a fixed period. It shall be published by the approval body and made available to all other approval bodies within the European Economic Area. (Ordinance 1995:598).

Section 28. Bodies designated by the Government grant European Technical Approvals.

Before the Government designates a body referred to in the preceding subsection, the Swedish Board for Accreditation and Technical Control must assess the competence of this body, applying provisions in the Act (1992:1119) on Technical Control and linked provisions about bodies notified in accordance with Section 3 of the said act. (Ordinance 1997:1240).

Section 29. Bodies referred to in Section 28 must be members of the European Organization for Technical Approvals (EOTA). The Government appoints one of these bodies to act as spokesman in this organization.

Section 30. The National Board of Housing, Building and Planning may issue further provisions required for the implementation of Sections 27--29.

Construction Products Approved in Another Country

Section 31. If technical specifications as defined in 21 Section subsection 1 are not available but corresponding Swedish specifications exist for a construction product manufactured in another country within the European Economic Area, the construction product shall, on request in individual cases, be considered suitable for use in constructions. However, this applies on condition that the product has complied with the Swedish specifications in tests and control in the manufacturing country. Reports and attestations of conformity, issued in the manufacturing country, and then are accorded the corresponding value of Swedish reports and attestations.

Section 32. The National Board of Housing, Building and Planning is responsible for the exchange of information and the assessments of test and control methods required for the implementation of Section 31.

Construction Products which play a minor part with respect to Health and Safety

Section 33. A construction product shall be considered suitable for use in contraction works if it is included in a list of products which play a minor part with respect to health and safety drawn up by the Commission of the European Community and the manufacturer has issued a declaration of conformity with acknowledged rules of technology. (Ordinance 1995:598).

Section 34. The National Board of Housing, Building and Planning may issue further provisions on the information of a declaration referred to in Section 33.

Appointment of Control Bodies in Special Cases

Section 35. In lack of the technical specifications referred to in Section 21 subsection 1 the Board for Accreditation and Technical Control shall on request in individual cases appoint a body for technical control to carry assess whether a construction product, which has been manufactured, tested and controlled in Sweden, shall be allowed to be placed on the market and used in another country within the European Economic Area in accordance with regulations in that country.

The Board for Accreditation and Technical Control shall be responsible for the exchange of information required for the implementation of the preceding subsection. Furthermore the provisions in the Act (1992:1119) on Technical Control and linked provisions about bodies notified in accordance with Section 3 of the said act shall apply. (Ordinance 1997:1240).

Special Provisions on Elevators and Heating Installations, etc.

Section 35a. The National Board of Housing, Building and Planning may issue provisions

(1) on requirements on health and safety and on accessibility for people with limited mobility or orientation capacity to be fulfilled by lifts permanently installed in constructions and by safety components used in such lifts; and

(2) specifying lifts and safety components covered by the provisions in paragraph (1). (Ordinance 1999:372).

Section 35b. The National Board of Housing, Building and Planning may issue provisions

(1) on requirements for the efficiency of new hot-water boilers fired by liquid or gaseous fuels; and

(2) specifying the boilers covered by the provisions in paragraph (1). (Ordinance 1999:372).

Section 35c. The National Board of Housing, Building and Planning may issue provisions

(1) on the attestation of conformity to current requirements on lifts and associated safety components and on boilers or boiler appliances; and

(2) on the marking of elevators and associated safety components and of boilers or boiler appliances. (Ordinance 1999:372).

Section 35d. A lift or a safety component referred to in provisions under Section 35a paragraph (2) may be placed on the market only if it complies with requirements issued under Section 35a paragraph (1).

A boiler or a boiler appliance may be placed on the market only if it complies with requirements issued under Sections 35b and 35c.

A lift or safety component that does not fulfill the requirements of the first subsection may still be exhibited at trade fairs, exhibitions, demonstrations etc., if it is clearly stated that the requirements are not fulfilled and that the lift or safety component cannot be obtained until the requirements have been fulfilled. During the demonstration necessary precautions must be taken to protect against accidents. The same applies for a boiler that does not fulfill requirements in the second subsection.

A safety component may be placed on the market, if the manufacturer or the authorized representative of the manufacturer declares that the component is intended to be incorporated into an lift referred to in the first subsection. (Ordinance 1999:372).

Section 35e. The National Board of Housing, Building and Planning may issue provisions on requirements on energy economy and heat insulation to be met by appliances for space heating or hot water supply in buildings other than industrial buildings.

The National Board of Housing, Building and Planning may issue provisions on the marking of heating installations referred to in the first subsection, on who that shall mark those and on the information that shall accompany the mark. (Ordinance 1999:372).

Section 35f. The National Board of Housing, Building and Planning may issue provisions on subsystems and safety components necessary for the implementation of the Directive 2000/9/EC of the European Parliament and of the Council of 20 March 2000 on cableway installations designed to carry persons, where provisions in Sections 35a, 35c and 35d on lifts and safety components shall apply to subsystems and safety components of cableway installations. (Ordinance 2002:186).

Supervision, etc.

Section 36. The National Board of Housing, Building and Planning shall exercise supervision in accordance with Section 7 of the Act (1994:847) on Technical Requirements for Construction Works, etc.

Section 37. The National Board of Housing, Building and Planning shall maintain a list of the technical specifications referred to in

Section 19a subsection 1 and in Section 21 subsection 1 paragraph (1) and (3) together with associated recommendations on the procedural rules for attestation of conformity. The list shall also state provisions specified in Section 24 paragraph (3). (Ordinance 1995:598).

Section 38. The National Board of Housing, Building and Planning shall in its Code of Statutes publish:

(1) the lists referred to in Sections 33 and 37;

(2) the guidelines adopted for the issue of European technical approvals; and

(3) a list of the bodies which have been appointed in accordance with Section 28 to issue European technical approvals. (Ordinance 1995:598).

Type-approval and Production Control

Section 39. A decision on type-approval in accordance with Section 18 subsection 1 of the Act (1994:847) on Technical Requirements for Construction Works, etc. shall specify in what respects and under what conditions the material, construction or appliance complies with the requirements of Section 2 in the said act and associated provisions. The decision, which shall be limited in time, may be given subject to conditions and provisions on production control.

A decision on production control with no connection to a type-approval issued in accordance with Section 18 subsection 3, last sentence, of the Act (1994:847) on Technical Requirements for Construction Works, etc., shall specify how the control shall be done so that the material, construction or appliance complies with the requirements of Section 2 of the said act and associated provisions. The decision shall be limited in time and may be subject to conditions.

Section 40. The National Board of Housing, Building and Planning may issue further provisions on type-approval and production control.

Transitional Provisions

1994:1215

This Ordinance comes into force on 1 July 1995, at which date the Ordinance (1993:1051) on Construction Products is repealed. (Ordinance 1994:1528)

Act (1992:1534) on CE Marking

As amended – up to and including Swedish Code of Statutes
1994:1588

Introductory Provisions

Section 1. This Act contains provisions on the marking ('CE marking') that shall be done to certain products pursuant to Directives issued in accordance with the Council's Resolution of 7 May 1985 on a new method for technical harmonization and standards. (Law 1994:1588)

Section 2. CE marking of a product may be done only if
(1) the marking complies with the Acts referred to in Section 1; and
(2) the marking is regulated in a law or other statutory instrument. (Law 1994:1588).

Design of the CE Marking, etc.

Section 3. The CE marking shall consist of the initials "CE" designed according to the Annex to this Act.

The various components of the CE marking must have substantially the same vertical dimension, which may not be less than 5 mm. If the CE marking is reduced or enlarged, the proportions given in the model must be kept. (Law 1994:1588).

Section 4. The CE marking must be done in a way that is visible, readable and permanent. (Law 1994:1588).

Correction of incorrect CE Marking

Section 5. The Government or the authority designated by the Government may regulate exemptions from the provisions in Sections 3 and 4 if this is justified by an Act referred to in Section 1.

Section 5a. If a product has been CE marked although it does not satisfy the prerequisites for CE marking, the party who is responsible for the CE marking must immediately make corrections to end the violation. (Law 1994:1588).

Prohibition against confusing Marks

Section 6. Marks that can be easily confused with CE marking may not be used in trade. (Law 1994:1588).

Liability

Section 7. A person who intentionally or through carelessness disregards Section 2 or 6 shall be sentenced to a fine, unless the act is punishable under a statutory instrument.

A person who disregards an order with a default fine or a prohibition with a default fine given under another statutory instrument, shall not be sentenced to a fine according to the first subsection for an act that is covered by the order or prohibition.

The Annex is here omitted.

Regulations issued by the National Board of Housing, Building and Planning on CE Marking of Construction Products, etc.; BFS 1997:29 CE

Decided 18 April 1997

In pursuance of the Ordinance (1994:1215) on Technical Requirements for Construction Works, etc., the National Board of Housing, Building and Planning issues the following Regulations.

Section 1. This regulation contains provisions on CE marking of construction products. The meaning of "construction product" is stated in Section 1 subsection 2 of the Act (1994:847) on Technical Requirements on Constructions Works, etc. (BVL). Rules on CE marking of construction products are in addition to BVL also contained in the Ordinance (1994:1215) on Technical Requirements on Construction Works, etc. (BVF). General provisions on CE marking are in the Act (1992:1534) on CE Marking.

Section 2. The manufacturer, or his representative within the European Economic Area, is responsible for affixing the CE mark on the product itself, on a label attached to it, on its packaging, or on the accompanying commercial documents.

Section 3. The CE marking shall be accompanied by;

- (1) where appropriate, the identification number of the body participating in the production control;
- (2) the name or identifying mark of the manufacturer;
- (3) the last two digits of the year the marking was done;
- (4) where appropriate, the number of the EC Certificate of Conformity; and

(5) where appropriate, information to indicate the characteristics of the product on the basis of the technical specifications.

If the product is to be used in Sweden, the information shall be presented in Swedish.

Section 4. From the provisions of Sections 21 and 22 of the BVF, it follows that a CE marked construction product in addition to the regulations in the BVL and the BVF also must comply with regulations contained in other statutory instruments on CE marking. If such other statutory instrument allows the manufacturer, during a transitional period, to choose what regulations to apply, he must in the documents, notices or instructions that shall accompany the CE marking, give information on the Directives applied, as they have been published in the Official Journal of the European Communities. In this case, the CE marking indicates only that the product is in conformity with the Directives applied by the manufacturer.

Section 5. An EC Certificate of Conformity shall be presented in Swedish, if the product is to be used in Sweden, and shall contain the following information;

- (1) the name and address of the certification body;
- (2) the name and address of the manufacturer or his representative within the European Economic Area;
- (3) a description of the product (type, identification, use, etc.);
- (4) the technical specifications or provisions to which the product conforms;
- (5) the particular conditions applicable to the use of the product;
- (6) the certificate number;
- (7) where applicable, the conditions and period of validity of the certificate; and
- (8) the name of and position held by the person empowered to sign the certificate.

Section 6. An EC Declaration of Conformity shall be presented in Swedish, if the product is to be used in Sweden, and shall contain the following information;

- (1) the name and address of the manufacturer, or his representative within the European Economic Area;
- (2) a description of the product (type, identification, use, etc.);
- (3) the technical specifications or provision to which the product conforms;
- (4) the particular conditions applicable to the use of the product;

(5) where applicable, the name and address of the approved body;
and

(6) the name of and position held by the person empowered to sign
the declaration on behalf of the manufacturer or of his authorized
representative.

Transitional Provisions

These Regulations come into force on 1 July 1997

Publishing¹, by the National Board of Housing, Building and Planning, of Technical Specifications etc.

to implement the Council Directive 89/106/EEC of 21 December 1988 on the Approximation of Laws and other Regulations on Construction Products, and General Recommendations for the Application of these Regulations; BFS 1999:17 TEK

Issued on 3 May 1999. Amended up to BFS 2003:12 TEK 7.

In pursuance of Section 38 of the Ordinance (1994:1215) on Technical Requirements for Construction Works, etc., the National Board of Housing, Building and Planning publishes the following.

ANNEX I specifies the harmonized product standards which have been published as Swedish standards pursuant to Section 21 subsection 1 paragraph (1) of the Ordinance (1994:1215) on Technical Requirements for Construction Works, etc. The Annex also specifies the decision published in the Official Journal of the

¹ Cf. Council Directive 89/106/EEC 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products construction products (OJ L 040, 11/02/1989 s. 0012 - 0026, Celex 389L0106) amended by Council Directive 93/68/EEC of 22 July 1993 amending Directives 87/404/EEC (simple pressure vessels), 88/378/EEC (safety of toys), 89/106/EEC (construction products), 89/336/EEC (electromagnetic compatibility), 89/392/EEC (machinery), 89/686/EEC (personal protective equipment), 90/384/EEC (non-automatic weighing instruments), 90/385/EEC (active implantable medicinal devices), 90/396/EEC (appliances burning gaseous fuels), 91/263/EEC (telecommunications terminal equipment), 92/42/EEC (new hot-water boilers fired with liquid or gaseous fuels) and 73/23/EEC (electrical equipment designed for use within certain voltage limits) (OJ L 220, 30/08/1993 S. 0001 - 0022, Celex 393L0068). See also the Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ L 204, 21.7.1998, pages 37 - 48, Celex 398L0034)

European Communities, OJ, on attestation of conformity.
Transitional periods are given in OJ.

ANNEX II specifies the guidelines for such technical approvals adopted by the European Organization for Technical Approvals (EOTA) referred to in Section 21 subsection 1 paragraph 2 of the Ordinance (1994:1215) on Technical Requirements for Construction Works, etc., The Annex also specifies the decision published in the Official Journal of the European Communities, OJ, on attestation of conformity and transitional periods.

ANNEX III specifies the approval bodies designated pursuant to Section 28 of the Ordinance (1994:1215) on Technical Requirements for Construction Works, etc., for the purpose of issuing European technical approvals.

ANNEX IV specifies the products which, pursuant to Section 33 of the Ordinance (1994:1215) on Technical Requirements for Construction Works, etc., only require a manufacturer's declaration and which may not be CE marked.

ANNEX V specifies such national technical specifications that have been published pursuant to Section 21 subsection 1 paragraph (3) of the Ordinance (1994:1215) on Technical Requirements for Construction Works, etc.,

In relation to the specifications are, where appropriate, general recommendations on how the specifications can be applied.

Regulations and general recommendations, issued by the National Board of Housing, Building and Planning, on Type Approval and Production Control; BFS 1995:6 TYP

Amended up to BFS 2001:23 TYP 3

In pursuance of Section 40 of the Ordinance (1994:1215) on Technical Requirements for Construction Works, etc., the National Board of Housing, Building and Planning issues the following regulations and general guidance.

A procedure for information has been implemented in pursuance of the Ordinance (1994:2029) on Technical Standards and Regulations.¹

General Provisions

Section 1. This Regulation contains provisions and general guidance on voluntary type-approval and decisions on production control in accordance with Section 18 subsections 1 and 3, Sections 19 -- 20 of the Act (1994:847) on Technical Requirements for Construction Works, etc., BVL, and Section 39 of the Ordinance (1994:1215) on Technical Requirements for Construction Works, etc., BVF.

With regard to structures other than buildings, this Regulation applies only to such constructions mentioned in Chapter 8, Section 2

¹ See Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ L 204, 21.7.1998, p.37, Celex 398L0034), amended by Directive 98/48/EC of the European Parliament and of the Council of 20 July 1998 (OJ L 217, 5.8.1998, p.18, Celex 398L0048).

subsection 1 of the Planning and Building Act (1987:10). (BFS 2000:27 TYP 2)

Section 2. Type-approvals and decisions on production control for different types of products, constructions and appliances shall be given for an intended use (a specified field and mode of application) pursuant to the provisions of Sections 5 -- 15 of this Regulation.

Section 3. Factory Production control can be accomplished by a) continuous *control by the manufacturer* of material, construction or appliances during the production; or

b) continuous control by the manufacturer of material, constructions or appliances during the production in combination with *surveillance* of such control, carried out by an inspection body accredited for this purpose in pursuance of Section 14 of the Act (1992:1119) on Technical Control.

Production control of material, construction or appliances with regard to safety in case of fire shall be carried out according to Section 3 paragraph b). The same applies to material, construction and appliances that in other aspects are of great importance to human health and safety.

Guidance: If warranted by special reasons, the surveillance of the control carried out by the manufacturer may include audit-testing of samples taken at the factory, on the open market or on a construction site, to the extent required to determine the quality of the operators control (BFS 2000:27 TYP 2)

Section 4. Inspection bodies within the meaning of Section 3 paragraph b) and such bodies that pursuant to Section 20 BVL may give type-approval and decisions on production control must satisfy requirements in special regulations issued by the Swedish Board for Accreditation on certification and inspection bodies for operations in accordance with Section 18 of the Act (1994:847) on Technical Requirements for Construction Works, etc.

Application

Section 5. An application for type-approval and decisions on factory production control shall specify the intended use of the material, construction or appliance.

To the application shall be annexed the technical documentation which the applicant wishes to claim.

Guidance: In cases where the applicant considers that variations with regard to measurements, loads or choose of material may be allowed without a negative effect on the function of the material, construction or appliance, the applicant must render an account for such variations in the application.

Examination and Decision

Attestation of Conformity

Section 6. The certification body shall examine the technical documentation and make sure that the material, construction or appliance, if manufactured in conformity with the documentation, used for its intended purpose satisfies the relevant requirements in Section 2 of the BVL and in regulations issued in pursuance of that act.

The certification body shall identify, and in its decision indicate, such elements of the material, construction or appliance, which have been performed in conformity with applicable and claimed Swedish standards or other technical specification with contents complying with the requirements that follow from Sweden's obligations according to international agreements.

Section 7. The certification body shall ensure that tests or other investigations needed are carried out to verify that the material, construction or appliance to which the application pertains satisfies the requirements in Section 6 subsection 1 and that the requirements of applicable and claimed technical specifications are met.

Testing of a material, construction or appliance with regard to safety in case of fire must be carried out by a laboratory accredited for this purpose in pursuance of the Act (1992:1119) on Technical Control. (BFS 2000:27 TYP 2)

Guidance: The testing or examination can be carried out with support from relevant general guidance and handbooks issued by the National Board of Housing, Building and Planning, current standards and such recommendations by industry associations which are generally acknowledged in the construction field and which are in compliance with current statutes. (BFS 2000:27 TYP 2)

Control Instructions

Section 8. Control instructions that describe the manufacturer, and/or importer, distributor as well as the surveillance of the control by the manufacturer carried out by an inspection body accredited for that purpose, must be established to the extent necessary. The control instructions shall be examined and adopted by the certification body and annexed to the type-approval and the decision on production control.

Guidance: The contents of the control instruction can be drafted with support from relevant general guidance and handbooks issued by the National Board of Housing, Building and Planning, current standards and such recommendations by industry associations

which are generally acknowledged in the construction field and which are in compliance with current statutes.

When assessing the need for control, the certification body can observe if the production is included in a certified quality system. If the same controls are performed under the quality control system as the ones performed according to the system of this Regulation the contents of the control instructions ought to be accordingly adjusted. (BFS 2000:27 TYP 2)

Reciprocity Clause

Section 9. A body in another country within the European Economic Area may also carry out Testing and production control, if the body

(1) has been accredited for the duty against the relevant standards of the EN 45000 series by an accrediting body that satisfies and applies the relevant standards in the EN 45000 series for such accrediting bodies;

(2) in some other way offers the equivalent guarantees with regard to technical competence, professional expertise and impartiality; or

(3) has been appointed to carry out such a duty in compliance with the procedure laid down in Article 16 of the Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws and other regulations on construction products.

Type-Approval Certificate and Decision on Production Control

Section 10. If the material, construction or appliance satisfies the relevant requirements, the certification body shall issue a type-approval certificate or render a decision on production control.

Section 11. A type-approval certificate and a decision on production control shall specify

- the name and address of the holder;
- the intended use of the material, construction or appliance;
- in what respects and under which conditions the material, construction or appliance satisfies the requirements set out in Section 2, BVL;
- the test reports, calculations, etc. that based the assessment;
- established control instructions;
- attached documents;
- the date of decision and period of validity pursuant to Section 12;
- the marking of the product carried out pursuant to Sections 13--15;
- and
- the manufacturer's attestation pursuant to Section 16.

- **Guidance:** Attached documents can be:
- Documents used at the location of manufacture, including control instructions
- Documents for the project work
- Documents used at the construction site.
- Instructions on operation and maintenance.

Period of Validity

Section 12. Type-approval and a decision on production control may be given for a period of maximum five years.

Marking

Section 13. In order to ensure identification at a construction site, the type-approved or production controlled material, constructions and appliances shall have such a marking that they on reception control can be identified by the type-approval certificate and decision on production control. The marking shall be made on the product or, if warranted by special reasons, on the product packaging or on the accompanying packing list.

The placing of the mark shall be specified in the type-approval certificate and the decision on production control.

Section 14. Type-approved or production controlled material, constructions and appliances must be marked with the registered trademark No. 241 217 of the National Board of Housing, Building and Planning and with a unique identification number assigned to the certification body. The design of the trademark appears from the following figure (a).

Section 15. Type-approved or production controlled material, constructions or appliances shall in addition to the marking pursuant to Sections 13 and 14 be marked with

- the name or registered trade mark of the company responsible for the product (manufacturer, importer or distributor);
- the location of manufacture, an indication of the factory or equivalent information;
- the production serial number, date or other marking that may be recorded in the manufacturer's control file; and
- the name or registered trademark of the utilized inspection body, if the operators control must be surveyed by an accredited body,. (BFS 2000:27 TYP 2)

Manufacturer's Attestation

Section 16. Type-approved or production controlled material, constructions and appliances shall, when delivered to the

construction site, be accompanied by an attestation issued by the manufacturer (manufacturer's attestation).

The manufacturer's attestation must show that the product was manufactured in conformity with the type-approval certificate and the decision on production control and the documents that based the certificate or the decision.

Information on Type-Approval and Production Control

Section 17. The certification body shall, without undue delay, submit a copy of an issued type-approval certificate and a decision on production control to the National Board of Housing, Building and Planning.

Prohibition in Certain Cases against Type-Approval and Decision on Production Control

Section 18. A type-approval and a decision on production control for a certain material, construction or appliance (product) may not be granted and will cease to be valid when a harmonized standard or a European technical approval guideline (ETAG) has been published for the specific product. If the harmonized standard or ETAG contains a transitional period that has been published in the Official Journal of the European Communities, or in the Book of Regulations, BFS, TEK, of the National Board of Housing, Building and Planning, a type-approval and a decision on production control may however be granted to be valid in accordance to what is stated there. (BFS 2001:23 TYP 3)

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