

No. 16770

**SWEDEN, DENMARK,
FINLAND and NORWAY**

Convention on the protection of the environment (with protocol). Concluded at Stockholm on 19 February 1974

*Authentic texts: Danish, Finnish, Norwegian and Swedish.
Registered by Sweden on 28 June 1978.*

**SUÈDE, DANEMARK,
FINLANDE et NORVÈGE**

Convention relative à la protection de l'environnement (avec protocole). Conclue à Stockholm le 19 février 1974

*Textes authentiques : danois, finnois, norvégien et suédois.
Enregistré par la Suède le 28 juin 1978.*

[TRANSLATION¹ — TRADUCTION²]CONVENTION³ ON THE PROTECTION OF THE ENVIRONMENT
BETWEEN DENMARK, FINLAND, NORWAY AND SWEDEN

The Governments of Denmark, Finland, Norway and Sweden, considering it extremely important to protect and improve the environment, have agreed as follows:

Article 1. For the purpose of this Convention, environmentally harmful activities shall mean the discharge from the soil or from buildings or installations of solid or liquid waste, gas or any other substance into watercourses, lakes or the sea and the use of land, the sea-bed, buildings or installations in any other way which entails, or may entail environmental nuisance by water pollution or any other effect on water conditions, sand drift, air pollution, noise, vibration, changes in temperature, ionizing radiation, light, etc.

The Convention shall not apply in so far as environmentally harmful activities are regulated by a special agreement between two or more of the Contracting States.

Article 2. In considering the permissibility of environmentally harmful activities, the nuisance which such activities entail or may entail in another Contracting State shall be equated with a nuisance in the State where the activities are carried out.

Article 3. Any person who is affected or may be affected by a nuisance caused by environmentally harmful activities in another Contracting State shall have the right to bring before the appropriate Court or Administrative Authority of that State the question of the permissibility of such activities, including the question of measures to prevent damage, and to appeal against the decision of the Court or the Administrative Authority to the same extent and on the same terms as a legal entity of the State in which the activities are being carried out.

The provisions of the first paragraph of this article shall be equally applicable in the case of proceedings concerning compensation for damage caused by environmentally harmful activities. The question of compensation shall not be judged by rules which are less favourable to the injured Party than the rules of compensation of the State in which the activities are being carried out.

¹ Translation provided by the Government of Sweden.

² Traduction fournie par le Gouvernement suédois.

³ Came into force on 5 October 1976, i.e., six months from the date on which all Contracting States had notified the Ministry for Foreign Affairs of Sweden that the constitutional measures necessary for the entry into force had been implemented, in accordance with article 14. The notifications were effected as follows:

<i>State</i>	<i>Date of notification</i>
Sweden	10 May 1974
Denmark	9 September 1974
Norway	26 March 1975
Finland	5 April 1976

Article 4. Each State shall appoint a special authority (supervisory authority) to be entrusted with the task of safeguarding general environmental interests in so far as regards nuisances arising out of environmentally harmful activities in another Contracting State.

For the purpose of safeguarding such interests, the supervisory authority shall have the right to institute proceedings before or be heard by the competent Court or Administrative Authority of another Contracting State regarding the permissibility of the environmentally harmful activities if an authority or other representative of general environmental interests in that State can institute proceedings or be heard in matters of this kind, as well as the right to appeal against the decision of the Court or the Administrative Authority in accordance with the procedures and rules of appeal applicable to such cases in the State concerned.

Article 5. If the Court or the Administrative Authority examining the permissibility of environmentally harmful activities (examining authority) finds that the activities entail or may entail nuisance of significance in another Contracting State, the examining authority shall, if proclamation or publication is required in cases of that nature, send as soon as possible a copy of the documents of the case to the supervisory authority of the other State, and afford it the opportunity of giving its opinion. Notification of the date and place of a meeting or inspection shall, where appropriate, be given well in advance to the supervisory authority which, moreover, shall be kept informed of any developments that may be of interest to it.

Article 6. Upon the request of the supervisory authority, the examining authority shall, in so far as compatible with the procedural rules of the State in which the activities are being carried out, require the applicant for a permit to carry out environmentally harmful activities to submit such additional particulars, drawings and technical specifications as the examining authority deems necessary for evaluating the effects in the other State.

Article 7. The supervisory authority, if it finds it necessary on account of public or private interests, shall publish communications from the examining authority in the local newspaper or in some other suitable manner. The supervisory authority shall also institute such investigations of the effects in its own State as it deems necessary.

Article 8. Each State shall defray the cost of the activities of its supervisory authority.

Article 9. If, in a particular case, the supervisory authority has informed the appropriate Court of Administrative authority of the State in which the activities are being carried out that in the case concerned the duties of the supervisory authority shall be discharged by another authority, the provisions of this Convention relating to supervisory activities shall, where appropriate, apply to that authority.

Article 10. If necessary for determining the damage caused in another State by environmentally harmful activities, the supervisory authority of that other State shall upon request of the examining authority of the State in which the activities are being carried out make arrangements for on-site inspection. The examining authority or an expert appointed by it may be present at such an inspection.

Where necessary, more detailed instructions concerning inspections such as referred to in the preceding paragraph shall be drawn up in consultation between the countries concerned.

Article 11. Where the permissibility of environmentally harmful activities which entail or may entail considerable nuisance in another Contracting State is being examined by the Government or by the appropriate Minister or Ministry of the State in which the activities are being carried out, consultations shall take place between the States concerned if the Government of the former State so requests.

Article 12. In cases such as those referred to in article 11, the Government of each State concerned may demand that an opinion be given by a Commission which, unless otherwise agreed, shall consist of a chairman from another Contracting State to be appointed jointly by the Parties and three members from each of the States concerned. Where such a Commission has been appointed, the case cannot be decided upon until the Commission has given its opinion.

Each State shall remunerate the members it has appointed. Fees or other remuneration of the Chairman as well as any other costs incidental to the activities of the Commission which are not manifestly the responsibility of one or the other State shall be equally shared by the States concerned.

Article 13. This Convention shall also apply to the continental shelf areas of the Contracting States.

Article 14. This Convention shall enter into force six months from the date on which all the Contracting States have notified the Swedish Ministry for Foreign Affairs that the constitutional measures necessary for the entry into force of the Convention have been implemented. The Swedish Ministry for Foreign Affairs shall notify the other Contracting States of the receipt of such communications.

Article 15. Actions or cases relevant to this Convention, which are pending before a Court or an Administrative Authority on the date when this Convention enters into force, shall be dealt with and judged according to provisions previously in force.

Article 16. Any Contracting State wishing to denounce this Convention shall give notice of its intention in writing to the Swedish Government, which shall forthwith inform the other Contracting States of the denunciation and of the date on which notice was received.

The denunciation shall take effect 12 months from the date on which the Swedish Government received such notification or on such later date as may be indicated in the notice of denunciation.

This Convention shall be deposited with the Swedish Ministry for Foreign Affairs, which shall send certified copies thereof to the Government of each Contracting State.

IN WITNESS WHEREOF the undersigned, representatives of the Contracting States, being duly authorized thereto by their respective Governments, have signed this Convention.

DONE at Stockholm, this 19th day of February 1974 in a single copy in the Danish, Finnish, Norwegian and Swedish languages, all texts being equally authoritative.

For the Government of Denmark:

[Signed]

HOLGER HANSEN

For the Government of Finland:

[Signed]

HEIKKI TUOMINEN

For the Government of Norway:

[Signed]

TOR HALVORSEN

For the Government of Sweden:

[Signed]

SVANTE LUNDKVIST

PROTOCOL

In connection with the signing today of the Nordic Environmental Protection Convention the duly authorized signatories agreed that the following comments on its application shall be appended to the Convention.

In the applications of article 1 discharge from the soil, or from buildings or installations of solid or liquid waste, gases or other substances into watercourses, lakes or the sea shall be regarded as environmentally harmful activities only if the discharge entails or may entail a nuisance to the surroundings.

The right established in article 3 for anyone who suffers injury as a result of environmentally harmful activities in a neighbouring State to institute proceedings for compensation before a court or administrative authority of that State shall, in principle, be regarded as including the right to demand the purchase of his real property.

Article 5 shall be regarded as applying also to application for permits where such applications are referred to certain authorities and organizations for their opinion but not in conjunction with proclamation or publication procedures.

The Contracting States shall require officials of the supervisory authority to observe professional secrecy as regards trade secrets, operational devices or business

conditions of which they have become cognizant in dealing with cases concerning environmentally harmful activities in another State.

Stockholm, 19th February 1974.

For the Government of Denmark:

[Signed]

HOLGER HANSEN

For the Government of Finland:

[Signed]

HEIKKI TUOMINEN

For the Government of Norway:

[Signed]

TOR HALVORSEN

For the Government of Sweden:

[Signed]

SVANTE LUNDKVIST
