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To:	Aarhus compliance,
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Subject:	Request answers on the matterHelgarö / Strängnäs / Sweden, ACCC / C / 2013/81 9.8.2016

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To
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CONVENTION ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS

In the case of wind turbines Helgarö / Strängnäs / Sweden, ACCC / C / 2013/81 complainants have shown that they have not been informed, have not participated in the decision making, did not have had access to justice.
The case Helgarö is by no means unusual in Sweden, and differs in principle not from all the cases that the deployment of over 3000 wind turbines in Sweden has resulted in.

B.Stümer has for 9 years been trying to stop the wind madness with applicable laws. Swedish law, eg Environmental Code, does not allow this madness. In order to circumvent prohibitive laws the Swedish government ordered authorities to circumvent laws that prevent the expansion of wind power.

Although even international law, the EU Machinery Directive, does not allow the wind madness because of safety regulations.
For that reason, the Directive must not apply in Sweden in issues related to wind turbines.
Despite evidence of violation of the law the European Commission accepts Swedish government's lie that the Directive has been applied.
By not criticizing the Swedish State in the notification ACCC / C / 2013/81 the UN / ECE in its draft decision 29.6.2016 the Compliance Committee accept that the Swedish political power can give the judiciary, the courts, orders not to take into account the safety requirements of the Machinery Directive, is a violation of the very foundation of a democracy, Montesquieu's separation of powers principle.

Why do the UNECE so much emphasis on Swedish Ombudsman?
We complainants requested the assistance of the Ombudsman merely to enforce copies of documents when authorities refused us this right.
Naturally, the Committee knows the little power that JO-office holds.
Just as European Ombudsman, the Swedish Parliamentary Ombudsman only has the power to criticize officials.
Both of these ombudsmen could not persuade the European Commission to submit copies of how Sweden rendered market surveillance pursuant to Article 4 of the Machinery Directive, which is evidence that the directive has been applied. These copies are not existing because the market surveillance are never implemented in Sweden.

Appellants obviously can not know what information they have not received.
But demonstrably complainants did not receive the vital information on how the safety requirements of the Machinery Directive shall be met by the construction of wind power

equipment, which is a clear breach of the provisions of the Convention and for which the Swedish government should be criticized and amendment must bee recommended.

As the complainants did not receive information they have been deprived of the right to participate in decision-making.
Naturally, the Committee knows the fact that not a single person of all the thousands of wind turbines concerned have been able to participate in decision-making preceding the decision on the expansion of wind power. Although this is a serious violation of the Convention for which the Swedish government should be criticized and amendment must bee recommended.

The appellant has demonstrably been deprived of access to justice in the legal examination of the wind farm with the sole basis that the distance between the complainant's residence and the wind turbines are too big. Right now several legal challenges of decisions to reject complaints from the public concerned about Kafjärden / Eskilstuna where the decision is based precluded on the distance between the complainant's home and wind turbines. Neither the Swedish nor international law provides a legal challenge that right which is a clear breach of the provisions of the Convention and for which the Swedish government should be criticized and amendment must bee recommended.

The Swedish legal process enforcing the issues of expansion of the wind turbine always starts with a treatment in the county administrative boards.
Admittedly specifies Swedish Environmental Code that the provincial government can deal with matters concerning the expansion of wind power but the provincial government meets demonstrably not Conventions standards of impartiality and independence in the sense independent of political power. Of course, the Committee knows the Swedish legal process and the facts that the Swedish legal process county administrative board has the sole purpose of carrying out the orders of political power. Naturally, the Committee knows that government orders are not to impede the expansion of wind power. Of course, the provincial government in its work is adapting that order and permit willingly the expansion of wind power.
Of course, the Committee knows that the Swedish county administrative board does not meet the Conventions requirements of impartiality and independence for which the Swedish government should be criticized and amendment must bee recommended.

When the Swedish government has given orders to the Swedish legal process, the courts, in the judicial review not to take into account certain laws and regulations in terms of safety in the Machinery Directive, has the complainants de facto become deprived of the right under the Convention to a judicial review in which of course all on the case adequate laws must be included. With that order the State exposes its citizens for the apparent danger of being injured by the machines wind turbines for which the Swedish government should be criticized and amendment must bee recommended.

Now, if the Committee nevertheless the above clearly attested violations of Aarhus Convention's provisions want to decide that the Swedish government has in the case Helgarö/Strängnäs/Sweden not violated any provision of the Convention, will the purpose of the Convention been transformed into mere nonsense.
That must not happen.
Therefore it is important that Swedish government is criticized as notified.

Bernd Stümer