

28.6.2014

To

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Information to

Communication to the Aarhus Convention Compliance Committee concerning compliance by Sweden with provisions of the Convention in relation to permits issued for wind turbines and the applicable legislation in general (ACCC/C/2013/81)

15.05.2014 informed the Land and Environment Court at Nacka District Court, Sweden, of judgement In Case of the case of Strängnäs Municipality's decision to give planning permission for wind turbines on Helgarö / Strängnäs and CAB in Södermanland decision to reject appeals of this decision.

From the court:

JUDGMENT 2014-05-15 announced in Nacka Strand Case No. P 635-12, P 1924-12;

APPEALED AGAINST DECISION

County Administrative Board of Södermanland county decision 2012-01-04 in Case No. 403-4718-2010, see Appendix 1 and the County Administrative Board of Södermanland county's decision in Case No. 2012-03-23, 403-993-2012 and 403-994-2012, see Appendix 2

The CAUSE

Planning permission under the Planning and Building Act (1987:10) for two wind turbines on properties

Strängnäs Näs 1:4 and Strängnäs Knutsberg 1:2

Land and Environment Court decided the same day case P 635-12 and case P 1924-12

JUDGEMENT

1st Land and Environment Court rejects Bernd Stümers and Kerstin Stümers appeals in Case No. P 635-12.

2nd Land and Environment Court amends the County Administrative Board of Södermanland county decision 2012-01-04, dnr 403-4718-2010 and 2012-03-23, dnr 403-993-2012 and dnr 403-994-2012, and repeals the Planning and Building Board in Straengnaes municipality decision 2010-11-03, § 276, on planning permission for wind turbines on properties Strängnäs Näs 1:4 and Strängnäs Knutsberg 1:2.

Land and Environment Court announced the same day also the judgment in Case No. P 129-12

the CAUSE

rejected appeal

JUDGEMENT

1 Land and Environment Court rejects Johan Andersson's appeal

2 Land and Environment Court annuls the county administrative board's decision as it relates Håkan Lindström

3 Land and Environment court rejects other complainant..

End of from the court.

Paragraph 3 above includes rejection of Bernd Stümer.

In conclusion, the Court rejected Stümers standing in all of the above cases even when he was commissioned by the raw neighbor Johan Andersson to challenge the decision of Strängnäs municipality and the County Administrative Board of Södermanland. Although raw neighbor Håkan Lindström's standing through organization FLIS is rejected even though the Court by a judgment above cancels the county administrative board's decision to reject his application.

As my notification (ACCC/C/2013/81) includes applicable Swedish law in general, in the sense that hundreds of judicial decisions in matters relating to wind turbines denying appellant standing. In my notification 27.2.2013 on page 9 I have shown such a verdict. in HD 2012-12-18 O 4925-11, Taggen Hanöbukten and MÖD 2010-09-21 M 1505-10 Markbygden Piteå.

The basis of the judgment in the above appeals and hundreds of similar cases is explicitly a statement about the requirements of Swedish law on a certain distance between the complainant and the wind turbine.

This claim is considered a "practice" though this practice is not supported in current Swedish law, including the provisions of the Aarhus Convention Article 4th. Access to justice is a prerequisite to get my redress under the Convention's Article 8 and 9.

The basis of my notification (ACCC/C/2013/81) is that I am refused judicial review under Convention Article 9 of the issues related to the environment in a trial where all the relevant laws are the law including the Machinery Directive and the decision by the Swedish Government 02/27/2011, I 6, preventing me from that right, and is therefore contrary to the Convention.

For this reason, I have appealed against the above judgment Case No. P 129-12. In the appeal, I demand that the Land and Environment Court of Appeal shall request prior authorization by the European court of how provisions on distance between property owners and the machine wind turbine shall be to prevent damage to affected parties health.

According to information available the Land and Environment Court of Appeal will decide my appeal within two months.

The Committee hereby is informed that my application ACCC/C/2013/81 is given by me Bernd Stümer and that organization FLIS, _ Association Landscape Protection in Straengnaes, as certified, support my notification. Knowledge of explicit support for my notification from hundreds of people is available on the Internet.

I ask to be able to return later with detailed references in my notification ACCC/C/2013/81 to articles in the Aarhus Convention .

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