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Subject: information om case (ACCC/C/2013/81) wind turbines in Helgarö/Sweden

25/9/2014

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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)

18/9/2014 I informed the Aarhus Convention Compliance Committee on Swedish courts judgment on the matter locus standi in cases permits for wind turbines.

I informed about the legal basis for the courts judgment.
I informed that I requested from the court a statement of the grounds on which the court stated its decision.

Today, 25/09/2014 has Svea Hovrätt, Land and Environment Superior Court, responded that "The motivation for that you are not considered to have the right of locus standi is apparent from the Land and Environment Court decision which you previously got part of."

The court probably mean that I have been informed of the decision and not that I had got a part of a decision.
Thus indicating that the approach of the land and environment court is right .

In assessment of my appeal the Court uses the usual way to specify cases with the right to locus standi and then reject the same.

First, the Court refers to § 22 (1986: 223) Administration Act which only indicates that only persons who the case "is concerning" may complain.
Thereafter, the Court makes an interpretation of this provision, referring to 24-year-old court case FY 1992 ref. 81st. At that time there were not any major wind turbines but the court considers nevertheless that they interfere, Didon, although the two neighboring properties are separated by a road, the owners have standing.

Even the judgment in the Land and Environment Superior Court, Case No. 2013-06-03. p 1574-13 states that complainants within distance of 800m has locus standi.

Then the Court based its decision to refus locus standi on 25 year old judgment see FY 1989 ref. 104 by writing that "the public interests, such as impact of wind turbines on the significant natural and cultural values of the area, are not such reasons which may grant them a right of right of complaint."

Again it must be pointed out that 25 years ago there were no large, dangerous and destructive wind turbines.

This legal trickery by first point out cases where locus standi have right to appeal and than in the ordinary case rejecting locus standi the right to appeal is not acceptable as a basis for judgment.

Also the superior court approves this manipulation.

All these courts decision involves a change in application of the national as well as international law on locus standi as only raw neighbors are granted locus standi in matters concerning wind turbines in Sweden.

This violation of the law occurs in several other cases where the public concerned is deprived of locus standi in matters relating to wind turbines. See t. Example also
M 3974-14 Mark- och Miljödomstolen.

No Swedish court has that right.

International law in terms Aarhus Convention, can not allow this Swedish violation.

The Committee must take steps to prevent this Swedish misuse of nationel and international law.

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