

From: Lina Oskarsson <email address redacted>
To: Fiona Marshall, Aarhus Compliance <email addresses redacted>,
Cc: valab , Anna Josefsson, Susanne Gerland <email addresses redacted>
Date: 14/09/2015 20:15
Subject: ACCC/C/2013/81

Dear Ms Marshall,

To be able to answer the Committee's questions, Sweden would like to add a question to the previous email and attachment of September 2015 regarding the Committee's question about the necessity of a full environmental impact assessment.

The Committee writes:

The Nacka District Court held:

"...that... a full assessment of the impact of the wind turbines on the area should have been submitted in connection with the application for a building permit"

The Land and Environment Court appeared to agree:

"...a full assessment of the impact of the wind turbines on the area should have been submitted in connection with the application for a building permit"

Sweden confirms that the lower court - The Nacka District Court (i.e. "Nacka District Court Land and Environment Court" in English and "Nacka tingsrätt Mark- och miljödomstolen" in Swedish) - in its judgment of 15 May 2014 in the case with case numbers P 635-12 and P 1924-12 made the assessment "that the investigation needed to make a full assessment of the impact of the wind turbines on the area should have been submitted in connection with the application for a building permit or should, at any rate, have been submitted as a supplement to the Committee during the processing of the building permit there". (page 21)

To be able to answer the Committee's question, Sweden would however need a clarification from the Committee regarding which quote by which court the Committee is referring to in the second sentence above. Which court is meant by "The Land and Environment Court"? Sweden cannot find the alleged quote in the judgment of Svea Court of Appeal Land and Environment Court of Appeal (in Swedish "Svea Hovrätt Mark- och miljööverdomstolen") of 9 March 2015 in the case with case numbers P 5593-14 and P 5594-14.

Kind regards,

Lina Oskarsson, National Focal Point for the Aarhus Convention

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