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**Case Summary posted by the Task Force on Access to Justice**

<i>Mettinge (Sweden); MÖD 2001:29</i>	
1. Key issue	The definition of public concerned (neighbours) – Neighbours cannot appeal decisions which only concern the public interest as their individual interest is not affected
2. Country/Region	Sweden
3. Court/body	Environmental Court of Appeal (Miljööverdomstolen)
4. Date of judgment	2001-06-27
5. Internal reference	MÖD 2001:29
6. Articles of the Aarhus Convention	art. 2 and art. 9, para. 3
7. Key words	Public concerned, stakeholders, neighbours, area protection, public interest
8. Case summary	
<p>In order to build a house in the archipelago, a property owner applied for an exemption from a provision in the Environmental Code that prohibits the erection of new buildings in shore protection areas in order to build a house in such an area. The house-owner was granted an exemption and the decision was appealed by a neighbour. The Environmental Court found that the neighbour did not have a right to appeal as the decision did not concern him and thus dismissed the appeal. This judgement was then appealed by the neighbour to the Environmental Court of Appeal.</p> <p>The neighbour claimed that the exemption would have a negative impact on his interests, e.g. the view from his house would be ruined, he would have greater difficulty accessing the shore, his property would lose value, etc. He also put forward a number of public interests that he argued should give him the right to appeal the decision. The Environmental Court of Appeal stated that even though a generous interpretation of “the public concerned” is one of the objectives of the Environmental Code, the assessment of the question of standing in a certain case shall be based on what legal interest is meant to be protected by each specific substantial provision of the Code. The Court then went on to conclude that the provisions protecting shoreline areas are aimed at assuring public access to outdoor life and maintaining good living conditions for plant and animal species, and not at protecting private interests. As these provisions are not intended to protect neighbours’ private interests, a neighbour does not have the right to appeal a decision concerning an exemption from those provisions. The fact that the neighbour also had referred to public interests did not, according to the Court, have any relevance to its decision making on the issue of standing.</p>	
9. Link address	<a href="http://www.rattsinfosok.dom.se/lagrummet/index.jsp">http://www.rattsinfosok.dom.se/lagrummet/index.jsp</a> <a href="http://www.unece.org/fileadmin/DAM/env/pp/a.to.j/Jurisprudence_prj/SWEDEN/SE_MOD_2001_29_Mettinge/SE_MÖD_2001_29_Mettinge.pdf">http://www.unece.org/fileadmin/DAM/env/pp/a.to.j/Jurisprudence_prj/SWEDEN/SE_MOD_2001_29_Mettinge/SE_MÖD_2001_29_Mettinge.pdf</a>