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Case Summary posted by the Task Force on Access to Justice

Uppsala Värme (Sweden); MÖD 2002:82	
1. Key issue	The definition of the public concerned – Individuals living 5 km from an incineration plant and thus at risk of being affected by air pollution were allowed to appeal the permit decision for that operation.
2. Country/Region	Sweden
3. Court/body	Environmental Court of Appeal (Mark- och miljööverdomstolen)
4. Date of judgment	2002-12-03
5. Internal reference	MÖD 2002:82
6. Articles of the Aarhus Convention	art. 2 para.5 and art. 9 para.2
7. Key words	Public concerned, standing, neighbours
8. Case summary	
<p>A decision concerning a permit for a waste incineration plant was appealed by some members of the public who lived 2-5 km from the plant. The applicant company called for the appeal to be dismissed as the appellants were not particularly concerned by the plant in question. The company claimed that the appellants were not living in the areas most directly affected by the air pollution from the plant and that even in those areas, the level of pollution was very low. The Environmental Court of Appeal found that the appellants were living close enough to the plant that they were affected by at least air pollution and that they thus had the right to appeal.</p>	
9. Link address	http://www.rattsinfosok.dom.se/lagrummet/index.jsp http://www.unece.org/fileadmin/DAM/env/pp/a.to.j/Jurisprudence_prj/SWED/EN/SE_MOD_2002_82_Uppsala_Varme/SE_MÖD_2002_82_Uppsala_Värme.pdf