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Case Summary posted by the Task Force on Access to Justice

<i>Ödeshög (Sweden); MÖD 2003:19</i>	
1. <i>Key issue</i>	Public concerned and omission by public authority – A decision of a supervisory authority not to intervene in a certain activity (a so-called 0-decision) can be appealed and its substance can be challenged by the public concerned.
2. <i>Country/Region</i>	Sweden
3. <i>Court/body</i>	Environmental Court of Appeal (Mark- och miljööverdomstolen)
4. <i>Date of judgment</i>	2003-03-12
5. <i>Internal reference</i>	MÖD 2003:19
6. <i>Articles of the Aarhus Convention</i>	Art. 2 para. 5; art. 9 para. 3
7. <i>Key words</i>	Public concerned, individuals' standing, stakeholders, neighbours, omission by authority
8. <i>Case summary</i>	<p>A company notified the municipal Environmental Board of its intention to build a windmill. The authority undertook no measure in response to the notification. A neighbour appealed to the County Board, claiming that the construction of a windmill required a permit according to the Environmental Code. The County Board quashed the municipality's decision and prohibited the construction of the windmill, as long and until the issuing of a permit. The municipal authority appealed the quashing of its decision.</p> <p>The Environmental Court of Appeal found that the neighbour was affected by the municipal authority's decision not to intervene and therefore had the right to appeal this "0-decision". The court also found that the municipal authority had the right to appeal the County Board's decision to quash the original decision.</p> <p>See also MÖD 2004:31</p>
9. <i>Link address</i>	<p>http://www.rattsinfosok.dom.se/lagrummet/index.jsp</p> <p>http://www.unece.org/fileadmin/DAM/env/pp/a.to.j/Jurisprudence_prj/SWEDEN/SE_MOD_2003_19_Odeshog/SE_MÖD_2003_19_Ödeshög.pdf</p>