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To: Aarhus compliance  
Cc: Fiona Marshall  
Date: 16/12/2014 20:42  
Subject: reply in case ACCC / C / 2013/81 the Church wind turbines on Helgarö / Strängnäs/Sweden

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16.12.2014  
To  
UN  
Environment Division  
United Nations Economic Commission for Europe

Secretary to the Convention Fiona Marshall  
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In the case ACCC / C / 2013/81, which concerns the notification to the UN / ECE about ongoing crimes against Aarhus Convention, in the case of the Church wind turbines on Helgarö / Strängnäs and generally on matters related to the expansion of wind turbines, states the Swedish government, in a reply 10.12.2014, M2013 / 1435 / R, that there has been no breach of the Convention because the complainant did not have standing under Swedish law.

The government's claim is incorrect as below:

To the Commission, the appellant submitted the following declaration of its locus standi:

- 1 Self person.
- 2 Support from the compound FLIS, Association Country Protection In Strängnäs.
- 3 A power of attorney to represent Johan Andersson who own land bordering the land of the church.

The government based its decision on the distance to the locus standi that complainants live too far away from the wind turbines and refer to a verdict from 1997, when there were only a very few small wind turbines and not today's big with a height of over 200m.

In Swedish law in cases of this kind exists no indicated distances between the wind turbines in operation and complainant's residence.

The distance, that the government is now advocating, has no support in the law but are the result of that different courts invented these restrictions without specifying the reasons therefore.

The Swedish interpretation of locus standi is also the subject of litigation in the European Commission. CHAP (2012) 01797th But the response has not arrived.

Regardless of the Swedish government's claims about the complainant's access to justice remains the above stated international statutory right of action stated in the Aarhus Convention.

It states clearly in Article 1,OBJECTIVE:

In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention.

IMPLEMENTATION GUIDE adds:The most remarkable thing about article 1 is that it clearly states that the Aarhus Convention is about basic human rights — the rights of every person. It is one of the clearest statements in international law of a fundamental right to a healthy environment.

Thus Government's argument about the complainant's locus standi is falling.

Thus, the government has not responded complainant's complaint about the refusal of information, denied involvement in decision and denied access to justice in the matter of the Church wind turbines on Helgarö, Strängnäs.

It is worth noting that the government now represents the foundation of appeals that wind turbines are dangerous machines that must meet the safety requirements of Directive 2006/42 / EC, Machinery Directive, which can result in fatal injury.

In its judgments in these cases involving machine wind turbine refuses the Swedish judicial management that even comment on all the requirements for the protection of life and health by applying the safety of the Machinery Directive, which is law even in Sweden, because the government gave the order, 17.3.20110, I 6, that the directive is not included in the assessment of wind turbines in Sweden.

The strange thing is that the Swedish courts without the slightest hesitation obey this political order and thus without the slightest hesitation even violate the Swedish constitution to Chapter 11. the Constitution Act, which establishes that courts should be separate from and independent to the political power. A natural part of every democracy since the 1700s.

Thereby the Swedish government exposes the citizens of serious life-threatening danger which is contrary to the very foundation of the Aarhus Convention that every person has the right to live in an environment adequate to his or her health and well-being.

The notification to the UN / ECE is also based on that the Swedish judicial practice by following government orders deprived the appellant his right under the Aarhus Convention to get his case legal examined in a trial where all in the matter relevant laws shall apply, even the law machinery directive.

The government wants by all means to prevent such a trial is carried out because it would show that Sweden has not entitled implemented the Machinery Directive, that all in operational wind turbines in Sweden violates the provisions of the Directive and therefore should be stopped until measures to make the machines secure has been taken.

The complaints which are now presented in case ACCC / C / 2013/81 are not limited to the case Helgarö / Strängnäs but the same kind of complaints recurs in all the hundreds of cases relating to the building of wind turbines in Sweden. Locus standi is denied and thus the three pillars of the Aarhus Convention and the application of the protective provisions specified in the Machinery Directive has been banned by government order which leads to population is exposed to mortal danger.

Hereby the appellant maintains previously submitted documentation to support the complaint and its request that the Commission will take the necessary steps to ensure that existing laws shall apply in matters relating to wind turbines in Sweden.

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