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To

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and copy to

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Communication to the Aarhus Convention Compliance Committee concerning compliance by Sweden with provisions of the Convention in relation to permits issued for wind turbines and the applicable legislation in general (ACCC/C/2013/81)

28/6/2014 I submitted to the Aarhus Convention Compliance information on the case (ACCC/C/2013/81) on JUDGMENT by the Land and environment court announced 2014-05-15 in Nacka Strand Case No. P 635-12, P 1924-12
Where case P 1924-12 is dispute about locus standi.

Land and Environment Court announced the same day also the judgment in Case No. P 129-12 the CAUSE rejected appeal
The judgment is :

- 1 Land and Environment Court rejects Johan Andersson's appeal
- 2 Land and Environment Court annuls the county administrative board's decision as it relates Håkan Lindström.
- 3 Land and Environment court rejects other complainants.

Paragraph 2 above.

While the judgement provides Håkan Lindström locus standi it does not mean that he can make use of this locus standi when the case is already settled in the courts, without that he have not had the opportunity to exercise this right of locus standi.

Paragraph 3 above includes rejection of Bernd Stümers appeal.

In conclusion the Court rejected Stümers standing in all of the above cases even when he was commissioned by the raw neighbor Johan Andersson to challenge the decision of Strängnäs municipality and the County Administrative Board of Södermanland.

Although raw neighbor Håkan Lindström's standing through organization FLIS is rejected even though the Court by a judgment above cancels the county administrative board's decision to reject his application. See paragraph 2 above.

I have appealed to Land and Environment Superior Court, Mark- och miljööverdomstolen, against the above judgment Case No. P 129-12.

To day, 9-9-2014, I got the judgment from Land and Environment Superior Court, Mark- och miljööverdomstolen, Svea Hovrätt, which did not approve an appeal (give prövningstillstånd in swedish). This judgment can not be appealed under the Swedish legal system and thus it stands firm that I got no right as locus standi.

As the provisions on locus standi in Swedish national law is deeply flawed and therefore must be supplemented by international law, I have proven my demands on locus standi in the following laws:

ECHR European Convention for the Protection of Human Rights and Fundamental Freedoms Act (1994: 1219)

Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, Aarhus, 25 June 1998.

The Council of Europe Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms (ECHR).

EU Charter of Fundamental Rights, which in December 2007 was solemnly proclaimed by the European Parliament, the Council and kommissionen⁴¹ and which should be a parallel and complementary to the Constitution ECHR.

Treaty on European Union.

European Parliament and Council Directive 2003/4 / EC of 28 January 2003.

European Parliament and Council Directive 2003/35 / EC of 26 May.

European Parliament and Council Regulation (EC) No 1367/2006 of 6 September 2006.

Council Directive 85/337 / EEC of 27 June 1985 (the EIA Directive

Vilka alla avvisas av domstolen att de inte "ändrar inte domstolens bedömning".

In his assessment of my appeal the Court uses the usual way to specify cases with the right to locus standi and then reject the same.

First, the Court refers to § 22 (1986: 223) Administration Act which only indicates that that person may complain which the decision "is concerning".

Thereafter, the Court makes an interpretation of this provision, referring to 24-year-old court case FY 1992 ref. 81st At that time there were not any major wind turbine but the court considers nevertheless that they interfere, Didon, although the two neighboring properties are separated by a road, the owners have standing.

Even the judgment in the Land and Environment Superior Court, Case No. 2013-06-03. p 1574-13 states that complainants within distance of 800m has locus standi.

Then the Court based its decision on refusal of locus standi on 25 year old judgment see FY 1989 ref. 104 that "the public interests, such as impact of wind turbines on the significant natural and cultural values of the area, are not such reasons which may grant them a right of right of complaint."

Again it must be pointed out that 25 years ago there were no large, dangerous and destructive wind turbines.

This legal trickery by first point out cases where locus standi have right to appeal and than in the ordinary case rejecting locus standi the right to appeal is not acceptable as a basis for judgment.

My appeal to the Svea Hovrätt, Land and Environment Superior Court, is dismissed without stating the reason for the decision. While my counterpart Strängnäs Stift, the Church who is granted to build wind turbines, is granted leave to appeal by the Land and Environment Court's decision to annul the judgment of building permit. Further I point out that raw neighbor Håkan Lindström de facto has been deprived of his access to justice and that the measures which the court, Land and Environment Court, decided in this matter will not result in a change of his lost locus standi.

I oppose in the strongest terms that such an important decision on locus standi is dismissed arbitrarily by reference to a devaluation of the environment in which the natural and cultural values are included and which is the basis for the Aarhus Convention.

Therefore, I maintain the right to locus standi in the matter which constitutes planning permission for wind turbines on Helgarö / Strängnäs and desires of the UN / ECE that the commission will work for change in Swedish law so that it complies with applicable rules on standing.

15/09/2014, Svea Hovrätt, Land and Environment Superior Court, informs that my counterpart in the case planning permission for wind turbines on Helgarö / Strängnäs Stift has been granted leave to appeal.

When Swedish law permits a court to deliver a judgment without the parties in the case may know the basis for the decision, remains for me as a party only a guess which the Court grounds are. My guess is based on the grounds which Strängnäs Stift states in his appeal of the Land and Environment Court's decision to annul the judgement of building permit.

17.9.2014 I have asked the Svea Hovrätt, Land and Environment Superior Court, to explain grounds for their decisions.

I asked the Court to explain grounds for their decisions to rejecting my locus standi but giving my counterpart right to appeal in the same case.

I will send the reply from Land and Environment Superior Court to the Commissionen as soon as I get it.

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Here is an overview on the progress of the case wind turbines on Helgarö / Strängnäs / Sweden.

Kommun is Strängnäs municipality
LN is the County Administrative Board of Södermanland.
Nacka is the Land and Environment Court
Svea is the Land and Environment Superior Court

2008- 2010 removes obstacles to planning permission by the authorities and the municipality.

23/08/2010 LN announces that it has completed the case Dnr 409-4468-2009.

03/11/2010 The municipality's decision on planning permission Ref PBN / 2008: 21-239

14/01/2011 public concerned appeals to LN.

15/12/2011 LN rejects complaints from public concerned Dnr 403-4710-2010 and

04/01/2012 LN refuses complaints Ref 403-4718-2010.

Note locus standi is rejected both by rejecting and refusing.

31/12/2011 appeal to Nacka.

15/12/2011 noted Nacka 5 cases from the LN for the case wind turbines on Helgarö / Strängnäs;

No 403-2103-11, 403-42-2011, 403-43-2011, 403-4710-2010, 403-4711-2010; 403-4718-2010.

17/09/2012 LN decides to send observations Dnr 403-406-2012 Case No. P 635-12 on the presence of sea eagles in Case P 124-12 Nacka and the complainant and to Strängnäs.

Note: Nacka has the cases divided into P 129-12, 635-12 P and P 1924-12.

15/05/2014 Nacka decides in P 129-12 to rejected the complaints of 32 public concerned, rejects raw neighbor Johan Andersson's appeal and to give raw neighbor Håkan Lindström standing..

15/05/14 Nacka decides on cases P 635-12 and P 124-12 to eliminate the building permit

24/06/2014 Bernd Stümer Others appeals Nacka's decision to reject and refuse the Public concerned standing.

24/07/2014 Strängnäs Stift appeals Nacka's decision that repealed the building permit.

05/15/2014 Svea rejects the appeal from public concerned Dnr 129-12.
and

05/15/2014 Svea decides to reject the complaint from Bernd Stümer and Kerstin Stümer Case 635-12 1924-12.

08/21/2014 decides Svea in Case 5592-14, on locus standi, not to give standing in case P 129-12 and to give no right to appeal. The decision may not be appealed.

08/21/2014 decides Svea in Case P 5593-14 and P 5594-14, on the building permit to give leave to Strängnäs Stift the appeal.

The conclusion is very confusing.

All those courts are denying Bernd Stümer locus standi, raw neighbor Johan Andersson is denied locus standi while raw neighbor Håkan Lindström granted locus standi only when he can not use it on which the matter is decided in the courts. Although Bernd Stümer does not according courts have standing the court Svea submits him 9/12/2014 to respond to the appeal from Strängnäs Stift because he is the representative for raw neighbor Johan Andersson who previously has been deprived of locus standi.