

From: Aarhus Compliance
To: Lina oskarsson (email address redacted)
Cc: valab (email address redacted)
Date: 05/11/2015 11:22
Subject: ACCC/C/2013/81 (Sweden) - question to the Party concerned
Sent by: Fiona Marshall

Dear Ms Oskarsson,

I refer to my email of 31 August 2015 and your request for clarification of 14 September 2015.

The Committee has taken note of your request for clarification, which is provided below.

In order to prepare its draft findings, the Committee needs to clarify whether article 6 of the Convention was applicable to the decision-making to permit the two wind turbines that were proposed for construction on estates Näs 1:4 and Knutsberg 1:2.

To do this, the Committee needs to understand whether the proposed construction of the two wind turbines were activities "where public participation is provided for under an environmental impact assessment in accordance with national legislation" (paragraph 20 of Annex I of the Convention).

The Committee knows that the Nacka District Court, in its decision of 15 May 2014 on case P1924-12 and P635-12, made the assessment "that the investigation needed to make a full assessment of the impact of the wind turbines on the area should have been submitted in connection with the application for a building permit or should, at any rate, have been submitted as a supplement to the Committee during the process of the building permit there" (page 21).

The Committee therefore understands that there should have been a full assessment of the impact of the wind turbines, but it is not clear whether that means that a full EIA (eg one meeting the requirements of the EIA Directive) should have been required.

The Committee would thus be grateful if the Party concerned would confirm whether an EIA meeting the requirements of the EIA Directive should have been carried out during the process of applying for a building permit.

If it would be possible to have your clarification on this point by 25 November 2015, that would enable your reply to be taken into account by the Committee at its upcoming 51st meeting (Geneva, 15-18 December 2015).

Please do not hesitate to contact the secretariat if you have any questions concerning the above.

Kind regards,
Fiona



Fiona Marshall

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