

Reykjavik District Court's judgments in Case E-252/2019 – English translation

(Note: The Conclusion of Case E253/2019 is identical)

Relevant Conclusions of the Case

It is a fundamental principle in civil procedural law that legally protected interests are a requirement for legal action in a civil case. With a dismissal ruling in this case on February 22, 2019, it was specifically recorded in the parliamentary register that the plaintiffs, who are on the one hand nature conservation organizations and on the other hand owners of fishing rights, had failed to demonstrate that they had a direct, unique and legitimate interest in the resolution of the case. Neither was it considered that they could demonstrate such interests as holders of fishing rights, nor that their interest in the protection of wild salmon populations and habitat concerned them in particular above others. However, they had in common that they had participated in an administrative case before the Environmental and Natural Resources Board of Appeal and later for the Minister of Fisheries and Agriculture. By doing so, they had legal standing at the administrative level, cf. Article 13 of the Administrative Act no. 37/1993, when the disputed decision of the minister was made. Those who are parties to an administrative case according to Article 60. of the Constitutions can get a court ruling on whether formal rules have been followed during proceedings at administrative level. It follows from this conclusion that only the plaintiffs' pleas relating to the minister's procedure could be examined in this case.

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The claim of the plaintiff is that the decision of the Minister of Fisheries and Agriculture from November 5, 2017 to grant the defendant Arctic Sea Farm a temporary operating license with reference to paragraph 2. Article 21 c of The Fish Farming Act, no. 71/2008, will be repealed. In the temporary license in question, it is stated that if the Food and Veterinary Auhtority issues an operating license according to Act no. 71/2008, on Fish Farming to the license holders for the same activity within the validity period of the temporary operating license, the operating license shall expire from the date of issue of the operating license issued by the Food and Veterinary Auhtority. With the Food and Veterinary Auhtority issuing a license to the defendant Arctic Sea Farm on last August 27, concurrently with the entry into force of that license, the company's temporary operating license expired. The plaintiffs therefore do not have a legally protected interest in having the minister's decision from November 5, 2017 on the temporary operating license repealed, cf. Paragraph 1 Article 25 Act no. 91/1991. The case will therefore be dismissed from court.