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Case Summary posted by the Task Force on Access to Justice

Stora Billerud (Sweden); RÅ 1997 ref 38

1. Key issue	Standing for individuals – the right of appeal is given to any person at risk of suffering harm or detriment caused by a decision, if that risk is not merely theoretical or completely insignificant.
2. Country/Region	Sweden
3. Court/body	The Supreme Administrative Court (Regeringsrätten)
4. Date of judgment	1997-06-16
5. Internal reference	RÅ 1997 ref. 38
6. Articles of the Aarhus Convention	art. 2 para.5 and art. 9
7. Key words	Public concerned, standing, individual's standing, scope of review
8. Case summary	<p>The National Licensing Board for Environment Protection had issued a permit in 1985 for extended and changed activity within a pulp mill. A few years later the company applied for an update to one of the conditions in the permit. The Board granted the application and the decision was then appealed by a number of individuals. The Government (Ministry of the Environment) dismissed some of the appeals on the grounds that the appellants were not affected by the decision.</p> <p>The appellants applied for judicial review at the Supreme Administrative Court and claimed that they were affected by the decision. They argued that anyone who is likely to suffer harm or detriment should be regarded as concerned in such a way as to have the right of appeal. They further argued that emissions from the company could negatively affect the fishing industry and thus lead to a decrease in their incomes. The appellants based their argumentation not only on national law but on the European Convention on Human Rights.</p> <p>The Court found that in cases concerning the Environmental Protection Act, any person at risk of suffering harm or detriment caused by a decision has the right to appeal, if that risk is not merely theoretical or completely insignificant. The Court concluded that the individuals whose appeals were dismissed by the Government were not concerned in a way that gave them the right of appeal. The Court also stated that the Government's decision was not in conflict with either the European Convention on Human Rights, or with national law. The appeals were thus denied. See also MÖD 2002:82 and MÖD 2003:98-99.</p>
9. Link address	<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_RA_1997ref38_Stora_Billerud/SE_RÅ_1997_ref_38_Stora_Billerud.pdf</p>