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MEMO
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The right to challenge the permit to lay a pipeline for natural gas on the continental shelf outside of Sweden's territorial boundary in the Baltic Pipe project in a legal review.

Pursuant to section 15 a of the Continental Shelf Act (1966:314), the Swedish Government granted Operator Gazociągów Przesyłowych GAZ-SYSTEM S.A. a permit to lay a pipeline for natural gas on the continental shelf outside of Sweden's territorial boundary. Prior to the decision consultation with Poland took place in accordance with articles 4 and 5 of the Espoo Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention). At the request from Poland, the Swedish Environmental Protection Agency hereby inform Poland about the right to challenge the permit in a legal review.

The right to challenge the permit in a legal review

To comply with article 6.1 under European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and article 9.2 Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) the Judicial Review of Certain Government Decisions Act (Lag (2006:304) om rättsprövning av vissa regeringsbeslut) provides a possibility of challenging a governmental decision before the Supreme Administrative Court (Högsta förvaltningsdomstolen).

In accordance with section 1 of the Judicial Review of Certain Government Decisions Act one have the right to challenge the decision in a legal review, if the decision involves an examination of the individual's civil rights or obligations as referred to in article 6.1 ECHR.

In accordance with section 2 of the Judicial Review of Certain Government Decisions Act non-governmental organizations promoting environmental protection that meet the requirements in chapter 16 section 13 of the Environmental Code (miljöbalken) have the right to challenge decisions regarding article 9.2 Aarhus Convention in a legal review. To meet the requirements in chapter 16 section 13 of the Environmental Code an association must have conducted its operations in Sweden for at least three years, be a non-

profit association, with the main purpose to promote environmental protection and with at least 100 members. Please note that it is The Supreme Administrative Court that examines if the requirements are fulfilled. If the Supreme Administrative Court concludes that the governmental decision at issue conflicts with a legal rule, the main rule is that the decision shall be annulled.

The notice of application for legal review must include:

- Decision of the matter, which is N2019/01313/BI
- Name, address and organization number
- Phone number
- Email
- The act of rules the decision is in conflict with contrary against and the circumstances adduced to support that.

Court of legal review

The legal review is dealt with by the Supreme Administrative Court. The notice of application must be delivered to the Supreme Administrative Court at the latest 3 months after the decision was made according to section 4 of Judicial Review of Certain Government Decisions Act. As the decision was made 2020-05-07 the notice of application must arrive to the Supreme Administrative Court at the latest 2020-08-07. The language of the application may be Polish but preferably Swedish or English.

Supreme Administrative Court:

Address: Packages under 2 kg is Box 2293, 103 17 Stockholm, Sweden.
Packages over 2 kg is Birger Jarls torg 11, 111 28 Stockholm,
Phone: +46 8561 676 00
Email: hogstaforvaltningsdomstolen@dom.se

Please note the text of law in this document is translated by Swedish Environmental Protection Agency and is not an official version.