

12.12.2022

To

European Commission
Enterprise and Industries Directorate—General Brussels
European Commission to Hd. der General Secretary
B-1049 Brussels Belgium
SG-PLAINTES@ec.europa.eu

We, Bernd Stymer and Wilhelm Thornefors, filed a complaint against the Swedish state on 16.5.2022 and received a response on 23.5.2022 with a case number CHAP(2022)01358. We complained that the Swedish state had not introduced safety regulations according to EU machinery directive to wind turbines and that the Swedish state has not introduced the EU EIA directive in matters relating to wind turbines.

Our complaint thus consists of two parts. Our complaints are supported by the documents provided. At the request of the European Commission, these documents were not attached when the complaints were submitted. That invitation was interpreted to mean that they would be received by the Commission later at their request. That call has not come.

All documents that substantiate the complaint can be found at <http://www.helgaro-liv.se> and can be immediately translated with <https://translate.google.com>

On 22.11.2022, only one of the complainants received a letter from the EU Commission "Preliminary closure of case CHAP(2022)01358 - Machinery Directive". That letter is so plain wrong that it cannot be a decision concerning our complaint. The response to just one of the complainants is apparently a simple repetition of a complaint in a similar case from 2011 and not a response to complaints from us in 2022. We obviously request responses to the documented points in our complaint in 2022. The Commission doesn't even seem to have read our complaint. Therefore, we appellants cannot accept this plainly incorrect answer. We simply do not accept that an EU Commission accepts such incorrect facts which can apparently be due to an inability to understand the Swedish language of the letter. Therefore, we hereby submit a Google translation of this our request for correction of that decision on 22.11.2022 in response to our notification on 16.5.2022.

The factual errors that require correction in the Commission's letter of 22.11.2022.

The complaint has been filed by two people not as stated by one person. Our complaint is not addressed to the Swedish Work Environment Agency, but to the Swedish state. In our complaint Market Control is only mentioned in one of 9 points in part 1 of the complaint and does not form the basis of our complaint. In the response from the EU, it is noted that the notification states with supporting documents that no wind turbine is CE-marked and therefore may not be started, but that evidence is then left by the Commission without further comment. If the EU accepts that complaint, the Commission should immediately act against these illegalities. Our notification that the Directive's express requirement for a performed and presented risk assessment must be present before a decision on permission and

start of the machine, is left without comment. If the EU accepts that complaint, the Commission should immediately act against these illegalities
In the response from the EU, it is noted as a fact that the Swedish authorities have not appointed any notified bodies, which is required for machines to be CE-marked. We inserted that objection as a complainant to substantiate the report that there are no wind turbines in Sweden CE marked. If the EU accepts that complaint, the Commission should immediately act against these illegalities.

Subsequently, the EU Commission states in its rejection that the Work Environment Agency has carried out "extensive inspections" which led to 2, two out of over 4000 started wind turbines, being "taken from the market". Which is not a relevant comment on our notification and definitely does not show that "that the Swedish authorities have carried out special market controls of wind turbines and taken subsequent measures." before over 4000 machines have been started.

Due to the fact that the commission states in the 2022 response "When the Swedish government notified the incorporation of the machinery directive to the commission, there was no evidence that the incorporation was not correct", we complainants request a clarification by means of a copy when this notification was submitted to the commission. If it refers to a letter from the time of the country's entry into the Union in 1994, that letter is a fraud in our case as at that time only a few wind turbines as experiments existed in Sweden and the message from Sweden was about machines in general and not about wind turbines. We can prove with documents that upon entering the Union in 1994 and until Government Decision I6, 2011, the Swedish state considered that the machine wind turbine was a building regulated by the Planning and Building Act and not a machine that must be regulated by regulations in the current EU machinery directive. As long as The European Commission does not prove its claim that the letter refers to wind turbines, it is not true and thus a pure lie. The government announces on 15.12.2022 that the above-mentioned letter does not exist.

We, the complainants, oppose the decision to our complaint being dismissed with outright lies as a legal basis. We request a correct handling of a complaint that the Swedish state violates current EU directives and then that the EU forces the Swedish state to correct. Machines that have been started in violation of EU directives must be stopped immediately.

We hereby draw the Commission's attention to the fact that our notification is based on the fact expressed in the full text of the directive that the Machinery Directive prohibits a machine from being started if it can harm people and their pets. We need to point out to the supranational authority the European Commission that it too is forced to apply decided rules that must apply to everyone in the EU, despite the fact that the Union now follows changed legal procedures from aiming for peace in Europe to now using all means to protect the threatened capital supremacy.

We hereby draw the Commission's attention to the fact that we understand very well that the supremacy of capital is threatened by clear evidence that the construction of machinery, wind turbines in the state of Sweden is always contrary to the fundamental purpose of the EU Machinery Directive, that no machine that can cause damage may be started unless the dangerous moving parts of the machine are safe

encapsulated. A ban on entering the area around a machine defined by a safety analysis is accepted in EU member states to comply with that ban, except in Sweden where Basic Law of the Right of public access (Allemansrätt) does not allow any obstacle to enter that safety area.

We hereby draw the Commission's attention to the fact that we now live in a world where sensational information that the EU must resort to outright lies to save capital and is thus prepared to circumvent its own laws, which exposes the entire population of a Member State and their nature to irreversible damage, will be easily spread. Then the question arises which other EU laws also do not apply to everyone. And of course also the question why people and states are at all in a Union that does not protect its own laws.

We, the complainants, request correction of the decision on 22.11.2022 and await a response within 14 days before we publish the case on the Net.

Suddenly 14 days later, on 6.12.2022, the EU sends another rejection of the same notification. But here is also mentioned, with equally irrelevant arguments, that the EIA-directive may not apply to vkv in Sweden. The EU does not comment on our document of the Swedish government's decision that the EIA-directive does not apply to wind turbines. The EU Commission's announcement that neither the Machinery Directive nor the EIA-directive applies to wind turbines in Sweden can never be accepted because it is against current law, is illegal.

Conclusion

The EU Commission announces that the Machinery Directive and the EIA Directive do not apply to wind turbines in Sweden. In the Swedish Government's decision I 6 2011, it is forbidden to apply the safety measures of the EU Machinery Directive in the legal examination of permits for wind turbines which demonstrably resulted in the application of the law, despite the prohibition to be influenced by political decisions, in no case demanding that the security regulations in the EU Machinery Directive was applied in the building of wind turbines. No other authority and not even the operator or the owner of the wind turbines demanded that the directive's safety requirements be applied. Evidently, therefore, the safety requirements specified in the Machinery Directive have ever been applied to wind turbine machinery in Sweden thus almost 5,000 wind turbines have been started in violation of the current law in Sweden. We, the appellants, oppose that decision and demand rectification; either applies EU regulations every machine and every decision with a major impact on the environment of the public concerned or not at all.

Bernd Stymer, Wilhelm Thorneforss