

In english

2.6.2022

EUROPEAN COMMISSION Complaint - Breach of EU law

Document 1 substantiates the notification that the state of Sweden is in violation of the treaty between the EU and the state of Sweden, as it is proven that the Machine Directive and the EIA Directive are not applied in Sweden in matters relating to machinery Wind power plants.

Content

1 Evidence that the EU Machinery Directive is not applied in matters relating to wind turbines in Sweden.

2 Evidence that EU EIA directives are not applied in matters relating to wind turbines in Sweden.

3 Request for action from the European Commission.

4 Appendices.

1

A The Swedish state fails to apply the safety regulations in the EU Machinery Directive according to point 3 of directive 2006/42/EC.

The Swedish state refuses to be responsible for the population, especially the workers and the health and safety of consumers, and where applicable also pets, as well as the safety of property, with regard to the risks arising in connection with the use of machinery wind turbines

28.3.2022 answer from AV.doc ,

Av = Arbetsmarknadsverket. AV answer the manufacturer is responsible for compliance with product legislation, the manufacturer must ensure that these requirements are met

Sweden's AFS 2008:3 is a false translation of the directive that differs from the official translation.

There is not a word about the state's responsibility for protecting the population.

AFS = Regulations of the Swedish Work Environment Authority

B Sweden's more than 4,000 commissioned wind turbines have not been CE marked, which has not been checked by the Swedish Work Environment Authority
See the document above

C For all of Sweden's more than 4,000 commissioned wind turbines, there is no document in the form of a performed safety analysis according to Appendix 1 carried out by the manufacturer and submitted when applying for a permit. It is not possible to show something that does not exist

D The Swedish Work Environment Agency informs that it protects the safety of employees, not the public and their pets. Already in the name of the work it is clear that only workers are protected.

E Article 4 Market control has not been performed on every wind turbine in operation. It is not possible to show what does not exist.

Demands for proof of documents proving market controls carried out are answered with so-called inspection notices to the manufacturer and safety officers not related to public safety.

INSPECTION NOTICE 2010-10-04 ISG 2010 36356.pdf
2010-41359 order.pdf

F The express requirement that the manufacturer must have carried out a risk assessment according to Appendix 1 has not been applied to every machine wind turbine and has therefore not been included in a legal permit review.

G The government announces that signage alone is a sufficient measure to fulfill the directive's requirements for the protection of the public, which is contrary to the directive's express prohibition in Appendix 1.

7.4.2022 response from the government.doc

H The Swedish Work Environment Authority announces that they are not aware of CE marking of wind turbine machines.

12.1.2022 question to companies about CE marking.doc

Ask AV about CE marking

20.1.2022 response from AV.doc

Case number 386002

I The State of Sweden has not notified which notified bodies according to Article 14 have been appointed. The Swedish Work Environment Authority announces that no Notified Bodies have been appointed. The Swedish Energy Agency, Elstandard, RISE, SIS deny knowledge of who carried out CE marking according to the directive. From response Request for public information

12.1.2022 and Question to companies about CE marking.doc and

20 1.2022 Answers from AV.doc

show claims that the manufacturer notices and controls. There is no register of all CE-marked wind turbine machines. No wind turbine machines in operation in Sweden are CE marked according to the directive.

12.1.2022 Question to companies about CE marking.doc

The Energy Agency has no information, nor Elstandard, RISE, SIS. 30.3.2022

W asks AV about protection for the public - answer - the manufacturer

Who has done the CE mark? answer none

J 28.3.2022 answer from AV.doc

Question Protection of the public - answer the manufacturer Ask who CE marks - no answer, new question to the government

24.4.2022 To the government about the machinery directive.doc

on public safety and the State's action to exercise its responsibility. No answer

As early as 17.3.2011 in Regeringsbeslut.pdf, the Swedish government announces that the machinery directive has been incorporated in the required parts.

Incorporating only the required parts into a directive and not all parts is against the EU Treaty

Conclusion.

Hereby it has been shown that point 3 of the EU machinery directive has never been applied in matters relating to machines and wind turbines in Sweden. It has also been shown that the public concerned has never been allowed to exercise the

co-influence in matters concerning their environment that is guaranteed to them in, among other things, The Aarhus Declaration.

2

The Swedish state refuses to apply the EIA Directive, European Parliament and Council Directive 2011/92/EU of 13 December 2011 on assessment of the impact on the environment of certain public and private projects.

The Swedish state has refused to apply the provisions on public participation in decisions concerning their environment since 2011 but was forced by the European Commission in 2020 to apply public participation.

In order to meet this EU requirement, the Swedish government decided to amend the Planning and Building Act, Riksdag Decision CU24, that an EIA project that is expected to have a significant environmental impact must be tested according to PBL, the Planning and Building Act, through detailed planning of areas for wind turbines.

The government announces that the amendment does indeed also apply to wind turbines, but that the public concerned may not participate in the planning of areas for wind turbines

19.4.2022 answer from reg yes and no.doc

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Conclusion

Evidently, in 2009 the government changed the legal text in the Environmental Code so that large and many wind turbines are not tested according to the Planning and Construction Act, but through provisions in the Environmental Code and the Environmental Testing Ordinance. Thus the Swedish state has once again deprived the affected public of exercising its influence according to the EIA Directive and the Aarhus Convention in matters relating to wind turbines. As the Planning and Building Act does not have to do with large and many wind turbines, even Riksdag Resolution CU24 does not fulfill the EU's requirement for the participation of the public concerned in decisions concerning wind turbines, even according to the Aarhus Convention in matters concerning wind turbines. So the Swedish state has once again misled the European Commission into wrongly accepting that it has given citizens influence over decisions concerning wind turbines. The Swedish state has not taken into account the obvious fact that a law cannot apply at the same time as it does not apply.

3

Request for action from the European Commission In support of the above request, the undersigned is a citizen of the state of Sweden and The EU that the Union forces the Swedish state to apply the current directives fully so that the affected public can exercise the right to co-influence according to EU directives and the Aarhus Convention.

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Appendices

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A 28.3.2022 svar från AV.doc

E INSPEKTIONSMEDDELANDE 2010-10-04 ISG 2010 36356.pdf
2010-41359 förrättning.pdf

G 7.4.2022 svar från regeringen.doc

H 12.1.2022 fråga till bolag om CE-märkning.doc

I 20 1.2022 Svar från AV.doc

5.4.2022 w till AV 3 ggr.pdf

J 24.4.2022 Till regeringen om maskindirektivet.doc

Om allmänhetens säkerhet och statens åtgärd för sitt ansvar

2

19.4.2022 svar frånreg ja och nej.doc