



SVEA COURT OF APPEAL  
The Land and Environment Court of  
Appeal 060405

## PROTOCOL

2023-06-14  
2023-08-29  
Lecture i  
Stockholm

File attachment 63

Case No. M 5569-23

### THE COURT

Court of Appeal advisers Liselotte Rågmark and Petra Bergman, rapporteur, and technical adviser Annika Billstein Andersson

**SPEAKER AND MINUTES-KEEPER** Rapporteur  
Elin Haubitz Man

### PARTIES

#### Appellant and counterparty

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Agent: Lawyer Joel Mårtensson and assistant lawyers Nils Lundahl and Helles Stoytcheva  
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2. Talma Sami village, 897300-1145  
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Agent: Attorneys Amanda Mikaelsson and Camilla Wikland  
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3. Gabna Samiby, 897300-1152  
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6. Nature Conservation Association in Norrbotten County,  
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Representative for 4–6: Bachelor of Laws. Gunilla Högberg Björck GBH  
Environmental Law  
Night and Day Allé 41  
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7. Suomen luonnonsuojeliiton Lapin piiri ry (SLL Lappi)  
Rovakatu 23  
961 00 Rovaniemi  
Finland

8. Peter Pettersson  
Outer panel 50 B  
905 96 Umeå

**Counterparties**

1. The County Board of Norrbotten County
2. The authority for social protection and preparedness
3. The Nature Conservation Society in Luleå
4. Region Norrbotten
5. Saarivuoma Sami village
6. Kukkolan osakaskunta (Kukkola community association)
7. Lapin ELY-keskus (Business, Traffic and Environment Center in Lapland)
8. Lapin ELY-keskus, Pohjois-Suomen kalatalouspalvelut (Fisheries Authority at Lapland's NMT center)
9. Enontekiö kunta (Enontekiö municipality)
10. Lapin liitto (Lapland's regional association)
11. Luonnonvarakeskus (Natural Resources Institute)
12. Metsähallitus (Forsstyrelsen)
13. Paliskuntain yhdistys (Reindeer herding association)

14. Rovaniemen kaupunki (Environmental Board of Rovaniemi City)
15. Sodankylä county (Sodankylä municipality)
16. Ylitornion - Pellon Luonto ry (Finland's nature conservation association)
17. Ylitornio kunta (Ylitornio Municipality)
18. Rajat lapin kaivoksille ry (Association Limitation of Mines in Lapland)
19. The Finnish-Swedish border river commission
20. Equalize Everyone
21. Martin Baas
22. Elin Belleza
23. Per-Erik Bjurholt
24. Tobias Daffeh
25. Barbro Eliasson
26. Åke Eliasson
27. Lena Fergman
28. Beatrice Flöystad
29. Sverker Forsén
30. Johannes Fredriksson
31. Boel Halldén
32. Håkan Hansi
33. Jörgen Hansson
34. Sonja Hansson
35. Bengt Henriksson
36. Simon Holma
37. Anette Johansson
38. Eric Johansson

- 39. Jan Johansson
- 40. Elisabeth Johansson Halldén
- 41. Päivi Juuso
- 42. Lennart Karlsson
- 43. Lotta Lagermalm
- 44. Tarja Leinonen
- 45. Anders Lidström
- 46. Ulrik Lidström
- 47. Ann-Katrin Lindblom
- 48. Fredrik Linghall
- 49. Joakim Linghall
- 50. Håkan Lundström
- 51. Lars-Inge Lööv
- 52. Lars Lööv
- 53. Märta Lööv
- 54. Simon Marianen
- 55. Mats Myhr
- 56. Johan Nilsson
- 57. Calle Nilsson
- 58. Kenneth Nilsson
- 59. Per-Anders Nutti
- 60. John Pope
- 61. Roger Rehnblom
- 62. Marita Sandmark

63. Gudrun Stålnicke

64. Ellinor Sydberg

65. Ulrika Sydberg

66. Urpo Taskinen

67. Helena Thyni

68. Annelie Uvén

69. Johan Uvén

70. Johanna Ögren

#### THE THING

Application for a permit according to the Environmental Code for mining activities etc. at Nunasvaara Södra in Kiruna municipality; now question of permission to appeal etc

#### APPEAL AGAINST A DECISION

Umeå District Court, Land and Environmental Court, partial judgment 2023-04-05 in case no. M 1573-20 \_\_\_\_\_

After presentation, the Land and Environmental Appeals Court takes the following

#### DECISION(to be announced 2023-08-31)

1. The Land and Environmental Court of Appeal decides not to obtain a preliminary ruling from the EU Court.

2. The Land and Environmental Court of Appeal does not grant leave to appeal. The Land and Environmental Court's ruling therefore stands.

#### *The reasons for the decision under point 1*

The Land and Environmental Supreme Court considers that no such question has arisen in the case which causes doubt about the interpretation of Union law and which makes it necessary for the court to obtain a preliminary ruling from the EU Court in order to rule on the matter.

Preliminary rulings from the EU Court must therefore not be obtained.

*The reasons for the decision under point 2*

The appealed decision may be reviewed by the Land and Environment Court of Appeal only if the Land and Environment Court of Appeal has granted leave to appeal.

Trial permission must be reissued

- there is reason to doubt the correctness of the conclusion reached by the Land and Environmental Court,
- it is not possible to assess the correctness of the conclusion reached by the Land and Environmental Court without permission to appeal being granted,
- it is important for the administration of the law that the appeal is heard by a higher court, or
- otherwise there are special reasons to examine the appeal.

The Land and Environmental Court of Appeal has reviewed the case and concluded that there is no reason to grant leave to appeal in this case.

**HOW TO APPEAL**, see appendix  
Appeal no later than 2023-09-28

Elin Haubitz Man

The protocol presented/



## How to appeal the Land and Environment Court's decision

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Anyone who wishes to appeal the Land and Environmental Appeals Court's decision must do so by writing to the Supreme Court. However, the appeal must be sent or submitted to the Land and Environment Court of Appeal.

### Last time to appeal

The appeal must have been received by the Markoch Environmental Court of Appeal no later than the day specified at the end of the Markoch the environmental court's ruling.

Decision on detention, restrictions according to ch. 24 Section 5 a of the Code of Judicial Procedure or travel bans may be appealed without time limit.

If the appeal has been received in time, the Land and Environmental Court of Appeal forwards the appeal and all documents in the case to the Supreme Court.

### Permission for trial in the Supreme Court

A leave of appeal is required for the Supreme Court to hear an appeal. The Supreme Court may issue leave to appeal only if

1. it is important for the management of the application of the law that the appeal is heard by the Supreme Court or if
2. there are special reasons for such an examination, such as that there are grounds for raising, that there has been a miscarriage of justice or that the outcome of the case in Land and

the Environmental Appeals Court is clearly due to gross oversight or gross error.

### Content of the appeal

The appeal must contain information about

1. the complainant's name, address and telephone number,
2. the decision that is being appealed (name and department of the court and date of the decision and case number),
3. the change in the decision requested by the appellant,
4. the reasons that the appellant wishes to state for the decision to be changed,
5. the reasons that the appellant wishes to state for leave to appeal to be granted, as well as
6. the evidence relied on by the appellant and what is to be proved by each piece of evidence.

### Simplified service

If the case is appealed, the Supreme Court can use simplified service when sending documents in the case, provided that the recipient there or in some previous instance has received information about such service.

### More information

For information about the trial in the Supreme Court, see [www.hogstodomstolen.se](http://www.hogstodomstolen.se)