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Introduction

David Langlet

Welcome to the thirty-sixth regular issue of the Nordic Environmental Law Journal (NELJ). This time, the issue includes five articles on a broad variety of topics.

The quick expansion of renewable energy is creating tensions with other 'green' interests protected by EU law. In 'Balancing Interests in Green Versus Green Conflicts' Anton Eklund engages in a case study on the balancing of renewable energy promotion and biodiversity protection under EU law. He specifically looks at the significance of the RED III directive mandating that renewables be considered of 'overriding public interest' in permit-granting and introducing so-called renewable acceleration areas. In such areas it should be possible to establish renewable energy installations more quickly, but the streamlined permit processes arguably come at the price of making it more difficult to determine a project's environmental implications. While Eklund sees the RED III as an attempt to reconcile different environmental interests he also points to risks that the pursuit of renewable energy may weaken biodiversity protection.

Continuing on the theme of 'green transition', Christina Allard and Aleksi Heinilä take an interest in how this transition has caused intensified competition over land and natural resources, not least in areas in northern Sweden and Finland traditionally used for Sámi reindeer herding. In 'Contrasting Strategic Spatial Planning in Sweden and Finland: Managing Mineral Extraction, Competing Land-Uses and the 'Green Transition' in Sámi Territories' they look at the capacity of national planning systems to deliver rapid yet sustainable decisions. Drawing on a comparison of the markedly different ways in which Sweden and Finland address strategic spatial planning and land-use coordination they find that recent EU legislation increases the need for strong strategic and supra-municipal planning frame-

works capable of coordinating competing land uses and integrating Indigenous rights and cumulative impact assessments into long-term land-use governance.

In 'The Interface Between Waste and Non-waste: Legal Preconditions for Reutilization of Sewage Sludge', Oskar Johansson takes a close look at some of the challenges that the circular economy poses for waste management, or waste management for the circular economy. Using sewage sludge as a case study, Johansson notes that in terms of legal requirements it makes a lot of difference if something is considered a waste or a non-waste when incinerated. It can be permitted to incinerate non-waste that result in higher environmental impacts than it would if the same substances were incinerated according to requirements for waste incineration. The waste legislation's prioritization of environmental protection in the short-term together with a lack of clear cessation of waste status rules are found to create obstacles to the utilization of resources.

The following article deals with the coherence of legislation on agricultural nutrient emissions. In 'Horizontal Coherence for Agricultural Nutrients Emissions Mitigation Policy' Eerika Albrecht looks at key EU rules and also makes a comparison of Denmark, Finland, Sweden, Poland and Norway in terms of how they promote changes in agricultural practices through mandatory or incentivized mitigation measures. She concludes that coherent policies with clearly defined and binding targets are needed to mitigate nutrient emissions from agricultural sources. However, this if often lacking, with national implementation characterized by heterogeneous and constantly changing rules for farmers and priorities that differ across countries.

In the final article of this issue, the Swedish language 'Anslutningsskyldighet, anslutningstid och andra särskilda skäl – Några reflektioner om anslutning av anläggningar till elnätet med anledning av Tesla-målen', Emil Ellervik uses court cases linked to a labour dispute to analyse the tension between the EU's mandate for third-party access (TPA) to the electricity grid and national exceptions for extraordinary circumstances. Ellervik specifically investigates the distinction between an outright refusal to connect and a delay and argues that an indefinite delay should be treated as a de facto refusal, in order to prevent the right to TPA from becoming illusory. He also scrutinises the compatibility of the Swedish Electricity Act's exception for "other special reasons" with relevant EU law, an issue that Swedish courts have so far dodged.