

# Abandoned Swedish Joint Facilities and Utility Easements - a Case of “Legal Pollution”

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## SUMMARY

Joint facilities and utility easements are important legal instruments regulating land use in the Swedish society. Joint facilities are created when two or more real properties have the need to use a facility, such as a parking space, in common. Utility easements are rights to construct and maintain e.g. a pipeline or cable located on a real property. Sometimes the installations cease to be of use for the right holders. This article investigates the legislation used to liquidate these rights legally as well as physically. The study has identified insufficient procedures regulating the demolition of the physical installations, which may result in a situation where physical installations remain on the property after the legal right has been liquidated. This may cause an inconvenience for the landowner due to own costs for removing the installation(s) or becoming responsible for the right holders' removal of the installation. Furthermore, increased costs affecting the landowner may arise in future cadastral procedures if the right still encumbers the property. The existence of installations no longer in use may even constitute a risk for human health and security, and the environment. The conclusion is that there is a need for better instructions and processes for removing the legal right and for who is responsible for the removal of the physical installation(s).

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