



**No. 468
ACT
ON ENVIRONMENTAL IMPACT
ASSESSMENT PROCEDURE**

June 10, 1994

**Chapter 1
Aim of the Act and Definitions**

**Section 1
Aim**

The aim of this Act is to further the assessment of environmental impact and consistent consideration of this impact in planning and decision-making, and at the same time to increase the information available to citizens and their opportunities to participate.

**Section 2
Definitions**

For the purposes of this Act:

- 1) environmental impact means the direct and indirect effects inside and outside Finnish territory of a project or operations on
 - a) human health, living conditions and amenity,
 - b) soil, water, air, climate, organisms, interaction between them, and biological diversity,
 - c) the community structure, buildings, landscape, townscape and the cultural heritage and
 - d) utilization of natural resources;

2) environmental impact assessment procedure means a procedure in accordance with chapter 2 of this Act in which the environmental impact of certain projects is investigated and assessed, and the views of authorities and those parties whose circumstances or interests may be affected by the project are heard;

3) environmental impact assessment programme means the plan prepared by the developer for the necessary investigations, and arrangements for the assessment procedure;

4) environmental impact assessment report means the document in which information about the project and its various alternatives is presented, together with a comprehensive evaluation of their environmental impact;

5) developer means the establishment or party otherwise responsible for the preparation and implementation of the project as referred to in this Act; and

6) coordination authority means the authority stipulated by decree to ensure that the environmental impact assessment procedure is carried out for the project.

**Section 3
Relationship with other legislation**

In applying this Act, the degree to which environmental impact has been or could be investigated in planning or permit procedures under other legislation shall be taken into account. Provisions for use of the assessment report referred to in this Act as a report required by another Act will be issued separately.

**Chapter 2
Assessment Procedure**

**Section 4
Scope of application**

The environmental impact assessment procedure shall be applied to such projects as are provided for in more detail by decree.

- 1) for which an assessment is required to enforce an international agreement binding on Finland, or
- 2) which may have significant adverse environmental impacts, due to the special features of Finland's nature and environment.

The assessment procedure shall also be applied in individual cases to a project or a material alteration to a completed project that will probably have significant adverse environmental impact comparable in type and extent to that of the projects referred to in paragraph 1, also taking into account the combined impact of different projects.



Section 5 **Exceptions to the scope of application**

Unless prescribed otherwise in chapter 3, the assessment procedure shall not be applied to a project or an alteration of a completed project referred to in section 4, paragraph 2, if its impacts have been reported in accordance with another act as required under this Act and all quarters whose circumstances or interests may be affected by the project have been heard.

Section 6 **Decision to apply the assessment procedure**

The Ministry of the Environment shall at the submission of the coordination authority or on its own initiative decide whether to apply the assessment procedure to the projects referred to in section 4, paragraph 2, above, as provided in more detail by decree. Before the decision, the developer shall be given an opportunity to express views.

If the coordination authority considers that the assessment procedure should not be applied to a project, it must provide the developer with statement on the matter if required.

The Ministry of Trade and Industry shall be responsible for the functions referred to in paragraphs 1 and 2 as concerns the nuclear power plants referred to in the Nuclear Energy Act (990/87).

Section 7 **Timing of the assessment**

The environmental impact of a project must be investigated in an assessment procedure in accordance with this Act before any action relevant in terms of environmental impact is taken to implement the project. The assessment must, however, at the latest be carried out before the decision-making referred to in section 13.

Section 8 **Starting the assessment procedure**

The developer shall submit the assessment programme to the coordination authority at the earliest possible stage of planning, taking account of other project preparations. The substance of the assessment programme will be provided in more detail by decree.

If the project may have substantial impact over a wide area or on the circumstances of several people, the coordination authority shall inform the quarters whose circumstances or interests may be affected about the pendency of the assessment procedure, unless this can be considered unnecessary in that they have already been adequately informed in other connections. The information can also be provided by another authority, as stipulated in more detail by decree.

The date on which the pendency information is given and the substance of the notification shall be determined in such a way that the competitive status of the developer is not endangered. The provisions on transboundary environmental impact in chapter 3 below shall also be taken into account.

Section 9 **Coordination authority statement**

The coordination authority shall provide its opinion on the assessment programme. If necessary the coordination authority shall point out the respects in which the assessment programme must be revised. The opinion shall also explain how the necessary investigations called for by this Act will be performed and publication and hearings arranged and as necessary coordinated with procedures according to other acts affecting the project.

The statement shall be passed to the appropriate authorities for their information.

The developer shall be entitled to obtain from the coordination authority all information in the latter's possession that he needs to assess the environmental impact of the project.

Section 10 **Assessment report**

The developer shall investigate the effects of the project and its various alternatives on the basis of the assessment programme and coordination authority statement, and draw up an environmental impact assessment report. The assessment report shall be submitted to the coordination authority and attached to the application documents related to the projects as provided separately.

The substance of the assessment report will be provided in more detail by decree.

Section 11 **Hearings on the assessment report**

The coordination authority shall see to publication of the assessment report through public announcement in the project's probable area of impact. The coordination authority shall also ensure that the necessary opinions are requested on the assessment report and provide an opportunity for views to be expressed on the adequacy of the investigations and the environmental impact of the alternatives studied.

The publication and hearings referred to in paragraph 1 above shall if possible be arranged in connection with publication and hearings stipulated elsewhere in legislation and applicable to the project.



Section 12 **Concluding the assessment procedure**

The coordination authority shall attach to the assessment report its own statement on its adequacy, together with other opinions and views expressed concerning the report.

The assessment procedure shall be concluded when the coordination authority hands over the assessment report and its appendices to the developer. The assessment report and its appendices shall likewise be supplied to authorities dealing with the project for their information.

Section 13 **Consideration of the assessment**

An authority may not grant a permit for implementation of a project or make any other comparable decision before it has obtained an assessment report and the coordination authority's opinion on it.

A permit or comparable decision on a project shall state in what way the assessment report and the coordination authority's opinion on it have been taken into account.

Chapter 3 **Transboundary Environmental Impact**

Section 14 **International functions**

The provisions of this Act concerning the environmental impact assessment procedure shall also apply if enforcement of an international agreement binding on Finland requires an environmental impact assessment procedure to be arranged in cooperation with another state in the case of a project being carried out in Finland.

The Ministry of the Environment shall see to notification and consultation functions connected with environmental impact assessment in accordance with an agreement as referred to in paragraph 1.

If a project is likely to have significant environmental impact in territory under the jurisdiction of another state, the coordination authority shall supply the Ministry of the Environment with an assessment programme without delay for notification of said other state in accordance with an agreement as referred to above. The Ministry of the Environment shall request a Ministry for Foreign Affairs opinion on the matter.

Section 15 **International hearings**

The Ministry of the Environment or an authority so appointed by said Ministry shall provide the authorities and natural persons and associations in a state party to the agree-

ments referred to in section 14, paragraph 1, with an opportunity to participate in an assessment procedure in accordance with this Act if a project as referred to in this Act is likely to have environmental impact in the territory of the other state.

Chapter 4 **Miscellaneous Provisions**

Section 16 **Control, supervision and monitoring**

General guidance and monitoring of enforcement of the Act, and general development of assessment shall rest with the Ministry of the Environment. Other ministries shall see to supervision and monitoring of enforcement and development of assessment in their particular spheres of competence and can, when necessary, issue instructions on applying the assessment procedure.

The regional environment centres shall control and supervise enforcement of this Act in their remits. (24.1.1995/59) National and local government authorities shall cooperate in carrying out the assessment procedure provided in this Act and in coordinating it with procedures in accordance with other acts affecting the project.

Section 17 **Right of appeal on the grounds of lack of assessment**

In addition to what is provided otherwise on the right of appeal, a regional environment centre shall be entitled to appeal a ruling on a project referred to in section 4 in a permit case according to some other legislation or any other decision material for implementation of the project on the grounds that an assessment of environmental impact as referred to in this Act has not been carried out. (24.1.1995/59)

Whoever otherwise has right of appeal can in the appeal refer to the fact that assessment has not been carried out.

Section 18 (24.1.1995/59) **Coercive means**

If implementation of a project as referred to in section 4 does not require a permit or decision as referred to in section 17, paragraph 1, and implementation of the project is begun before the assessment of environmental impact required in this Act, the regional environment centre can, under penalty of fine, order implementation of the project to be halted until such time as the assessment procedure has been carried out. The provisions of the Conditional Fines Act (1113/90) shall apply regarding said conditional fine.



Section 19 **Appealing a Ministry of the Environment decision**

The developer may appeal a Ministry of the Environment decision made pursuant to section 6, paragraph 1, to the Supreme Administrative Court in the order laid down in the Administrative Appeals Act (154/50).

Section 20 **Confidentiality duty**

Whosoever has obtained information, when performing a function provided in this Act, about the financial standing or professional or business secrets of the developer, or the health or financial standing of a private person, may not reveal this to any other than the authority referred to in this Act unless the person for whose benefit the confidentiality duty is provided so consents.

Section 21 **Exception to the hearing duty**

What this Act provides regarding publication and hearings can be diverged from as necessary if the information on the project must be kept secret in the interests of national defence.

Section 22 **Cost liability**

The developer shall answer for the costs of investigating and publishing information on environmental impact and the related hearings, and for the cost of translations needed to assess transboundary impact.

Section 23 **Detailed provisions**

Provisions on the authorities and their functions in the environmental impact assessment procedure, publication, hearings and international functions will be laid down by decree.

Chapter 5 **General Investigation Duty**

Section 24 **Policies, plans and programmes**

Environmental impact shall be investigated and assessed to a sufficient degree when an authority is preparing policies,

plans and programmes which may have significant environmental impact once implemented but to which the provisions of chapter 2 on assessment procedures are not applied.

The Council of State may issue general guidelines on environmental impact assessment in the case of the policies, plans and programmes referred to in paragraph 1 above.

Section 25 **Duty to be aware of impact**

The developer of a project other than that referred to in section 4 shall, in addition to what is provided separately, obtain sufficient information about the project's environmental impact, on the scale that can reasonably be required.

Chapter 6 **Implementing Provisions**

Section 26 **Entry into force**

This Act comes into force on September 1, 1994.
Measures required to enforce the Act can be taken before it comes into effect.

Section 27 **Application provision**

This Act shall not apply to a project for which a permit has been granted or where an authority has taken some other decision comparable to a permit before this Act comes into force, or regarding which there has been a public announcement or hearing of the interested parties before January 14, 1994 in accordance with the Building Act (370/58), Water Act (264/61), Environmental Permit Procedures Act (735/91), Air Pollution Control Act (67/82), Waste Act (1072/93), Public Health Act (469/65), Adjoining Properties Act (26/20), Chemicals Act (744/89), Land Extraction Act (555/81), Mining Act (503/65), Electricity Act (319/79), Public Roads Act (243/54), Aviation Act (595/64), Act on the Redemption of Immoveable Property and Special Rights (603/77), Private Forests Act (412/67) and Forest Improvement Act (140/87), or Nuclear Energy Act (990/87).