

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of the Environment, Finland

Act on the Environmental Impact Assessment Procedure

(252/2017; amendments up to 556/2021 included)

By decision of the Parliament, the following is enacted:

Chapter 1

General provisions

Section 1

Aim

The aim of this Act is to further the assessment and consistent consideration of environmental impacts in planning and decision-making and, at the same time, to improve access to information and opportunities to participate for everyone.

Section 2

Definitions

In this Act:

- 1) *environmental impact* means the direct and indirect impacts in Finland and outside its territory of a project or activity on:
 - a) the population, human health, living conditions and amenity;
 - b) the land, soil, water, air, climate, flora, organisms and biodiversity, in particular the species and habitats protected by Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and by Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds;
 - c) the urban structure, material assets, landscape, townscape and cultural heritage;
 - d) the utilisation of natural resources; and
 - e) the interaction between the factors referred to in subparagraphs a-d;

- 2) *environmental impact assessment procedure* means a procedure under chapter 3 in which the environmental impacts of certain projects that are likely to be significant are identified, assessed and described, and the authorities and parties whose circumstances or interests may be affected by the project and the corporations and foundations whose field of activity may be affected by the project are heard;
- 3) *environmental impact assessment programme* means the plan prepared by the developer concerning the necessary studies and organisation of the assessment procedure;
- 4) *environmental impact assessment report* means the document prepared by the developer in which information on the project and its alternatives is presented, together with a comprehensive assessment of their environmental impacts that are likely to be significant;
- 5) *developer* means the applicant or the party that is otherwise responsible for the preparation and implementation of a project referred to in this Act;
- 6) *competent authority* means the authority ensuring that the environmental impact assessment procedure is organised for the project;
- 7) *participation* means interaction in environmental impact assessment between the developer, competent authority, other authorities and the parties whose circumstances or interests may be affected by the project, and corporations and foundations whose field of activity may be affected by the project;
- 8) *reasoned conclusion* means the reasoned conclusion made by the competent authority on the significant environmental impacts of the project on the basis of the assessment report, the opinions and statements given on the report, the results of international consultations and the competent authority's own review;
- 9) *permit* means the permit or other comparable decision issued by an authority to carry out a project;
- 10) *project* means
- a) the execution of installations and construction work and carrying out of operations; and
 - b) other interventions in the natural surroundings and landscape and the extraction of mineral resources.

Section 3

Scope of application of the Act and application of the assessment procedure

This Act and the environmental impact assessment procedure apply to projects and changes to them that are likely to have significant environmental impacts. The projects and changes to them to be assessed under the environmental impact assessment procedure are listed in Annex 1.

In individual cases the assessment procedure also applies to a project or to a change to a completed project including changes not referred to in subsection 1, which is likely to have significant environmental impacts comparable in type and extent to those of the projects referred to in subsection 1, also considering the cumulative impacts of different projects.

In addition to the provisions in subsection 2, in individual cases the characteristics of the project, where it is located and the nature of its impacts shall be taken into account when deciding on the application of the assessment procedure. Provisions on the factors on which the decision-making is based are laid down in Annex 2.

Section 4

Relationship to other legislation and procedures

When applying this Act, any studies carried out on the project and its environmental impacts in other contexts are to be taken into account and the studies required by this Act and other legislation shall be coordinated.

Separate provisions shall be issued on the use of the environmental impact assessment report referred to in this Act as a report referred to in another act. Provisions on the use of the assessment report as an assessment under section 65 of the Nature Conservation Act (1096/1996) are laid down in subsection 4 of that section.

Section 5

Environmental impact assessment in a procedure under another act

The environmental impact assessment of the project referred to in section 3, subsections 1 and 2 above, or changes to projects that have been executed can be carried out in accordance with the assessment procedure referred to in chapter 3 of this Act, in connection with the preparation of the land use plan as laid down in the Land Use and Building Act (132/1999), or in a procedure under another act as separately provided by law. If the environmental impact assessment is carried out in a procedure under another act, the impacts shall be determined in a manner referred to in sections 15–21, 23 and 24 of this Act.

The consultations on the environmental impact assessment programme and assessment report can also be held in connection with the consultations held under another act as separately provided by law.

The provisions of subsections 1 and 2 do not apply to projects in which the Ministry of Economic Affairs and Employment acts as the competent authority under section 10.

The developer can submit a proposal to the competent authority to replace the environmental impact assessment procedure by a procedure under another act. The competent authority and the authority responsible for the procedure under another act may agree on the implementation of an environmental impact assessment in a procedure under another act if the conditions laid down in subsection 1 are met.

Section 6

Cooperation between the authorities

State and local authorities and the regional council shall cooperate in carrying out the environmental impact assessment procedure and in coordinating it with procedures under other acts concerning the project.

Section 7

Developer's right to information

The developer has the right to receive from an authority the information held by the authority that is necessary to assess the environmental impacts of the project.

Section 8

Prior consultation

Before the submission of the environmental impact assessment programme or during the assessment procedure, the competent authority may, on its own initiative or at the request of another authority dealing with the matter or the developer, hold a prior consultation in cooperation with the developer and key authorities. The aim of prior consultation is to promote the management of all the assessment, planning and permit procedures required by the project, the exchange of information between the developer and the authorities, and improve the quality and usability of the studies and documents, and streamline the procedures.

Section 9

Application of the Act in Finland's exclusive economic zone

This Act also applies in Finland's exclusive economic zone referred to in section 1 of the Act on the Exclusive Economic Zone of Finland (1058/2004).

Section 10

Competent authority

A Centre for Economic Development, Transport and the Environment acts as the competent authority. However, the Ministry of Economic Affairs and Employment shall act as the competent authority in projects concerning nuclear facilities referred to in the Nuclear Energy Act (990/1987) or other such facilities in which nuclear waste is handled or stored or facilities in which nuclear waste is deposited for final disposal. However, a Centre for Economic Development, Transport and the Environment shall act as the competent authority in the mining and milling operations aimed at producing uranium or thorium referred to in section 2, subsection 1, paragraph 2 of the Nuclear Energy Act.

If the project concerns the area of operation of more than one Centre for Economic Development, Transport and the Environment, the authorities shall agree which of them will act as the competent authority for the project.

In the event of uncertainty about the competent authority or if a Centre for Economic Development, Transport and the Environment is responsible for the planning or implementation of the project, the Ministry of the Environment shall decide which Centre for Economic Development, Transport and the Environment will act as the competent authority for the project. In its decision-making, the Ministry of the Environment shall take into account where the project is located and the resources of the Centres for Economic Development, Transport and the Environment, and ensure that the responsibility for the planning and implementation of the project is kept separate from the tasks of the competent authority so as not to compromise the impartiality of the authority. The decision of the Ministry of the Environment on this matter may not be appealed.

Chapter 2

Application of the environmental impact assessment procedure in individual cases

Section 11

Competent authority

The Centre for Economic Development, Transport and the Environment decides on the application of the assessment procedure for projects referred to in section 3, subsection 2.

If the project concerns the area of operation of more than one Centre for Economic Development, Transport and the Environment, or if a Centre for Economic Development, Transport and the Environment is responsible for the planning or implementation of the project, the Ministry of the Environment shall decide which Centre for Economic Development, Transport and the Environment will make the decision. In its decision-making, the Ministry of the Environment shall take into account where the project is located and the resources of Centres for Economic Development, Transport and the Environment and ensure that responsibility for the planning and implementation of the project is kept separate from the tasks of the competent authority so as not to compromise the impartiality of the authority. The decision of the Ministry of the Environment on this matter may not be appealed.

The Ministry of Economic Affairs and Employment shall make the decision referred to in subsection 1 in projects concerning nuclear facilities referred to in the Nuclear Energy Act or other such facilities in which nuclear waste is handled or stored or facilities in which nuclear waste is deposited for final disposal. However, a Centre for Economic Development, Transport and the Environment shall make the decision concerning the mining and milling operations aimed at producing uranium or thorium referred to in section 2, subsection 1, paragraph 2 of the Nuclear Energy Act.

Section 12

Information required from the developer

For the decision-making referred to in section 11 above, the developer shall submit to the competent authority a description of the project and its environmental impacts that are likely to be significant. This description may also include information related to the characteristics of the project and the measures planned to avoid or prevent significant adverse environmental impacts of the project. Further provisions on the information to be submitted to the authority are issued by government decree.

Section 13

Decision to apply the assessment procedure in an individual case

Before making a decision concerning the application of the environmental impact assessment procedure in individual cases, the relevant authorities shall be heard about the need for the assessment procedure, unless this is manifestly unnecessary. In cases where the assessment procedure is not required, the decision shall also state any characteristics and specific measures presented by the developer that seek to avoid or prevent significant adverse environmental impacts of the project. The competent authority shall decide on the application of the assessment procedure without delay, but at the latest within one month of having received sufficient information on the project and its environmental impacts.

The decision shall be served on the party responsible for the project as laid down in section 60 of the Administrative Procedure Act (434/2003). The decision shall be sent for information to the relevant authorities and any party that initiated the matter. The decision shall also be announced by public notice without delay. Provisions on public notice are laid down in the Administrative Procedure Act. By derogation from section 62a of the said Act, the public notice and the posted documents shall, however, be kept publicly viewable on the website of the competent authority for 30 days. By derogation from section 62b of the said Act, the name of the party responsible for the project and the details of the project location considered as personal data and contained in the public notice and in the posted documents shall be removed from the website of the competent authority at the end of the period for which the decision and the public notice shall be kept publicly viewable. Information on the public notice shall also be posted without delay in the municipalities in the area likely to be affected by the project. Provisions on municipal announcements are laid down in section 108 of the Local Government Act (410/2015).

Chapter 3

Environmental impact assessment procedure

Section 14

Contents of the assessment procedure

The environmental impact assessment procedure comprises:

- 1) the preparation of the assessment programme and assessment report;
- 2) the announcements of and consultations on the assessment programme and assessment report, including international consultations;

- 3) the review by the competent authority of the information presented in the assessment programme and assessment report and the opinions and statements given in conjunction with consultations, including international consultations;
- 4) the statement of the competent authority on the assessment programme;
- 5) the reasoned conclusion of the competent authority on the significant environmental impacts of the project; and
- 6) the assessment report, the opinions and statements given, including documents concerning international consultations, and consideration of the reasoned conclusion in the permit procedure, and the inclusion of the reasoned conclusion in the permit.

Section 15

Timing of the assessment procedure

The environmental impacts of a project shall be studied in an environmental impact assessment procedure at the earliest possible stages of planning when the options are still open, taking into account other preparations of the project.

However, the assessment shall be available for use when deciding on a permit matter under section 25.

Section 16

Assessment programme

The developer shall submit the environmental impact assessment programme to the competent authority. The assessment programme shall contain the necessary information on the project and its reasonable alternatives, a description of the current state of the environment, a proposal for assessing the environmental impacts and how they are to be studied, and a plan for organising the assessment procedure. Further provisions on the contents of the assessment programme are issued by government decree.

Section 17

Consultations on the assessment programme

The competent authority shall ensure that the necessary statements on the assessment programme are requested and that an opportunity to submit opinions is provided. The competent authority shall request a statement on the assessment programme from the municipalities in the area affected by

the project and from the other authorities likely to be concerned by the matter, including the project permit authority.

The competent authority shall announce the environmental impact assessment programme by public notice without delay. Provisions on public notice are laid down in the Administrative Procedure Act. However, instead of section 62a, subsection 3 of the Administrative Procedure Act, this section shall apply to the contents of the public notice. The public notice shall provide sufficient information on the project, how information on the project and its environmental impacts and on assessing them can be obtained and how opinions on them can be presented. Further provisions on the contents of the public notice are laid down by government decree. It shall also be stated in the public notice where and when the document is kept viewable and when it has been published on the website of the competent authority. By derogation from section 62b of the Administrative Procedure Act, the name of the party responsible for the project and the details of the project location considered as personal data and contained in the public notice and in the posted documents shall be removed from the website of the competent authority at the end of the period for which the reasoned conclusion referred to in section 23, subsection 3 of this Act shall be kept publicly viewable.

Information on the public notice shall be posted without delay in the municipalities in the area likely to be affected by the project. Provisions on municipal announcements are laid down in section 108 of the Local Government Act. Information on the assessment programme shall also be posted in at least one newspaper in general circulation in the area affected by the project. The opinions and statements shall be submitted to the competent authority during the period stated in the public notice, which starts from the date of publication of the public notice and lasts for 30 days. For special reasons, the period may be extended to a maximum of 60 days.

Section 18

Statement of the competent authority on the assessment programme

The competent authority shall give its statement on the environmental impact assessment programme to the developer within one month of the end of the period allowed for giving statements and expressing opinions. In its statement, the competent authority shall state its position on the scope and accuracy of the assessment programme. The statement shall also show how the required studies will be coordinated, as necessary, with studies concerning the project required under other acts. A summary of other statements and opinions shall be included in the statement. The competent authority shall submit its statement and other statements and opinions

to the developer. At the same time, the statement shall be submitted to the relevant authorities for information and published on the website of the competent authority.

Notwithstanding section 16, subsection 3 of the Act on the Openness of Government Activities (621/1999), the documents published on the website of the competent authority may contain the name of the party responsible for the project and the details of the project location. The personal data published on the website of the competent authority shall be removed from the website at the end of the period for which the reasoned conclusion of the competent authority referred to in section 23, subsection 3 of this Act shall be kept publicly viewable.

Section 19

Assessment report

The developer shall prepare an environmental impact assessment report on the basis of the assessment programme and the statement of the competent authority on it. The assessment report shall be submitted to the competent authority.

The assessment report shall include the necessary information on the project, a description of the current state of the environment, a description of the likely significant environmental impacts of the project and its reasonable alternatives, and of the mitigation and monitoring of these impacts, a comparison of the various alternatives, information on the implementation of the environmental impact assessment procedure, and a non-technical summary. Further provisions on the contents of the assessment report are issued by government decree.

Section 20

Consultations on the assessment report

The competent authority shall announce the environmental impact assessment report in compliance with the provisions of section 17, subsection 2 and 3. Further provisions on the contents of the public notice are issued by government decree.

The competent authority shall also ensure that the necessary statements are requested on the assessment report and provide an opportunity for opinions to be expressed. The competent authority shall request statements on the assessment report as laid down in section 17, subsection 1 on the consultations on the assessment programme.

Opinions and statements shall be submitted to the competent authority within the period of time stated in the public notice, which begins from the date of publication of the public notice and lasts for a minimum of 30 and a maximum of 60 days.

Section 21

Other forms of participation

In addition to the provisions of sections 17 and 20, the developer and the competent authority may agree to organise other forms of participation.

Section 22

Coordination between the consultations on the land use planning concerning the project and on the environmental impact assessment procedure

The consultations may be coordinated when the environmental impact assessment procedure concerning the project and the land use plan drawn up to implement the project are pending at the same time. In such a case, a joint procedure can be organised for consultations on the environmental impact assessment programme and notification of the participation and assessment plan under the Land Use and Building Act (132/1999), and consultations on the environmental impact assessment report and the expression of opinions on the preparation material for the land use plan or, for a particular reason, the posting of the proposal for the zoning plan for public inspection.

The competent authority and planning authority shall agree on the coordination after having consulted the developer.

Section 22a (768/2019)

Coordination between the environmental impact assessment procedure and the permit procedure

The need to carry out studies as part of the environmental impact assessment of the project and the processing of the permit application shall be coordinated in the assessment programme to the extent necessary. Studies for the assessment report and the permit application can be prepared on a joint basis.

When the environmental impact assessment procedure concerning the project and an environmental permit application falling within the purview of the state environmental permit authority referred to in the Environmental Protection Act (527/2014) are pending at the same time, the consultations on the assessment report can be arranged in connection with the permit procedure in the manner laid down in section 44a of the Environmental Protection Act. The requirement is that the alternative presented in the permit application is the only feasible alternative for the project in terms of the location, size and technical characteristics of the project.

Section 23

Reasoned conclusion

The competent authority reviews the adequacy and quality of the environmental impact assessment report and, after that, prepares its reasoned conclusion on the significant environmental impacts of the project. The reasoned conclusion shall be given to the developer within two months of the end of the period of time allowed for giving statements and expressing opinions. The reasoned conclusion shall include a summary of the other statements and opinions given on the assessment report.

The competent authority shall submit the reasoned conclusion and other statements and opinions to the developer. At the same time, the reasoned conclusion shall be submitted for information to the authorities dealing with the project, the municipalities within the area likely to be affected by the project and, where necessary, the regional councils and other relevant authorities.

The competent authority shall announce the reasoned conclusion by public notice without delay. Provisions on public notice are laid down in the Administrative Procedure Act. By derogation from section 62a of the said Act, the public notice and the posted documents shall, however, be kept publicly viewable on the website of the competent authority for 30 days. By derogation from section 62b of the said Act, the name of the party responsible for the project and the details of the project location considered as personal data and contained in the public notice and in the posted documents shall be removed from the website of the competent authority at the end of the period for which the reasoned conclusion shall be kept publicly viewable. Information on the public notice shall also be posted without delay in the municipalities in the area likely to be affected by the project. Provisions on municipal announcements are laid down in section 108 of the Local Government Act.

Section 24

Completion of an inadequate assessment report

If the competent authority is unable to make a reasoned conclusion because of the inadequacy of the environmental impact assessment report, it shall inform the developer in which respect the assessment report is to be completed.

The competent authority shall ensure that after the completion a consultation is held on the assessment report as laid down in section 20. After that, the competent authority shall give its reasoned conclusion as laid down under section 23.

Chapter 4

Consideration of the environmental impact assessment in the permit procedure and permit

Section 25

Consideration of the assessment in the permit procedure

The environmental impact assessment report and the reasoned conclusion shall be appended to the permit application concerning a project referred to in this Act before any decisions are made. The authority shall not grant a permit to implement the project before it has access to the assessment report and reasoned conclusion and the documents concerning the international consultations relating to the transboundary impacts referred to in section 29.

Section 26

Consideration of the assessment in the permit

The permit decision shall contain the reasoned conclusion, and appropriate consideration shall be given in the decision to the results of the international consultations concerning the assessment report and any international consultations referred to in section 29. It shall be stated in the decision how the assessment report, the reasoned conclusion and any documents pertaining to the international consultations referred to in section 29 have been taken into account.

Section 27

Validity of the reasoned conclusion

The permit authority shall ensure that the reasoned conclusion is up to date when a permit matter is decided on. The competent authority shall, at the request of the permit authority, express its view on whether the reasoned conclusion it has prepared is up to date and, where necessary, specify in which respect it is no longer up to date and in which respect the assessment report is to be completed to update the reasoned conclusion. The provisions in section 20 above on the consultations on the assessment report shall be complied with in completing the assessment report. Consultations on the completion of the assessment report can be held in connection with the permit procedure under the Environmental Protection Act or the Water Act (587/2011) as laid down in section 44a of the Environmental Protection Act and chapter 11, section 11a of the Water Act. After that the competent authority shall give the updated reasoned conclusion in accordance with section 23.

Before initiating the permitting process, the developer may ask the competent authority to express its views on whether the reasoned conclusion it has prepared is up to date and, where necessary, to specify the information required to update the reasoned conclusion.

Chapter 5

Transboundary environmental impacts

Section 28

Projects carried out in a territory under the jurisdiction of Finland

The Ministry of the Environment is responsible for managing obligations under an international treaty binding on Finland if a project carried out in Finland is likely to have significant environmental impacts in a territory under the jurisdiction of a party to an international treaty binding on Finland or of a Member State of the European Union.

The Ministry of the Environment shall provide the authorities of another State that is party to an international treaty binding on Finland, and those whose circumstances or interests may be affected by the project, corporations and foundations, with an opportunity to participate in the environmental impact assessment procedure if the project is likely to have significant environmental impacts in the territory of that State.

Section 29

International consultation on projects carried out in a territory under the jurisdiction of Finland

The competent authority shall, without delay, submit to the Ministry of the Environment the environmental impact assessment programme concerning the project referred to in section 28, and the translations of its essential content. The Ministry of the Environment shall submit a notification of the project and the assessment programme, together with the translations, to the other State by no later than when the competent authority announces the assessment programme in Finland, as laid down in section 17. The Ministry of the Environment shall submit a copy of the notification sent to the other State for information to the Ministry for Foreign Affairs of Finland.

The notification shall present:

- 1) information on the project;
- 2) information on possible transboundary environmental impacts;
- 3) information on the decision relevant to the implementation of the project;
- 4) detailed information on the assessment procedure and on opportunities to take part in the procedure

and a reasonable period of time within which the other State must reply the Ministry of the Environment of its participation in the environmental impact assessment procedure.

- 5) competent authorities that can provide information on the international consultations and to which questions on the matter can be submitted.

The Ministry of the Environment shall submit the reply received from the other State, and the statements and opinions given, to the competent authority.

If the other State has announced that it will participate in the assessment procedure, the competent authority shall submit the assessment report and the statement on the assessment programme issued by the competent authority and translations of their essential content to the Ministry of the Environment, which shall transmit them without delay to the other State for the purpose of giving statements and expressing opinions. In addition, the Ministry of the Environment shall provide the other State with an opportunity to hold consultations about the possible transboundary impacts of the project and the measures planned to minimise or eliminate such impacts, and establish a reasonable time period for the duration of the discussions. The Ministry of

the Environment shall submit the documents concerning international consultations to the competent authority and, where necessary, to the developer.

The competent authority shall submit its reasoned conclusion and the translations of its essential content to the Ministry of the Environment, which shall transmit them to the other State that participated in the environmental impact assessment procedure.

Section 29a

Obligations of the permit authority in projects with transboundary environmental impacts

The permit authority shall submit the permit application concerning the project referred to in section 28 and the translations of its essential content to the Ministry of the Environment when a Member State of the European Union has participated in the assessment procedure. The Ministry of the Environment shall transmit them to the Member State.

The permit authority shall submit its decision and the translations of its essential content to the Ministry of the Environment, which forwards them to the other State participating in the environmental impact assessment.

Section 30

Projects carried out in a territory under the jurisdiction of another State

The Ministry of the Environment is responsible for managing obligations under an international treaty binding on Finland in the environmental impact assessment procedure of another State if a project carried out in a territory under the jurisdiction of a party to the treaty or a Member State of the European Union has environmental impacts that may be significant in a territory under the jurisdiction of Finland.

Having received the relevant information, the Ministry of the Environment:

- 1) replies to the other State whether Finland intends to participate in the environmental impact assessment procedure of the project and submits the notification to the Ministry for Foreign Affairs of Finland for information;

- 2) ensures that the documents relating to the transboundary environmental impact assessment submitted by the other State are announced in the area likely to be affected by the project in Finland and an opportunity to express opinions is provided and the necessary statements are requested;
- 3) submits the statements and opinions to the other State;
- 4) is responsible for the consultations with the other State and establishes a reasonable time period for the duration of the consultations;
- 5) ensures that the permit submitted by the other State is accessible in electronic format.

Chapter 6

Miscellaneous provisions

Section 31

Obligation to be aware of impacts

With regard to projects other than those mentioned in section 3, in addition to what is separately provided, the developer shall be sufficiently aware of the environmental impacts of the project to an extent that can reasonably be required.

Section 32

Guidance, supervision and monitoring

The Ministry of the Environment is responsible for the general guidance and monitoring of the enforcement of this Act and for the general development of environmental impact assessment. Other ministries shall see to the guidance and monitoring of the enforcement and the development of the assessment within their respective sectors.

The Centres for Economic Development, Transport and the Environment guide and supervise the enforcement of this Act in their respective areas of operation.

Section 33

Competence of the developer and competent authority

The developer shall ensure that it has sufficient expertise available to prepare the environmental impact assessment programme and report. The competent authority evaluates the expertise when reviewing the assessment programme and report.

The competent authority shall ensure that its own personnel participating in reviewing environmental impact assessment programmes and reports and in preparing statements and reasoned conclusions of the competent authority have sufficient expertise required by the nature and extent of each project and by the level of demand of the task.

Section 34

Right to appeal on the grounds of the lack or inadequacy of assessment

In addition to what is provided separately on the right to appeal, the Centre for Economic Development, Transport and the Environment has the right to appeal a permit decision concerning a project referred to in section 3 on the grounds that the environmental impact assessment referred to in this Act has not been carried out or that it has been carried out in a way that is inadequate in material respects.

A party that otherwise has the right to appeal the permit decision can, in the appeal, refer to the fact that the environmental impact assessment procedure has not been carried out or that it has been carried out in a way that is inadequate in material respects.

Section 35

Enforcement measures

If the implementation of a project referred to in section 3 does not require a permit and the project is implemented before the environmental impact assessment required under this Act, the Centre for Economic Development, Transport and the Environment may, under notice of a conditional fine, order the implementation of the project to be interrupted until the environmental impact assessment procedure has been carried out. Provisions on the notice of a conditional fine are laid down in the Act on Conditional Fines (1113/1990).

Section 36

Special provisions concerning national defence and civil emergency planning

The competent authority referred to in section 11 above may, on the proposal of the developer, decide that the environmental impact assessment procedure is not to be applied in projects whose sole purpose concerns functions related to defence or civil emergency planning, if the application of the assessment procedure would jeopardise their purpose. A statement shall be requested from the relevant authorities before making the decision.

Section 37

Appeal of a decision concerning the application of the assessment procedure

The developer may appeal a decision referred to in section 13 and a decision made under section 36, by which the developer's proposal has been rejected, as laid down in the Administrative Judicial Procedure Act (808/2019). When an appeal concerns a decision by the Centre for Economic Development, Transport and the Environment, the competent Administrative Court is the court within whose jurisdiction the main part of the project in question is located.

A decision referred to in section 13 above cannot otherwise be appealed separately. A party that has the right to appeal a permit decision concerning the project may, however, appeal a decision by which the environmental impact assessment procedure is considered unnecessary, following the same procedure and in the same context as applicable to an appeal against a permit decision concerning the project.

Section 38

Liability for costs

The party responsible for the project shall be responsible for the costs arising from the provision of information, consultations and the environmental impact assessment and the costs arising from the translations required to meet the obligations laid down in sections 29 and 29a.

The statement of the competent authority on the assessment programme and the reasoned conclusion are subject to a charge.

Chapter 7

Entry into force

Section 39

Entry into force

This Act enters into force on 16 May 2017.

This Act repeals the Act on Environmental Impact Assessment Procedure (468/1994).

Section 40

Cases pending

The provisions in force at the time of entry into force of this Act shall apply to a decision by the competent authority concerning a project or change to a project referred to in section 3, subsection 2 where the proposal was made before the entry into force of this Act.

The provisions in force at the time of entry into force of this Act shall apply to a project or change to a project where the environmental impact assessment programme was announced by public notice before the entry into force of this Act.

List of projects

Projects to which the environmental impact assessment procedure is applied are:

1) animal husbandry and fish farming;

a) installations for the rearing of poultry with more than 85 000 places for broilers or 60 000 places for hens;

b) installations for the rearing of pigs with more than 3 000 places for pigs (over 30 kg/pig) or 900 places for sows;

c) fur farms intended for at least 16 000 female breeding minks or female breeding polecats with cubs or for at least 7 000 female breeding foxes or female breeding raccoon dogs with cubs;

d) fish farms located in marine regions in which the weight gain of the fish is at least 1 000 000 kilograms per year;

2) extraction and processing of natural resources:

a) extraction, on-site enrichment and processing of mining minerals when

– the surface area of the site is more than 25 hectares; or

– the total amount of the extracted material is at least 550 000 tonnes per year;

b) extraction of stone, gravel or sand when

– the surface area of the extraction site is more than 25 hectares; or

– the total amount of the extracted material is at least 200 000 solid cubic metres per year;

c) installations for the extraction of asbestos and for the processing and transformation of asbestos or products containing asbestos;

d) extraction, enrichment and processing of uranium and thorium with the exception of small-scale processing taking place in a laboratory or pilot enrichment plant;

e) peat extraction where the production site that is regarded as connected is more than 150 hectares;

f) alteration of a permanent nature of a forest, peatland or wetland where the area that is regarded as connected exceeds 200 hectares, by carrying out first-time ditching or by draining undrained peatland and wetland sites, by permanently removing the growing stock or by regenerating the area with tree species not indigenous to Finland;

g) commercial production of crude oil or natural gas;

3) construction in water bodies and regulation of water flow:

a) dams and other installations where the amount of water or additional amount of water held back or stored exceeds 10 million cubic metres;

b) reservoirs where the new or additional amount of water held back or stored exceeds 10 million cubic metres;

c) water body regulation projects if the average flow in the water body exceeds 20 cubic metres per second or the flow and water level conditions will change materially compared with the initial situation;

d) the transfer of water between river basins where the aim of the transfer is to prevent possible water shortages and where the amount of water to be transferred exceeds 3 cubic metres per second, excluding transfers of piped drinking water;

e) flood protection projects where the area covered is at least 1 000 hectares;

4) metal industry:

a) ironworks and steelworks;

b) installations producing other than pig iron metals from ores, concentrates or secondary raw materials by metallurgical, chemical or electrolytic methods;

5) forest industry

a) mills producing pulp from timber or similar fibrous materials;

b) paper or board mills with a production capacity of exceeding 200 tonnes per day;

6) chemical industry and the manufacture of mineral products:

a) crude oil refineries, excluding undertakings manufacturing only lubricants from crude oil;

b) installations for the gasification or liquefaction of bituminous shale, coal or peat of 500 tonnes or more per day;

c) integrated chemical installations for industrial scale manufacture of substances using chemical conversion processes and which are for the production of

– organic chemicals;

- inorganic chemicals;
 - phosphorous-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers);
 - plant health products or biocides;
 - pharmaceutical products using chemical or biological processes; or
 - explosives;
- d) installations producing bioethanol or bio-oil in industrial scale;

7) energy production:

- a) thermal power stations and other combustion installations with a heat output of 300 megawatts or more;
- b) nuclear power stations and other nuclear reactors including the dismantling or decommissioning of such power stations or reactors, except research installations for the production and conversion of fissionable and fertile materials whose maximum power does not exceed 1 kilowatt continuous thermal load; nuclear power stations and other nuclear reactors cease to be such an installation when all nuclear fuel and other radioactively contaminated elements have been removed permanently from the installation site;
- c) installations for the reprocessing of spent nuclear fuel;
- d) installations designed for
- the production or enrichment of nuclear fuel,
 - the processing of spent nuclear fuel or high-level radioactive waste,
 - the final disposal of spent nuclear fuel,
 - the disposal of nuclear waste or other radioactive waste or
 - long-term storage of spent nuclear fuel, other nuclear waste or other radioactive waste outside the production site (planned for more than 10 years);
- e) wind farm projects where the number of wind turbines is at least 10 or total capacity is at least 45 megawatts;

8) transmission, transfer and storage of energy and materials:

- a) pipelines intended for the transport of oil, chemicals or gas with a diameter of more than DN 800 millimetres and a length of more than 40 kilometres;
- b) overhead electrical power lines with a voltage of at least 220 kV and a length of more than 15 kilometres

- c) installations for storage of petroleum, petrochemical, or chemical products with a total capacity of at least 50 000 cubic metres;
- d) installations for the capture of carbon dioxide streams for the purposes of geological storage from installations covered by this list of projects, or where the total yearly capture of carbon dioxide is at least 1,5 megatonnes;
- e) pipelines with a diameter of more than DM 800 millimetres and a length of more than 40 kilometres for the transport of carbon dioxide streams from the installations for capture to geological storage, including associated booster stations;
- f) geological storage of carbon dioxide, with exception of research, development and testing activities where the total volume of stored carbon dioxide is less than 100 000 tonnes;

9) transport:

- a) construction of motorways and express roads;
- b) construction of a new road of four or more lanes and at least 10 kilometres in a continuous length,
- c) realignment or widening of an existing road so as to provide four or more lanes, where such section of road will be at least 10 kilometres or more in a continuous length;
- d) construction of lines for long-distance railway traffic;
- e) construction of airports with a basic runway length of at least 2 100 metres;
- f) maritime shipping lanes, ports or piers for loading or unloading primarily constructed for merchant ships with a deadweight of over 1 350 tonnes;
- g) canals, inland waterways or ports for shipping traffic constructed for ships with a deadweight of over 1 350 tonnes;
- h) tunnels between Finland and Estonia;

10) water supply and sewerage:

- a) groundwater abstraction or artificial groundwater recharge where the annual volume of water is at least 3 million cubic metres;
- b) large tunnels for raw water or wastewater;
- c) wastewater treatment plants with a capacity exceeding 100 000 population equivalent;

11) waste management:

a) hazardous waste disposal installations for

- incineration;
- chemical treatment;
- biological treatment with a capacity of at least 5 000 tonnes per year; or for
- landfill of waste;

b) non-hazardous waste disposal installations for

- incineration with a capacity of at least 100 tonnes per day;
- chemical treatment with a capacity of at least 100 tonnes per day;
- biological treatment with a capacity of at least 35 000 tonnes per year; or for
- landfill of waste with a capacity of at least 50 000 tonnes per year;

12) changes to projects equivalent in size to projects referred to in paragraphs 1-11.

Annex 2

Factors referred to in section 3, subsection 3 of the Act that are used in deciding on the application of the environmental impact assessment procedure to a project referred to in section 3, subsection 2 of the Act.

1. Characteristics of a project

The characteristics of a project shall be considered, with particular regard to:

- a) the size and design of the whole project;
- b) cumulation with other existing and/or approved projects;
- c) the use of natural resources, particularly land, soil, water, and biodiversity;
- d) the production of waste;
- e) pollution and nuisances;
- f) the risk of major accidents and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge;
- g) the risks to human health (for example due to water contamination or air pollution).

2. Location of a project

The environmental sensitivity of geographical areas likely to be affected by a project shall be considered, with particular regard to:

- a) the existing and approved land use;
- b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;
- c) the absorption capacity of the natural environment:
 - wetlands, riparian areas and river mouths;
 - coastal zones and the marine environment;
 - mountain and forest areas;
 - national parks and nature parks;
 - areas classified or protected under the law and Natura 2000 areas designated by Member States pursuant to Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds;
 - areas in which the environmental quality standards laid down in Union legislation have already been exceeded, there has already been a failure to meet them, or it is considered that they may have been exceeded;

- densely populated areas; and
- landscapes and sites of historical, cultural or archaeological significance.

3. Characteristics of the potential impact

The likely significant environmental impacts of a project shall be considered in relation to criteria set out in paragraphs 1 and 2 of this annex, taking into account:

- a) the magnitude and spatial extent of the impact such as the geographical area and size of the population likely to be affected;
- b) the nature of the impact;
- c) the transboundary nature of the impact;
- d) the intensity and complexity of the impact;
- e) the probability of the impact;
- f) the expected onset, duration, frequency and reversibility of the impact;
- g) the cumulation of the impact with the impact of other existing and/or approved projects;
- h) the possibility of effectively reducing the impact.

4. Inclusion in projects listed in Annex II to Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment.