

Unofficial translation**Ministry of the Environment, Finland****Act on Environmental Impact Assessment Procedure**

(468/1994; amendments up to 458/2006 included)

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

In 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 and biological diversity;
 - c) the community structure, buildings, landscape, townscape and cultural heritage;
 - d) the utilization of natural resources; and
 - e) interaction between the factors referred to in subparagraphs a-d. (267/1999)
- 2) *environmental impact assessment procedure* means a procedure in accordance with chapter 2 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 and corporations and foundations whose sector of operations may be affected by the project are heard (458/2006);
- 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 a project referred to in this Act (267/1999);

- 6) *coordinating authority* means the authority ensuring that the environmental impact assessment procedure is carried out for the project (458/2006); and
- 7) *participation* means interaction in environmental impact assessment between the developer and the coordinating authority, other authorities and those parties whose circumstances or interests may be affected by the project and corporations and foundations whose sector of operations may be affected by the project. (458/2006)

Section 3 – *Relationship to other legislation* (267/1999)

In applying this Act, other investigations into the project and its environmental impacts carried out in other connections shall be taken into account, and investigations called for by this Act and other pieces of legislation shall be coordinated as far as possible. 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* (458/2006)

- (1) The environmental impact assessment procedure shall be applied to such projects and alterations to them for which an assessment is required to enforce an international agreement binding on Finland or which may have significant adverse environmental impacts, due to the special features of Finland's nature and environment. Further provisions on projects and alterations to them for which assessment is to be carried out will be issued by Government decree.
- (2) The assessment procedure shall also be applied in individual cases to a project or a material alteration to a completed project, other than that referred to in subsection 1, that will probably have significant adverse environmental impact comparable in type and extent to that of the projects referred to in subsection 1, also taking into account the combined impact of different projects.
- (3) In addition to what is provided in subsection 2, the character and location of the project and the nature of its impacts shall be taken into account when considering the significance of the impacts in individual cases. Further provisions on the principles of discretion will be issued by Government decree.

Section 4a – *The Finnish exclusive economic zone* (1059/2004)

This Act also applies in the Finnish exclusive economic zone referred to in section 1 of the Act on the Finnish exclusive economic zone (1058/2004).

Section 5 – Relationship to other procedures (267/1999)

- (1) The coordinating authority, the local authority or regional council drawing up the plan and the developer shall cooperate sufficiently to ensure coordination between the project assessment procedure and land use planning.
- (2) Unless otherwise provided 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(2), if its impacts have been reported in accordance with another act as required under this Act and all parties whose circumstances or interests may be affected by the project and corporations and foundations whose sector of operations may be affected by the project have been heard concerning the investigations. The coordinating authority shall, if necessary, assess the adequacy of the investigations and hearings conducted in accordance with other legislation before the decision on permits concerning the implementation of the project or other similar decision is made. (458/2006)

Section 6 – Decision to apply the assessment procedure (458/2006)

- (1) The regional environment centre decides on the application of the assessment procedure to the projects referred to in section 4(2). The decision must be made without delay, however at the latest within one month of the regional environment centre receiving adequate information about the project. Before the decision, the need for assessment must be discussed sufficiently between the appropriate authorities, and the developer shall be given the opportunity to be heard. The developer must be informed of the decision as provided in section 60 of the Administrative Procedure Act (434/2003). Public notice must be given of the decision for a minimum of 14 days on the notice boards of the municipalities likely to be affected by the project as laid down in the Act on Public Announcements (34/1925). The decision must also be published electronically and sent to the appropriate authorities for their information.
- (2) If a project concerns the territory of more than one regional environment centre or if a regional environment centre is responsible for the planning or implementation of the project, the Ministry of the Environment shall decide which of the regional environment centres will make the decision on the application of the assessment procedure. The Ministry of the Environment's decision on this matter may not be appealed.

- (3) The Ministry of Trade and Industry shall be responsible for functions referred to in subsection 1 as concerns the nuclear power plants referred to in the Nuclear Energy Act (990/1987).

Section 6a – *Coordinating authority* (458/2006)

- (1) The regional environment centre concerned acts as the coordinating authority. In projects concerning the nuclear power plants referred to in the Nuclear Energy Act, however, the coordinating authority is the Ministry of Trade and Industry. Further provisions on the division of competence between the regional environment centre concerned and the Ministry of Trade and Industry are laid down by Government decree.
- (2) If a project concerns the territory of more than one regional environment centre, the authorities shall agree on which of them will act as the coordinating authority for the project. If there is disagreement concerning the coordinating authority, or if the project is planned or implemented by a regional environment centre, the Ministry of the Environment shall decide which of the regional environment centres will act as the coordinating authority. The Ministry of the Environment's decision on this matter may not be appealed.

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Section 7 – *Timing of the assessment*

- (1) 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.
- (2) 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* (458/2006)

The developer shall submit the assessment programme to the coordinating authority at the earliest possible stage of planning, taking account of other project preparations. Further provisions on the substance and structure of the assessment programme will be laid down by Government decree.

Section 8a – *Hearings on the assessment procedure* (458/2006)

- (1) The coordinating authority shall provide information about the assessment programme without delay by posting a public announcement on the notice boards of local authorities in the project's probable area of impact for at least 14 days, as provided in the Act on Public Announcements (34/1925). A public announcement shall also be published in electronic form and in at least one widely read newspaper in the project's area of impact. Further provisions concerning the substance of the public announcement are laid down by Government decree.

- (2) The authority shall also ensure that the necessary statements are requested on the assessment programme and provide an opportunity for opinions to be expressed. The coordinating authority must provide the municipalities in the project's area of impact with an opportunity to express their opinion on the assessment programme. Opinions and statements shall be lodged with the coordinating authority within the period stated in the announcement, which shall begin on the date of publication of the announcement and last at least 30 and at most 60 days.
- (3) Information need not be provided about the assessment programme if it is clearly unnecessary because information about the project has already been provided as laid down in this Act, and those parties whose circumstances or interests may be affected by the project and corporations and foundations whose sector of operations may be affected by the project have been heard.
- (4) The date on which the information is provided 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 shall also be taken into account.

Section 9 – Coordinating authority statement

- (1) The coordinating authority shall provide its statement on the assessment programme. The coordinating authority shall deliver a statement on the assessment report to the developer within two months of the end of the period allowed for providing statements and expressing opinions. If necessary the coordinating authority shall point out in the statement the respects in which the assessment programme must be revised. The statement 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. A summary of other statements and opinions shall be included in the statement. (458/2006)
- (2) The coordinating authority shall pass its statement and other statements and opinions to the developer. At the same time the statement shall be passed to the appropriate authorities for their information. (267/1999)
- (3) The developer shall be entitled to obtain from the coordinating authority all information in the latter's possession that the developer needs to assess the environmental impact of the project.

Section 10 – Assessment report

- (1) The developer shall investigate the effects of the project and its various alternatives on the basis of the assessment programme and coordinating authority statement, and draw up an

environmental impact assessment report. The assessment report shall be submitted to the coordinating authority and attached to the application documents related to the project as provided separately.

- (2) Further provisions on the substance and structure of the assessment report will be laid down by Government decree. (458/2006)

Section 11 – *Hearings on the assessment report* (458/2006)

- (1) The coordinating authority shall provide information about the assessment report by posting a public announcement on the notice boards of local authorities in the project's probable area of impact for at least 14 days, as provided in the Act on Public Announcements (34/1925). A public announcement shall also be published in electronic form and in at least one widely read newspaper in the project's area of impact. Further provisions concerning the substance of the public announcement are laid down by Government decree.
- (2) The coordinating authority shall also ensure that the necessary statements are requested on the assessment report and provide an opportunity for opinions to be expressed. The coordinating authority must provide the municipalities in the project's area of impact with an opportunity to express their opinion on the assessment programme. Opinions and statements shall be lodged with the coordinating authority within the period stated in the announcement, which shall begin on the date of publication of the announcement and last at least 30 and at most 60 days.
- (3) The publication and hearings referred to in subsections 1 and 2 may be arranged in connection with publication and hearings laid down elsewhere in legislation and applicable to the project.

Section 11a – *Other forms of participation* (458/2006)

In addition to what is provided in sections 8a and 11 above, the developer and the coordinating authority may agree to arrange the publication and hearing in another manner.

Section 12 – *Concluding the assessment procedure* (458/2006)

The coordinating authority shall give its own statement on the assessment report and its adequacy. The coordinating authority shall deliver a statement on the assessment report to the developer within two months of the end of the period allowed for providing statements and expressing opinions. A summary of other statements and opinions shall be included in the statement. The assessment procedure shall be concluded when the coordinating authority hands over its statement and other statements and opinions to the developer. The statement shall likewise be supplied for information purposes to authorities dealing with

the project, the municipalities in the project's area of impact and as necessary to regional councils and other appropriate authorities.

Section 13 – *Consideration of the assessment*

- (1) An authority may not grant a permit for implementation of a project or take any other comparable decision before it has obtained an assessment report and the coordinating authority's statement on it.
- (2) A permit or comparable decision on a project shall state in what way the assessment report and the coordinating authority statement on it have been taken into account.

Chapter 3 – **Transboundary environmental impact**

Section 14 – *International functions*

- (1) 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.
- (2) The Ministry of the Environment shall see to notification and consultation functions connected with environmental impact assessment in accordance with an agreement referred to in subsection 1.
- (3) If a project is likely to have significant environmental impact in territory under the jurisdiction of another state, the coordinating authority shall supply the Ministry of the Environment with an assessment programme without delay for notification to the other state in accordance with an agreement referred to above. The Ministry of the Environment shall pass a copy of the notification to the other state to the Ministry for Foreign Affairs for its information. (267/1999)
- (4) The notification shall provide, in particular:
 - 1) information on the project;
 - 2) information on any transboundary environmental impact;
 - 3) information on the assessment procedure and any decisions relevant to implementation of the project; and
 - 4) a reasonable time period within which any notification by authorities, citizens and corporations concerning participation in the assessment procedure shall be sent to the Ministry of the Environment. (458/2006)

Section 15 – *International hearings*

The Ministry of the Environment or an authority so appointed by the Ministry shall provide the state authorities and natural persons and corporations party to the agreements referred to in section 14(1) with an opportunity to participate in an assessment procedure in accordance with this Act if a project 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*

- (1) 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.
- (2) The regional environment centres shall control and supervise enforcement of this Act in their remits. (59/1995)
- (3) State and local 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* (458/2006)

- (1) In addition to what is provided separately 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 decisions relevant to implementation of the project on the grounds that an assessment of environmental impact referred to in this Act has not been carried out or it has been carried out in a way that is deficient in material respects.
- (2) Whoever otherwise has right of appeal can in the appeal refer to the fact that assessment has not been carried out or it has been carried out in a way that is deficient in material respects.

Section 18 – *Coercive means* (59/1995)

If implementation of a project referred to in section 4 does not require a permit or decision referred to in section 17(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 (1113/1990) shall apply regarding said conditional fine.

Section 19 – *Appealing a decision concerning application of the assessment procedure* (458/2006)

- (1) The developer may appeal a decision made pursuant to section 6(1) as laid down in the Administrative Judicial Procedure Act (586/1996).
- (2) To safeguard consistent administrative and judicial practice, a regional environment centre is entitled to appeal an Administrative court decision repealing a decision made by a regional environment centre under section 6(1).
- (3) Decisions made under section 6(1) of the Act cannot be otherwise appealed separately. Parties referred to in section 17(2) above may, however, appeal decisions stating that application of the assessment procedure is not necessary, according to the same procedure and in the same context as in the case of an appeal made against a permit ruling under other legislation concerning a project referred to in section 4 or against some other decision relevant to implementation of the project.

Section 20

Repealed by Act 623/1999.

Section 21 – *Special provisions concerning national defence* (458/2006)

- (1) What this Act provides regarding publication and hearings may be diverged from as necessary if the information on the project must be kept secret in the interests of national defence as laid down in the Act on the Openness of Government Activities (621/1999).
- (2) If the Ministry of Defence so proposes, the Ministry of the Environment may decide that the environmental impact assessment procedure is not to be applied to a defence force project implemented under exceptional circumstances referred to in the Emergency Powers Act (1080/1991) if the application of the assessment procedure would hamper national defence. Decisions made by the Ministry of the Environment in the matter may not be appealed.

Section 22 – *Cost liability*

The developer shall answer for the costs of publication of information, hearings and investigation of environmental impact, and for the cost of translations needed to assess transboundary impact.

Section 23 – *Further provisions* (458/2006)

Further provisions on the authorities and their functions in the environmental impact assessment procedure are laid down by Government decree.

Chapter 5 – **General investigation duty**

Section 24 – *Programmes and plans* (201/2005)

Provisions concerning the assessment of the environmental impacts of plans, programmes and policies prepared by the authorities are laid down in the Act on the Assessment of the Impacts of the Authorities' Plans, Programmes and Policies on the Environment (200/2005).

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 – **Entry into force**

Section 26 – *Entry into force*

- (1) This Act enters into force on 1 September 1994.
- (2) Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

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 enters into force, or for which there has been a public announcement or hearing of the interested parties before 14 January 1994 in accordance with the Building Act (370/1958), Water Act (264/1961), Environmental Permit Procedures Act (735/1991), Air Pollution Control Act

(67/1982), Waste Act (1072/1993), Public Health Act (469/1965), Adjoining Properties Act (26/1920), Chemicals Act (744/1989), Land Extraction Act (555/1981), Mining Act (503/1965), Electricity Act (319/1979), Public Roads Act (243/1954), Aviation Act (595/1964), Act on the Redemption of Immoveable Property and Special Rights (603/1977), Private Forests Act (412/1967), Forest Improvement Act (140/1987), or Nuclear Energy Act (990/1987).

Entry into force and application of 458/2006:

- (1) This Act enters into force on 1 September 2006.
- (2) **Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.**
- (3) Matters referred to in section 4(2) pending in the Ministry of the Environment at the time of the entry into force of this Act are transferred under this Act to the competent regional environment centre. The Act in force at the time of the entry into force of this Act will, however, continue to apply to decisions by the Ministry of the Environment or the Ministry of Trade and Industry concerning the application of section 4(2) or statements by the Ministry of the Environment, the Ministry of Trade and Industry or a regional environment centre that has been made or given before the entry into force of this Act.

Unofficial translation**Ministry of the Environment, Finland****Decree on Environmental Impact Assessment Procedure (713/2006)****Chapter 1 – Functions of Authorities***Section 1 – Functions of the Ministry of the Environment*

The Ministry of the Environment shall steer, monitor and develop the environmental impact assessment procedure generally and perform the functions laid down in section 6(2), section 6a(2), chapter 3 and section 21(2) of the Act on Environmental Impact Assessment Procedure (468/1994).

Section 2 – Functions of the Ministry of Trade and Industry

The Ministry of Trade and Industry shall decide on the application of the assessment procedure to individual cases and act as the coordinating authority in projects involving nuclear power plants referred to in the Nuclear Energy Act (990/1987).

Section 3 – Functions of the Finnish Environment Institute

The Finnish Environment Institute shall:

- 1) be in charge of general training, information and research connected with environmental impact assessment in cooperation with other authorities, research institutes and universities;
- 2) assist in obtaining the expertise needed in the assessment procedure;
- 3) deposit and keep available the assessment programmes and assessment reports made and coordinating authority statements on them;
- 4) monitor and gather experience on the application of the Act on Environmental Impact Assessment Procedure and this Decree; and
- 5) perform other expert functions connected with environmental impact assessment procedure allotted to it by the Ministry of the Environment.

Section 4 – Functions of the regional environment centres

The regional environment centres shall:

- 1) steer and supervise enforcement of the assessment procedure in their territory;
- 2) make decisions on the application of the assessment procedure in individual cases;
- 3) act as the coordinating authority as provided in chapter 2; and
- 4) perform any other functions laid down for them in the law and this Decree.

Section 5 – *Functions of the coordinating authority*

The coordinating authority shall:

- 1) coordinate assessment procedures in accordance with various legislation in cooperation with other appropriate authorities;
- 2) see to public announcements and hearings in accordance with sections 8a and 11 of the Act on Environmental Impact Assessment Procedure, and arrange the necessary public hearings;
- 3) as necessary inform the Ministry of the Environment about the project for the notification to another state referred to in section 14(2) of the Act on Environmental Impact Assessment Procedure;
- 4) check the assessment programme and assessment report and provide its statement on them;
- 5) see to monitoring of the environmental impact of the project, when necessary in cooperation with other authorities and the developer;
- 6) submit the assessment programme and the assessment report and its statement on them together with any translations to the Finnish Environment Institute;
- 7) perform any other functions laid down for it in the law and this Decree.

Chapter 2 – Application of the Assessment Procedure

Section 6 – *List of projects*

Projects to which the assessment procedure shall be applied under section 4(1) of the Act on Environmental Impact Assessment Procedure are:

- 1) animal husbandry:
 - poultry houses and piggeries with more than
 - a) 85,000 chickens or 60,000 hens,
 - b) 3,000 pigs (with a weight of over 30 kg/pig) or
 - c) 900 sows;
- 2) the extraction and processing of natural resources:
 - a) the extraction, dressing and processing of metal ores and other mined minerals if the total amount of the extracted resource is at least 550,000 tonnes per annum, or quarries larger than 25 hectares;

- b) extraction of stone, gravel or sand if the area of extraction or excavation is larger than 25 hectares or the amount of the extracted land resource is at least 200,000 solid cubic metres per annum;
 - c) asbestos extraction and installations for the processing and transformation of asbestos or products containing asbestos;
 - d) the extraction, dressing and processing of uranium with the exception of test extraction, test dressing and other similar processing;
 - e) peat production if the production area that can be considered as unified is more than 150 hectares;
 - f) permanent alteration of natural forest, peatland or wetland over what can be considered a unified area above 200 hectares in size, by carrying out new ditching or by draining unditched peatland and wetland areas, by removing the tree stock permanently or by replanting the area with species of tree not indigenous to Finland;
 - g) commercial production of crude oil and natural gas;
- 3) hydraulic engineering and regulation of waterflow:
- a) dams as referred to in section 9(2) of the Dam Safety Act (413/1984);
 - b) reservoirs where the dammed or stored volume of new water or the increase in the volume of water is more than 10 million cubic metres;
 - c) water body regulation projects, if the mean flow in the water body is over 20 cubic metres per second and the flow and water level conditions will change materially compared with the initial situation;
 - d) transfer of water from one river basin to another where the volume of water to be transferred exceeds 3 cubic metres per second;
 - e) flood prevention projects covering an area of at least 1,000 hectares;
- 4) the metal industry:
- a) foundries or smelting plants with an output of at least 5,000 tonnes per annum;
 - b) iron and steel works, sintering plants and iron alloy manufacturing plants or calcining plants;
 - c) metal works or calcining plants processing metals other than iron;
- 5) the forest industry:
- a) pulp mills;
 - b) paper or board mills with a production capacity of more than 200 tonnes per day;

6) the chemical industry and the manufacture of mineral products:

- a) crude oil refineries;
- b) installations for the gasification and liquefaction of bituminous shale, coal or peat of at least 500 tonnes per day;
- c) factories manufacturing artificial fibres;
- d) plants using solvents or substances containing solvents and using at least 1,000 tonnes of solvents per annum;
- e) plants manufacturing on a large scale dangerous chemicals referred to in the Act on the safety of the handling of dangerous chemicals and explosives (390/2005);
- f) factories manufacturing mineral wool and cement;

7) energy production:

- a) boiler and power plants with a gross output of at least 300 megawatts;
- b) nuclear power plants and other nuclear reactors, including the demolition or decommissioning of these plants and reactors, except for research facilities intended for the production and conversion of fissionable and fertile materials and with a maximum continuous heat output of one kilowatt; nuclear power plants and other nuclear reactors cease to be categorized as such when the nuclear fuel and other radioactively contaminated elements have been permanently removed from the plant site;
- c) plants in which irradiated nuclear fuel is reprocessed;
- d) plants designed for
 - the production and isotopic enrichment of nuclear fuel;
 - the processing of irradiated nuclear fuel or high-level waste;
 - the final disposal of irradiated nuclear fuel;
 - the sole purpose of final disposal of radioactive waste or
 - the sole purpose of storing irradiated nuclear fuels or irradiated waste outside the production site (planned to last for more than 10 years);

8) the transmission and storage of energy and materials:

- a) main pipelines intended for the long-distance transport of oil and liquids other than water or wastewater;
- b) gas pipelines with a diameter of more than DN 800 millimetres and a length of more than 40 kilometres;
- c) overhead power lines of at least 220 kilovolts and a length of more than 15 kilometres;

d) stores for oil, petrochemical products and chemical products when the total volume of the storage tanks for these substances is at least 50,000 cubic metres;

9) transport:

a) the construction of motorways and expressways;

b) the construction of a new road with four or more lanes of at least 10 kilometres of continuous length;

c) the realignment or widening of a road so that the resulting continuous section with four or more lanes is at least 10 kilometres in length;

d) the construction of long-distance railway tracks;

e) the construction of airports if the main runway is at least 2100 metres long;

f) shipping lanes, ports and loading and unloading facilities primarily intended for merchant ships of over 1,350 tonnes;

g) canals and inland shipping lanes and ports for ships of over 1,350 tonnes;

10) water management:

a) groundwater abstraction or the formation of artificially replenished groundwater of an annual volume of at least 3 million cubic metres;

b) large raw water or wastewater tunnels;

c) sewage treatment plants dimensioned for a population equivalent of more than 100,000;

11) waste management:

a) hazardous waste disposal plants receiving hazardous waste for incineration, physio-chemical treatment or disposal in landfills, and biological treatment plants dimensioned for a hazardous waste volume of at least 5,000 tonnes per annum;

b) incineration plants for other than hazardous waste, or physio-chemical treatment plants dimensioned for a waste volume of more than 100 tonnes per day and biological treatment plants dimensioned for a waste volume of at least 20,000 tonnes per annum;

c) landfills for urban waste or sludge dimensioned for a waste volume of at least 20,000 tonnes per annum;

d) landfills for waste other than that referred to in subparagraphs a and c and dimensioned for a waste volume of at least 50,000 tonnes per annum;

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

Section 7 – *Applying the assessment procedure to individual cases*

In considering how to apply the assessment procedure to individual cases of projects referred to in section 4(2) of the Act on Environmental Impact Assessment Procedure, special consideration shall be given to:

- 1) the characteristics of projects, such as
 - a) the size of the project;
 - b) the interaction with other projects;
 - c) the use of natural resources;
 - d) the production of waste;
 - e) pollution and nuisances;
 - f) the risk of accidents, having regard in particular to substances or technologies used;

- 2) the location of projects, such as
 - a) the existing land use;
 - b) the relative abundance, quality and regenerative capacity of natural resources in the area;
 - c) the absorption capacity of the natural environment, paying particular attention to
 - wetlands,
 - coastal zones,
 - mountain and forest areas,
 - nature reserves and landscape protection areas,
 - areas classified or protected under law,
 - areas in which the environmental quality standards laid down in Community legislation have already been exceeded,
 - densely populated areas, and
 - landscapes of historical, cultural or archaeological significance;

- 3) characteristics of the potential impact, such as
 - a) the extent of the impact considering the size of the affected population;
 - b) the transboundary impact;
 - c) the magnitude and complexity of the impact;
 - d) the probability of the impact;
 - e) the duration, frequency and reversibility of the impact.

Section 8 – *Coordinating authority*

The coordinating authority shall be:

- 1) the relevant regional environment centre for the projects referred to in section 6(1-6), section 6(7)(a), section 6(8-11) and in section 4(2) of the Act on Environmental Impact Assessment Procedure; and
- 2) the Ministry of Trade and Industry for the projects referred to in section 6(7)(b-d), and for projects involving nuclear power plants referred to in section 4(2) of the Act on Environmental Impact Assessment Procedure.

Chapter 3 – **Assessment programme and assessment report**

Section 9 – *Assessment programme*

The assessment programme shall contain, on a sufficient scale:

- 1) information on the project, its purpose, planning stage, site, land-use needs and connections with other projects, and on the developer;
- 2) alternatives for implementing the project, one of which shall be non-implementation, unless for specific reasons the last-mentioned alternative is unnecessary;
- 3) information about the plans, permits and comparable decisions required for implementation of the project;
- 4) a description of the environment, information on investigations into environmental impact already carried out and planned, and the methods and assumptions to be applied in acquiring and assessing the material;
- 5) a proposal for a definition of the area of impact to be studied;
- 6) a plan for arranging the assessment procedure and the related participation; and
- 7) an estimate of the project planning and implementation schedule and of the date when the investigations and assessment report will be completed.

Section 10 – *Assessment report*

The assessment report shall contain, on a sufficient scale:

- 1) the information referred to in section 9, after verification;
- 2) an explanation of how the project and its alternatives relate to land-use plans and such plans and programmes for use of natural resources and environmental protection which are relevant with regard to the project;

- 3) the main characteristics and technical solutions of the project, a description of operations, such as products, outputs, raw materials, traffic, other materials, and an estimate of the types and amounts of waste, discharges and emissions taking into account the planning, construction and utilization stages of the project, including possible demolition;
- 4) the main information used in the assessment;
- 5) an account of the environment, and an estimate of the environmental impact of the project and its alternatives, any deficiencies in the data used, and the main uncertainty factors, including an assessment of the possibility of environmental accidents and their consequences;
- 6) an account of the viability of the project and the alternatives;
- 7) a proposal for action to prevent and mitigate adverse environmental impact;
- 8) comparison of the project alternatives;
- 9) a proposal for a monitoring programme;
- 10) an explanation of the various stages of the assessment procedure including the participation procedure;
- 11) an explanation of how the coordinating authority statement about the assessment programme has been taken into account; and
- 12) a non-technical, clearly presented summary of the information in paragraphs 1-11.

Section 11 – *Public announcement*

- (1) Public announcements concerning assessment programmes must present sufficiently specified information on the project, the site, the developer and the procedure for expressing opinions and giving statements on the assessment programme. In addition, public announcements must mention where the assessment programme and the subsequent statement by the coordinating authority are available for scrutiny during the assessment procedure. If the inter-state assessment procedure applies, this must be mentioned in the public announcement.
- (2) What is provided in subsection 1 on public announcements concerning assessment reports applies as appropriate.

Chapter 4 – Entry into force

Section 12 – *Transitional provisions and entry into force*

- (1) This Decree enters into force on 1 September 2006.

- (2) This Decree repeals the Decree on Environmental Impact Assessment Procedure (268/1999) issued on 5 March 1999.
- (3) Provisions of the Decree in force at the time of the entry into force of this Decree concerning the substance of the assessment programme and assessment report continue to apply, however, to assessment programmes and assessment reports submitted to the coordinating authority before 1 January 2007.
- (4) Section 6(2)(d) of this Decree, and, in the case of flammable or explosive chemicals, section 6(6)(e) of this Decree, do not apply to projects on whose permit applications information has been published or interested parties have been heard before the entry into force of this Decree under the Environmental Protection Act (86/2000), the Chemicals Act (744/1989) or the Act on the safety of the handling of dangerous chemicals and explosives (390/2005).