

**REPORT OF FINLAND FOR 2003-2005
ON THE IMPLEMENTATION OF THE ESPOO
CONVENTION ON ENVIRONMENTAL IMPACT
ASSESSMENT IN A TRANSBOUNDARY CONTEXT**

for the period mid-2003 to end of 2005

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PART I – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION

Please provide the information requested below in Part I, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should not be used to describe your experience of applying the Convention, i.e. just the framework for its implementation.

Article 2

General Provisions

DOMESTIC IMPLEMENTATION OF THE CONVENTION

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (Art. 2.2).*

- Act on Environmental Impact Assessment Procedure (1994, amended 1999 and 2006) and Decree on Environmental Impact Assessment Procedure (2006) (original decree enacted in 1994)
- Decree on implementing the Convention on Environmental Impact Assessment in a Transboundary Context, September 1997
- Bilateral agreement with Estonia since June 2002.

TRANSBOUNDARY EIA PROCEDURE

2. *Describe your national and transboundary EIA procedures and authorities (Art. 2.2):*

- a. *Describe your EIA procedure and indicate which steps of the EIA procedure include public participation.*

The EIA procedure consists of two phases: the EIA programme phase (scoping document phase) and the EIA report phase (EIA documentation phase). Both phases include public participation and the public is given the opportunity to comment on the EIA programme and the EIA report. The developer is in charge of preparing these two documents. The competent authority on EIA (in most projects this is one of the 13 regional environment centres) checks the quality of the documents, and writes its own statement on the adequacy of these documents and gives it to the developer. The statement takes into account the opinions and views expressed by the public and other authorities, who have participated in the process. The EIA procedure is performed before the permitting procedures and the developer has to attach the EIA report and the competent authority's statement to the permit application. The permit shall state in what way the assessment report and the statement on it have been taken into account.

- b. *Describe how the different steps of the transboundary EIA procedure mentioned in the Convention fit into your national EIA procedure.*

-The sending of the notification and relevant additional information regarding the project and the impact assessment procedure takes place in the EIA programme phase. The notification is sent before or at the same time the EIA programme is made available to the public.

- The comments from the affected Party are taken into account in the competent authority's statement on the EIA programme.
- EIA documentation is sent to the affected Party for comments.
- Consultations usually take place in a written form and the initial time frame is set when the EIA documentation is sent to the affected Party.
- The comments from the affected Party are taken into account in the competent authority's statement on the EIA documentation.
- The final decision is sent to the affected Party after the decision has been made.

c. *List the different authorities that are named responsible for different steps of the transboundary EIA procedure. Also list the authorities responsible for the domestic EIA procedure, if they are different.*

- The Ministry of the Environment is in charge of the transboundary EIA procedure (point of contact and focal point).
- Regional environment centres are the competent authorities for the domestic EIA procedure. In nuclear energy projects, the competent authority is the Ministry of Trade and Industry.

d. *Is there one authority in your country that collects information on all the transboundary EIA cases under the Convention? If so, name it. If not, do you intend to establish such an authority?*

The Ministry of the Environment collects the information.

3. *Do you have special provisions for joint cross-border projects (e.g. roads, pipelines)?*

In the bilateral agreement between Finland and Estonia, Article 14 gives the competent authorities the possibility to agree to carry out a joint EIA within the framework of the national legislation. The Finnish-Estonian Commission on EIA may propose possible activities for joint EIAs to the competent authorities. The Commission has an advisory role.

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING EIA UNDER THE CONVENTION

4. *Is your country's list of activities subject to the transboundary EIA procedure equivalent to that in Appendix I to the Convention?*

The Finnish list of EIA projects includes all the projects mentioned in the Convention.

5. *Please describe:*

a. *The procedures and, where appropriate, the legislation you would apply to determine that an "activity", or a change to an activity, falls within the scope of Appendix I (Art. 2.3), or that an activity not listed should be treated as if it were (Art. 2.5);*

If it is unclear whether or not an activity or a change to an activity falls within the scope of the mandatory list of projects, it is the competent authority who makes the determination in accordance with the EIA legislation.

If the competent authority considers in an individual case that the assessment procedure should be applied to an activity not listed (a new activity or a change to an activity), it makes a screening decision (from 1 September 2006, before then the Ministry of the Environment made the decision). In determining how to apply the assessment procedure to individual projects, special consideration is given to criteria such as those mentioned in Appendix III to the Convention. The competent authority discusses the matter with the appropriate authorities before it makes the decision.

- b. *How a change to an activity is considered as a “major” change;*

A change to an activity is always considered "major" when the threshold of the mandatory list is exceeded. These changes are included in the mandatory list of projects.

If any other change is considered major with having significant adverse impact, the competent authority makes a decision to apply the assessment procedure to this individual activity.

- c. *How such an activity, or such a change to an activity, is considered likely to have a “significant” adverse transboundary impact (Art. 2.5, Guidelines in Appendix III); and*

The competent authority uses expert judgement to examine projects on a case-by-case basis. The Ministry of the Environment is consulted if necessary. Additionally, the possible affected Party can be consulted.

- d. *How you would decide whether it is “likely” to have such an impact. (Art. 2.3)*

The competent authority uses expert judgement to examine projects on a case-by-case basis. The Ministry of the Environment is consulted if necessary. Additionally, the possible affected Party can be consulted.

PUBLIC PARTICIPATION

6. *Do you have your own definition of “the public” in your national legislation, compared to Article 1(x)? How do you, together with the affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to your own public as required in Article 2, paragraph 6?*

In the definition section "the public" is described through the opportunity to participate in the EIA procedure. Participation means interaction in environmental impact assessment between the developer and the competent authority and other authorities, and those whose circumstances or interests may be affected by the project (including associations and funds).

The process of public participation is usually discussed with the point of contact of the affected Party before the notification is sent. The affected Party can choose to arrange the public hearing period simultaneously with the Party of origin. Relevant material on the project is provided to the affected Party for public comment.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

7. *Describe how you determine when to send the notification to the affected Party, which is to occur “as early as possible and no later than when informing its own public”? At what stage in the EIA procedure do you usually notify the affected Party? (Art. 3.1)*

The timing to send the notification is stipulated by the EIA Act. Notification is done only after the developer has submitted the EIA programme to the competent authority on EIA. The notification is sent no later than when the Finnish public is informed about the EIA programme.

8. *Describe how you determine the content of the notification? (Art. 3.2)*

The content of the notification is stipulated by the EIA Act and it includes, in particular,

- 1) information on the project,
- 2) information on any transboundary environmental impact,
- 3) information on the assessment procedure and decisions concerning the project, and
- 4) a reasonable time period within which the answer to the notification shall be sent to the Ministry of the Environment.

Also the relevant parts or the whole assessment programme is sent to the affected Party for comments. The comments are requested within the same time frame as the answer to the notification.

9. *Describe the criteria you use to determine the time frame for the response to the notification from the affected Party (Art 3.3, “within the time specified in the notification”)? What is the consequence if an affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how do you react?*

The time frames have to be set according to the EIA Act to match the domestic EIA procedure to guarantee that the comments from the affected Party can be taken into account. Usually the answer is requested one to two weeks after the end of the public hearing period to give the affected Party time to collect the submitted comments and prepare a summary of these comments.

Responses have usually been received on time. Sometimes more time has been given on request. If an affected Party asks for an extension of a deadline, it is usually granted within the time frame of the national procedure. The competent authority needs to give its statement within one month after the end of the hearing period, which leaves little flexibility to extend the deadline.

10. *Describe when you provide relevant information regarding the EIA procedure and proposed activity and its possible significant adverse transboundary impact as referred to in Article 3, paragraph 5. Already with the notification or later in the procedure?*

The information is submitted with the notification.

11. *How do you determine whether you should request information from the affected Party (Art. 3.6)? When do you normally request information from the affected Party? What kind of information do you normally request? How do you determine the time frame for a response from the affected Party to a request for information, which should be “prompt” (Art. 3.6)?*

Usually it is the developer who gathers the basic information already before the EIA procedure officially begins. In most cases, the request is made on the initiative of the competent authority on EIA. The information is requested within the same time frame as the answer to the notification.

12. *How do you consult with the authorities of the affected Party on public participation (Art. 3.8)? How do you identify, in cooperation with the affected Party, the “public” in the affected area? How is the public in the affected Party notified (what kinds of media, etc are usually used)? What is normally the content of the public notification? Does the notification to the public of the affected Party have the same content as the notification to your own public? If not, describe why not. At what stage in the EIA procedure do you normally notify the public of the affected Party?*

It is usually the points of contact who agree on the arrangements for public participation. The affected Party is able to identify the public in the affected area better and it is the affected Party who usually then informs the public (e.g. an announcement in newspapers,

press releases) after the formal notification has been received. Normally, the affected Party defines the content of the notification to the public.

13. *Do you make use of contact points for the purposes of notification as decided at the first meeting of Parties (ECE/MP.EIA/2, decision I/3), and listed on the Convention website at http://www.unece.org/env/eia/points_of_contact.htm?*

Yes, the points of contact are made use of in this way. The list is VERY useful.

14. *Do you provide any information to supplement that required by Article 3, paragraph 2? Do you, furthermore, follow the proposed guidelines in the report of the first meeting of the Parties (ECE /MP/2, decision I/4)? If not, in what format do you normally present the notification?*

A notification letter is used to cover the content mentioned in Article 3.2. The relevant parts or the whole assessment programme is included in the notification to supplement the letter.

QUESTIONS TO AFFECTED PARTY

15. *Describe the process of how you decide whether or not you want to participate in the EIA procedure (Art. 3.3)? Who participates in the decision-making, for example: central authorities, local competent authorities, the public and environmental authorities? Describe the criteria or reasons you use to decide?*

The notification is usually sent out for comments to relevant authorities, research institutes and at least one main environmental NGO. Their views and the expert judgement of the Ministry of the Environment provide the basis for the decision on participation.

16. *When the Party of origin requests you to provide information relating potentially affected environment: (a) how do you determine what is “reasonably obtainable” information to include in your response; and (b) describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of “promptly” in the context of responding to a request for information? (Art. 3.6)*

Some sources of information can be easily given, such as a website address, a list of research reports and other useful publications. The time frame can be agreed together with the Party of origin. Finland's EIA legislation names the Finnish Environment Institute as the competent body to assist in obtaining the expertise needed in the assessment procedure. Requests to provide information are fairly rare.

Article 4

Preparation of the EIA documentation

QUESTIONS TO PARTY OF ORIGIN

17. *What is the legal requirement for the content of the EIA documentation (Art. 4.1)?*

The content of the EIA documentation is stipulated in Section 12 of the Decree on Environmental Impact Assessment Procedure and it reads as follows:

The assessment report shall contain, on a sufficient scale:

- 1) the information referred to in section 11 above [i.e. the assessment programme], 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's alternatives;
- 9) a proposal for a monitoring programme;
- 10) an account of the performed assessment procedure and its public participation;
- 11) an account how the coordinating authority's statement on the assessment programme has been taken into account; and
- 12) a non-technical, clearly presented summary of the information in subparagraphs 1-11.

18. *Describe your country's procedures for determining the content of the EIA documentation (Art. 4.1).*

The EIA programme prepared by the developer and the competent authority's statement on how to possibly amend it (based on the views of the authorities, the public, and the affected Party) outline the content of the EIA documentation.

19. *How do you identify "reasonable alternatives" in accordance with Appendix II, alinea (b)?*

Alternatives are identified on the basis of the national Decree on EIA. In the EIA programme the developer should include, on a sufficient scale, alternatives for implementing the project, one of which shall be non-implementation, unless for specific reasons the last mentioned is unnecessary. The affected Party has the opportunity to comment on the alternatives, during the hearing period of the EIA programme.

20. *How do you identify "the environment that is likely to be affected by the proposed activity and its alternatives" in accordance to Appendix II, alinea (c), and the definition of "impact" in Article 1(vii)?*

The EIA programme also includes the developer's proposal for a definition of the area of impact to be studied. This preliminary definition can then be commented on during the hearing period by domestic authorities and the public, as well as by authorities and the public of the affected Party.

The environment is defined in the EIA Act:

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; and
- d) the utilization of natural resources; plus
- e) interaction between the factors referred to in subparagraphs a-d.

21. *Do you give the affected Party all of the EIA documentation (Art. 4.2)? If not, which parts of the documentation do you provide?*

Depends on each case. Sometimes the whole EIA documentation is translated, but more often only the relevant parts concerning the project and its transboundary environmental impact are translated and given to the affected Party.

22. *How is the transfer and reception of the comments from the affected Party organized? How does the competent authority in your country (as the Party of origin) deal with the comments? (Art. 4.2)*

The transfer and reception of comments is organized between the points of contact. Comments from the affected Party are treated on an equal basis with the national comments. The competent authority takes them into account when forming its view of the adequacy of the documentation. The competent authority's statement includes a summary of the other statements and opinions. The statement is sent to the affected Party for information.

23. *Describe the procedures and, where appropriate the legislation you would apply to determine the time frame for comments provided for in the words "within a reasonable time before the final decision" (Art. 4.2)? What is the consequence if the affected Party does not comply with the time frame? If an affected Party asks for an extension of a deadline, how do you react?*

The comments are requested in good time before the final decision, as the EIA precedes the permitting process and is a separate procedure.

It is possible to extend the deadline, within the time limits specified in the national EIA Act. Usually the answer is requested one month after the end of the public hearing period to give the affected Party time to collect the submitted comments and prepare a summary of the comments. The competent authority needs to give its statement within two months after the end of the hearing period, which leaves some flexibility to extend the deadline.

24. *What material do you provide, together with the affected Party, to the public of the affected Party?*

The same material that the point of contact of the affected country receives can be provided to the public, that is, the notification and the translated parts, if not the whole EIA documentation and the statements of the competent authority.

25. *Do you initiate a public hearing for the affected public, and at what stage, whether in the affected Party, in your country or as a joint hearing? If a public hearing is held in your country, as Party of origin, can the public of the affected Party, public authorities, organizations or other individuals come to your country to participate?*

This is decided on a case-by-case basis by the points of contact, the competent authority on EIA and the developer. Sometimes a public hearing has been held in the country of the affected Party and sometimes in the country of the Party of origin. The public and authorities can come and participate in the hearings. In the case of such participation, translation is also provided. For some projects, it is not necessary to arrange a public hearing, but the possibility to submit written comments is always provided.

QUESTIONS TO AFFECTED PARTY

26. *Describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of the words "within a reasonable time before the final decision", this being the time frame for comments (Art. 4.2)?*

It is assumed that the Party of origin acts in accordance with the Convention and provides this opportunity.

27. *Who is responsible for the organization of the public participation in the affected Party? Is the public participation normally organized in accordance with your legislation as the affected Party, or with the legislation of the Party of origin, or with ad hoc procedures, or with bilateral or multilateral agreements?*

The point of contact of the affected Party usually agrees the arrangements with the point of contact of the Party of origin on how the public participation should be arranged in each case.

In projects between Estonia and Finland, the bilateral agreement between these two Parties is followed.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

28. *At which step of the EIA procedure does the consultation in accordance with Article 5 generally take place? Describe the procedures and, where appropriate, the legislation you would apply to determine the meaning of “undue delay”, with regard to the timing of entry into consultation? Do you normally set the duration for consultations beforehand? If there seems to be no need for consultation, how do you determine not to carry out consultations?*

The initial time frame for consultation is set when the EIA documentation is sent to the affected Party. The timing follows the time frames set in the national legislation.

29. *On what level do you arrange for consultation: national, regional or local? Who usually participates in the consultation? Describe the responsibilities of the authorities involved. By what means do you usually communicate in consultations, for example by meeting, exchange of written communications?*

Again, the points of contact of the involved Parties agree on ways to perform the consultation. The point of contact of the affected Party usually collects the national views and forwards them and its own opinion to the Party of origin, usually in a written form.

QUESTIONS TO AFFECTED PARTY

30. *On what level is the consultation normally held: national, regional or local? Who normally participates in the consultation? By what means do you usually communicate in consultations, for example by meeting or by the exchange of written communications? How do you indicate if there is no need for consultations?*

The point of contact arranges the distribution of the EIA documentation to national, regional and, possibly also, local authorities (depending on the project) and the public, collects comments and forwards them and its own summary statement in a written form to the Party of origin. If there is a need for further consultations, it will be indicated in the statement.

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

31. *Describe what is regarded as the “final decision” to authorize or undertake a proposed activity (Art. 2.3). Do all projects listed in Appendix I require such a decision?*

The "final decision" is a permit for implementation of a project or any other comparable decision. All projects listed in Appendix 1 require a decision.

32. *How does the EIA procedure (including the outcome) in your country, whether or not transboundary, influence the decision-making process for a proposed activity? (Art. 6.1)*

According to the national EIA legislation, it must be obvious how the EIA documentation and a competent authority's statement on it have been taken into account by the authority making the final decision.

33. *Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and public in your country (Art. 6.1)?*

The outcome of the impact assessment, the EIA documentation and the statement of the competent authority (which includes the summary of domestic and transboundary comments) are included in the permit application to enable the permit authority to take them into account in its decision.

34. *How is the obligation to submit the final decision to the affected Party normally fulfilled? Does the final decision contain the reasons and considerations on which the decision is based? (Art. 6.2)*

After the final decision is made, it is sent to the affected Party. The final decision does contain the reasons and considerations on which the decision is based.

35. *If additional information comes available according to paragraph 3 before the activity commences, how do you consult with the affected Party? If need be, can the decision be revised? (Art. 6.3)*

In such a case it is possible to reconsider the decision, for example, in accordance with the Environmental Protection Act.

Article 7

Post-Project Analysis

36. *How do you determine whether you should request a post-project analysis to be carried out (Art. 7.1)?*

There has been no need so far for a post-project analysis.

37. *Where, as a result of post-project analysis, it is concluded that there is a significant adverse transboundary impact by the activity, how do you inform the other Party and consult on necessary measures to reduce or eliminate the impact pursuant to Article 7, paragraph 2?*

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Article 8

Bilateral and multilateral agreements

38. *Do you have any bilateral or multilateral agreements based on the EIA Convention (Art. 8, Appendix VI)? If so, list them. Briefly describe the nature of these agreements. To what extent are these agreements based on Appendix VI and what issues do they cover? If publicly available, also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.*

Finland has a bilateral agreement with Estonia, established in 2002. The objective of the agreement is to promote and develop further the implementation of the Convention between the Parties. The agreement applies to proposed activities listed in an annex to the agreement, and to any other proposed activity under the national EIA procedure of the Party of origin. The Parties have established a joint EIA commission that has an advisory role and acts as a forum for information exchange and dispute settlement. It is partially based on Appendix VI, for example, (b), (d) and (g) are included in the agreement.

39. *Have you established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

No supplementary point of contact has been established.

Article 9

Research programmes

40. *Are you aware of any specific research in relation to the items mentioned in Article 9 in your country? If so, describe it briefly.*

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Ratification of the amendments to the Convention and of the Protocol on SEA

41. *If your country has not yet ratified the first amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Finland intends to ratify the first amendment during 2007 or in spring 2008.

42. *If your country has not yet ratified the second amendment to the Convention, does it have plans to ratify this amendment? If so, when?*

Finland intends to ratify the second amendment during 2007 or in spring 2008.

43. *If your country has not yet ratified the Protocol on SEA, does it have plans to ratify the Protocol? If so, when?*

Finland ratified the Protocol in April 2005.

PART II – PRACTICAL APPLICATION DURING THE PERIOD 2003-2005

Please report on your practical experiences of applying the Convention (not your procedures described in Part I), whether as Party of origin or affected Party. The focus here is on identifying the best practice as well as difficulties Parties encountered in applying the Convention in practice to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve application of the Convention.

CASES DURING THE PERIOD 2003-2005

44. *Do you have any practical experience of applying the Convention in this period (yes/no)? If you do not have any such experience, why not?*

Yes.

45. *Does your national administration have information on the transboundary EIA procedures that were underway during the period? If so, please list these procedures, clearly identifying for each whether your country was the Party of origin or the affected Party. If you have not provided a list of transboundary EIA procedures in connection with previous reporting, also provide a list of those procedures. If possible, also indicate for each procedure why it was considered necessary to apply the Convention.*

Finland as Party of origin:

	notification year	affected Party
Before the Convention was in force:		
1. Enlargement of Tornio steel plant	1996	Sweden
2. Imatra power plant	1996	Russia
After the Convention was in force:		
3. Final disposal of used nuclear fuel	1998	Estonia, Russia, Sweden
4. New nuclear power unit, Olkiluoto	1998	Sweden
5. New nuclear power unit, Loviisa	1998	Estonia, Russia
6. Tornio flood protection project	2000	Sweden
7. Power line Pyhäselkä-Tornio	2000	Sweden
8. Enlargement of Tornio steel plant	2004	Sweden
9. Tornio fairway	2004	Sweden

Finland as affected Party:

Project	notification year	Party of origin
1. Waste incineration plant in Haaparanta	2000	Sweden
2. Gas pipeline linking Germany, Denmark and Sweden	2000	Sweden, Denmark
3. Gas pipeline linking Poland and Denmark	2000	Denmark
4. Wind farm in the Swedish economic zone, interrupted	2001	Sweden
5. Reconstruction of two oil-shale power plants in Northeast Estonia	2001	Estonia
6. Ust-Luga multi-purpose terminal	2003	Russia

46. *Are there other projects than those mentioned above for which a transboundary EIA procedure should have been applied, but was not? Explain why.*

No

47. *Provide information on the average durations of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

The average time frame would be from one to two years.

EXPERIENCE OF THE TRANSBOUNDARY EIA PROCEDURE IN 2003-2005

48. *If you have had practical experience, has the implementation of the Convention supported the prevention, reduction or control of possible significant transboundary environmental impacts? Provide practical examples if available.*

There has been no systematic follow-up on this issue, but as adverse impacts are dealt with in the transboundary procedure, the answer on that basis is yes.

49. *How have you interpreted in practice the various terms used in the Convention, and what criteria have you used to do this? Key terms include the following: “promptly” (Art. 3.6), “a reasonable time” (Art. 3.2(c), Art. 4.2), “a reasonable time-frame” (Art. 5), and “major change” (Art. 1(v)). If you are experiencing substantial difficulties interpreting particular terms, do you work together with other Parties to find solutions? If not, how do you overcome the problem?*

It is customary that the points of contacts discuss the interpretation of different terms, if need be. There has been no major obstacles in interpreting the terms during the past period.

50. *Share with other Parties your experience of using the Convention. In response to each of the questions below, either provide one or two practical examples or describe your general experience. You might also include examples of ‘lessons learned’ in order to help others.*

a. *How in practice have you identified transboundary EIA activities for notification under the Convention, and determined the significance and likelihood of adverse transboundary impact?*

Usually it is the competent authority on EIA who contacts the Ministry of the Environment if there is the possibility that the Convention must be applied because of potential significant transboundary environmental impacts connected to a project.

Discussions on the likelihood of adverse transboundary impacts with the potentially affected Parties (through the points of contact) have also taken place.

b. *Indicate whether a separate chapter is provided on transboundary issues in the EIA documentation. How do you determine how much information to include in the EIA documentation?*

A separate chapter has not always been provided in the documentation. However, it has been seen as an advantage to provide a separate chapter on transboundary impacts, as this would help give the affected Party a good picture of the impacts. This may also minimize the need for translations.

The main items to be included in the documentation are defined in the first phase of the EIA – the assessment programme phase (scoping).

- c. *What methodology do you use in impact assessment in the (transboundary) EIA procedure (for example, impact prediction methods and methods to compare alternatives)?*

Different methods are used to predict different impacts. For some impacts, models are used, such as for noise, air quality and (potentially) unpleasant odours. For many of the impacts, expert analysis is used.

For comparing alternatives it is advisable to use disaggregative comparison methods instead of aggregative.

- d. *Translation is not addressed in the Convention. How have you addressed the question of translation? What do you usually translate? What difficulties have you experienced relating to translation and interpretation, and what solutions have you applied?*

Translation is again an issue that is often settled between the points of contact. The need for translation varies from case to case. The material provided for public information must be translated into the language of the affected Party.

- e. *How have you organized transboundary public participation in practice? As Party of origin, have you organized public participation in affected Parties and, if so, how? What has been your experience of the effectiveness of public participation? Have you experienced difficulties with the participation of your public or the public of another Party? (For example, have there been complaints from the public about the procedure?)*

During 2003-2005 Finland has acted as a Party of origin in two projects that took place in the same region, with Sweden being the affected Party. For both projects, there were good experiences with the public participation. With one of the projects, the public hearing was held in Sweden, and with the other, it was held in Finland, close to the Swedish border, and the Swedish public was invited to take part.

Finland has been an affected Party once after the last questionnaire, where the Russian Federation was the Party of origin.

Finland has been developing its procedures concerning public participation when it is the affected Party in the following way:

- oThe Point of Contact's public announcement will be sent to relevant newspapers.
- oThe Point of Contact's press release on the activity will be published, if this is regarded as necessary.
- oA public information meeting about the project and its potential impacts will be held, if this is regarded as necessary.
- oEIA documentation will be available for public review at the Point of Contact's office and at other relevant places, and it will also be put on the Internet if the material is available in the correct format.
- oThe public can send comments to the Point of Contact during a given time frame.

- f. *Describe any difficulties that you have encountered during consultations, for example over timing, language and the need for additional information.*

No specific difficulties.

- g. *Describe examples of the form, content and language of the final decision, when it is issued and how it is communicated to the affected Party and its public.*

The form of the decision may differ in various project types because they are based on different permitting acts. Usually the decision contains, e.g. a description of the project, its impacts, the decision itself, its justification and how the EIA has been taken into account. The final decision is granted usually in Finnish and, in some cases, also in Swedish. The decision is sent to the authorities of the affected Party.

h. Have you carried out post-project analyses and, if so, on what kinds of projects?

No.

i. Do you have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your experiences describing, for example, any bilateral agreements, institutional arrangements, and how practical matters are dealt with (contact points, translation, interpretation, transmission of documents, etc.).

Finland currently has ongoing negotiations with 3 joint projects, these being the first ones. In the next questionnaire we should be able to provide information on the experiences.

j. Name examples of good practice cases, whether complete cases or good practice elements (e.g. notification, consultation or public participation) within cases. Would you like to introduce your case in a form of Convention's fact sheet?

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CO-OPERATION BETWEEN PARTIES IN 2003-2005

51. Do you have any successful examples of how you have overcome difficulties arising from different legal systems in neighbouring countries?

Good relationships with the points of contact in neighbouring countries help a lot. When you know one another it is easier to ask for information or assistance, if need be, to agree on issues, and also to keep discussions on a more informal basis. The different legal systems can also be taken into account.

EXPERIENCE IN USING THE GUIDANCE IN 2003-2005

52. Have you used in practice the following guidance, recently adopted by the Meeting of the Parties and available on-line? Describe your experience of using these guidance documents and how they might be improved or supplemented.

a. Guidance on public participation in EIA in a transboundary context;

Yes, but no specific experiences to be described.

b. Guidance on subregional cooperation; and

No.

c. Guidelines on good practice and on bilateral and multilateral agreements.

Yes, but no specific experiences to be described.

CLARITY OF THE CONVENTION

53. Have you had difficulties implementing the procedure defined in the Convention, either as Party of origin or as affected Party? Are there provisions in the Convention that are unclear? Describe the transboundary EIA procedure as applied in practice, where this has varied from that described in Part I or in the Convention. Also describe in general the

strengths and weaknesses of your country's implementation of the Convention's transboundary EIA procedure, which you encounter when actually applying the Convention.

It would be interesting to know how Parties have interpreted Article 6.3. and if it has been used.

Strengths and weaknesses: We have quite a bit of experience acting as the Party of origin. We are developing the public participation procedures when acting as the affected Party.

AWARENESS OF THE CONVENTION

54. Have you undertaken activities to promote awareness of the Convention among your stakeholders (e.g. the public, local authorities, consultants and experts, academics, investors)? If so, describe them.

A seminar on Environmental Impact Assessment in the North Calotte Transboundary areas was arranged by the North Calotte Council on 3-4 May 2006 in Rovaniemi, Finland. The Council is a permanent cooperation body between the authorities in Northern Finland, Sweden and Norway. This can be reported in more detail in the next questionnaire.

55. Do you see a need to improve the application of the Convention in your country and, if so, how do you intend to do so? What relevant legal or administrative developments are proposed or on-going?

There is a need to provide practical written advice to the competent authorities on EIA on how to deal with transboundary projects.

SUGGESTED IMPROVEMENTS TO THE REPORT

56. Please provide suggestions for how the report may be improved.

There still seems to be some questions that overlap. This should be dealt with in the next version.