

**REPORT OF FINLAND ON THE IMPLEMENTATION
OF THE CONVENTION ON ENVIRONMENTAL
IMPACT ASSESSMENT IN A TRANSBOUNDARY
CONTEXT**

in the period 2010–2012

Information on the focal point for the Convention

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

In this part, please provide the information requested, 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 describe the framework for your country's implementation, and not experience in the application of the Convention.

Article 2

General Provisions

1. *List the general legal, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2).*

- Act on Environmental Impact Assessment Procedure (1994, amended 1999 and 2006) and Decree on Environmental Impact Assessment Procedure (2006, amended 2011) (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.

Indicate any further measures to implement the provisions of the Convention that are planned for the near future.

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3. *List the different authorities that are named responsible for the implementation of the EIA procedure in the transboundary context and domestically.*

- The Ministry of the Environment is in charge of the transboundary EIA procedure (Point of Contact and Focal Point).
- Centres for Economic Development, Transport and the Environment are the competent authorities for the domestic EIA procedure. In nuclear energy projects, the competent authority is the Ministry of Employment and the Economy.

4. *Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it.*

The Ministry of the Environment collects the information.

5. *Does your country have special provisions for transboundary EIA procedures 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 ENVIRONMENTAL IMPACT ASSESSMENT UNDER THE CONVENTION

6. *Is appendix I to the Convention transposed fully into your country's national legislation? Please describe any differences between the national list and appendix I to the Convention.*

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

7. *Does your country's legislation already cover fully the revised appendix I in the second amendment (ECE/MP.EIA/6, decision III/7)?*

Yes.

PUBLIC PARTICIPATION

8. *How does your country, 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 country's public as required in article 2, paragraph 6?*

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 is given the opportunity to arrange the public hearing period simultaneously with the Party of origin. Relevant material on the project and its impact, mainly focusing on transboundary impact is provided to the affected Party for public comment in the language of the affected Party.

Article 3

Notification

QUESTIONS TO PARTY OF ORIGIN

9. *Describe how your country determines when to send the notification to the affected Party, which is to occur "as early as possible as and no later than when informing its own public".*

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

10. *Indicate whether and how the following provisions are reflected in your national legislation:*

- a. *The stage in the EIA procedure when your country usually notifies the affected Party (art. 3.1);*

Notification is done in the scoping-phase.

- b. *The format for notification. Please indicate whether this is the format as decided by the first meeting of the Parties in its decision I/4 (ECE /MP.EIA/2, annex IV, appendix). If not, does your country use a format of its own (in which case, please attach a copy of it)?*

It is more common to use a combination of a notification letter with scoping document (EIA Programme), which together contain the content covered in article 3 of the Convention.

- c. *The time frame for the response to the notification from the affected Party (cf. art. 3, para. 3, “within the time specified in the notification”), the consequence if an affected Party does not comply with the time frame, and the possibility of extending a deadline;*

The time frames have to be set according to the EIA Act, where specific time frame for the EIA has been set. 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. 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.

- d. *The request for information from the affected Party (art. 3 para. 6), necessary for the preparation of the EIA documentation;*

This has been implemented through the decree on implementing the Convention on Environmental Impact Assessment in a Transboundary Context but has not been seen as an issue to be stipulated in the EIA-legislation. Information can be requested in the notification letter.

- e. *How your country cooperates with the authorities of the affected Party on public participation (art. 3, para. 8);*

In the bilateral agreement with Estonia it states that the competent authority of the affected Party shall arrange for distribution of the notification and EIA documentation to the authorities and the public.

It is common practice also with EIAs in other neighbouring countries that the affected Party is in the best position to arrange public participation and it has been agreed that the affected Party accepts the responsibility to organize public participation. As the Party of origin, Finland offers to give any support needed to arrange public participation.

- f. *When and how the public in the affected Party is notified (what kinds of media, etc., are usually used). What is normally the content of the public notification?*

The affected Party notifies its public as soon as possible after receiving the formal notification. The practice is that the Points of Contacts of Party of origin and affected Party have agreed on timing beforehand. Most common means are announcement in relevant newspapers, press releases and posting the notification on the internet.

Normally the affected Party defines the content of the notification for the public. The content usually includes an explanation of aims and means of Espoo Convention procedure, brief description of the project, its location, developer, how to express opinions and a link to the EIA material including the original notification.

- g. *When and how the public in the Party of origin is notified (what kinds of media, etc. are usually used). What is normally the content of the public notification?*

The public is notified without delay when the EIA programme has been submitted to the competent authority on EIA. It is done 1) by posting a public

announcement on the notice boards of local authorities in the project's probable area of impact and 2) by publishing it in an electronic form, 3) by publishing it in at least one widely read newspaper in the project's area of impact.

The public notification must present sufficiently specified information on the project, the location, the developer and the procedure for expressing opinions and giving statements. In addition, public announcements must mention where the EIA programme and the subsequent statement by the coordinating authority are available for scrutiny during the assessment procedure.

- h. Whether the notification to the public of the affected Party has the same content as the notification to your country's public. If not, describe why not.*

The content is basically the same.

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

Yes, the list is essential for the functioning of the Convention.

QUESTIONS TO AFFECTED PARTY

- 12. Indicate whether and how the following provisions are reflected in your national legislation:*

- a. How your country decides whether or not to participate in the EIA procedure (art. 3, para. 3)?*

According to the EIA Act the Ministry of the Environment is the competent authority in Convention's transboundary procedure. The Ministry decides on participation based on views expressed in the opinions and statements of the public and the authorities.

- b. The request from the Party of origin for information (art. 3, para. 6), necessary for the preparation of the EIA documentation;*

Under the national legislation the Ministry of the Environment may ask the Finnish Environment Institute to assist in obtaining this information.

- c. How your country cooperates with the authorities of the Party of origin on public participation (art. 3, para. 8);*

As the Ministry of the Environment is stipulated in the EIA legislation to be the competent authority in the Convention's transboundary procedure, it is responsible for covering all the phases in the procedure. Usually the Ministry notifies the public if it has been agreed beforehand with the Party of origin.

- d. When and how the public is notified (e.g., what kinds of media, etc., are usually used).*

The public is notified without delay. The practice is as follows:

- the Point of Contact's public announcement in relevant newspapers and on the internet (with supporting information from the Party of origin) and
- the Point of Contact's press release on the activity is published.

Article 4

Preparation of the environmental impact assessment documentation

QUESTIONS TO PARTY OF ORIGIN

13. *Indicate the legal requirements in your country, if any, related to:*

a. *The content of the EIA documentation (art. 4, para. 1; appendix II);*

The content of the EIA documentation is stipulated in in the legislation an follows:

"EIA programme (scoping document)

The assessment programme shall contain, on a sufficient scale:

- 1) information on the project, its purpose, planning stage, site, landuse 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.

EIA report

The assessment report shall contain, on a sufficient scale:

- 1) the information referred to in section 9 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."

- b. *The procedures for determining the content of the EIA documentation on a case-by-case basis (scoping procedure) (art. 4, para. 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) provide the outline for the content of the EIA documentation.

- c. *The identification of "reasonable alternatives" in accordance with appendix II, paragraph (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 is non-implementation, unless for specific reasons the latter is unnecessary. The affected Party has the opportunity to comment on the alternatives during the hearing period of the EIA programme. The competent authority on EIA specifies the alternatives to be assessed based on the proposal by the developer and the comments given on these by other authorities, NGOs, the public and the affected Party.

- d. *The procedures and format for providing the EIA documentation domestically;*

The competent authority makes arrangements for public announcement of the EIA documentation, which includes an announcement in electronic form and in at least one widely read newspaper in the project's area of impact.

- e. *The procedures and format for providing the EIA documentation to the affected Party. If there is a difference between the procedures and format domestically and for the affected Party, please explain;*

The Ministry of the Environment provides the EIA documentation to the affected Parties.

It is a common practice to agree that the affected Party provides the EIA documentation to its public and authorities. The possibility to arrange an equivalent hearing time in the territory of the affected Party is given. The format may differ depending on the administrative culture of the affected Party.

- f. *The procedures for the examination of, and the deadlines for comments on, the EIA documentation domestically, and how the comments submitted domestically are addressed;*

The obligation to examine the comments lies with the competent authority on EIA. Opinions and statements must be submitted to the competent authority within the period stated in the announcement, which is at least 30 and at most 60 days. The competent authority also has the responsibility to include a summary of other statements and opinions in its statement. It also delivers all the other statements and opinions to the developer.

- g. *The procedures for the examination of, and the deadlines for comments on, the EIA documentation from the affected Party, and how the comments submitted by the affected Party are addressed;*

The same provisions apply to all comments received during the EIA procedure, whether received domestically or from abroad. All comments are addressed equally in the statement of the competent authority and are

delivered to the developer. The deadline for comments from the affected Party is usually 1-2 weeks after the hearing period has ended.

h. The procedures for public hearings domestically;

The minimum requirements for a public hearing are set in the legislation: 1) public announcement and 2) the EIA documents must be made available for the public to express opinions and give statements. The legislation points out that in addition to these the developer and the competent authority may agree to arrange additional ways to hold hearings. Additionally the developer must state in the scoping document a plan for arranging the assessment procedure and the related participation.

i. The procedures for public hearings held on the territory of the affected Party.

The general obligation for a hearing is provided in the legislation. The actual procedures for public hearings in the territory of the affected Party are agreed between the Points of Contact. The affected Party may give comments during the notification phase if the developer's plan to arrange the public hearing does not seem to be sufficient.

QUESTIONS TO AFFECTED PARTY

14. Indicate the legal requirements in your country, if any, related to:

a. The procedures and deadlines for comments on the EIA documentation to be submitted to the Party of origin;

According to the EIA legislation the Ministry of the Environment is also the competent authority in the Convention's transboundary procedure when it is the affected Party. The Ministry coordinates the procedure and collects the comments and submits them to the Party of origin. The affected Party must act according to the timeframes set by the Party of origin.

b. The procedures for public participation in the review of the EIA documentation domestically, and the authority responsible for the execution of the aforementioned procedures;

The Ministry of the Environment is the responsible authority.

The public is notified without delay. The procedure is as follows:

- the Point of Contact's public announcement in relevant newspapers (including the timing for the possible public information meeting) and on the internet with a dead line for comments,
- the Point of Contact's press release on the activity is published,
- the EIA documentation is available on the internet and as a hard copy in specific places

c. The procedures for the examination of the EIA documentation domestically.

The Ministry of the Environment is the responsible authority. In addition to public review, the documentation is sent to relevant authorities and NGOs for comments. The Ministry collects the comments and sends them to the Party of origin, usually with a summarizing statement.

Article 5

Consultations

QUESTIONS TO PARTY OF ORIGIN

15. *Indicate the legal requirements in your country, if any, related to the following provisions:*

a. *The procedures for cooperation with the affected Party related to consultations;*

The Ministry of the Environment is the responsible authority for coordinating the issue with the affected Party.

b. *The stages, procedures and deadlines for consultations with the affected Party;*

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. The Ministry of the Environment is the responsible authority for coordinating the issue with the affected Party.

c. *The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.*

This question is not clear. Does it mean who participates in the consultations with the affected Party? The Ministry of the Environment is the responsible authority for organizing the consultations in a transboundary context. The participants are determined case by case, as it depends on the activity in question. Usually the competent authority on EIA, the Ministry for Foreign Affairs, other relevant ministries and authorities participate. The developer is also usually present at least part of the time.

QUESTIONS TO AFFECTED PARTY

16. *Indicate the legal requirements in your country, if any, related to the following provisions:*

a. *The procedures for interaction with the Party of origin related to consultations;*

The Ministry of the Environment is the responsible authority for coordinating the issue with the Party of origin.

b. *The stages, procedures and deadlines for consultations domestically, and who participates in the consultations.*

The Ministry of the Environment is the responsible authority for coordinating the consultations. The participants are determined case by case, as it depends on the activity in question. The Ministry of the Environment has the leading

role. The Ministry for Foreign Affairs, other relevant ministries and authorities participate in the procedure and in the consultations.

Article 6

Final decision

QUESTIONS TO PARTY OF ORIGIN

17. *Indicate the legal requirements in your country, if any, related to the following provisions:*

- a. *The definition of "final decision" related to the implementation of the planned activity; the content of decisions; and procedures for their adoption;*

The EIA legislation defines decision "a permit for implementation of a project or any other comparable decision."

The content of decisions varies depending on the permitting legislation for the project in question. Also the procedures for adoption of the permit vary depending on the permitting legislation.

The EIA legislation states that "a permit or comparable decision on a project shall state in what way the assessment report and the coordinating authority[competent authority] statement on it have been taken into account." The competent authority statement includes the comments received and the consultation results produced during the transboundary procedure.

- b. *For each type of activity listed in appendix I, identify what is regarded as the "final decision" to authorize or undertake a proposed activity (art. 6 in conjunction with art. 2, para. 3); also provide the term used in the national legislation in the original language. 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.

1. Crude oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.

-environmental permit* in accordance with the Environmental Protection Act (*= *ympäristölupa*)

2. Thermal power stations and other combustion installations with a heat output of 300 megawatts or more

-environmental permit* in accordance with the Environmental Protection Act

and nuclear power stations and other nuclear 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).

-permitting procedure in accordance with Nuclear Energy Act (*ydinenergiain mukainen lupamenettely*)

3. Installations solely designed for the production or enrichment of nuclear fuels, for the reprocessing of irradiated nuclear fuels or for the storage, disposal and processing of radioactive waste.

-permitting procedure in accordance with the Nuclear Energy Act
(*ydinenergiain mukainen lupamenettely*)

4. Major installations for the initial smelting of cast-iron and steel and for the production of non-ferrous metals.

-environmental permit* in accordance with the Environmental Protection Act

5. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos: for asbestos-cement products, with an annual production of more than 20,000 tonnes finished product; for friction material, with an annual production of more than 50 tonnes finished product; and for other asbestos utilization of more than 200 tonnes per year.

-environmental permit* in accordance with the Environmental Protection Act

6. Integrated chemical installations.

-permitting procedure in accordance with the Act on the Safety of the Handling of Dangerous Chemicals and Explosives (*vaarallisten kemikaalien ja räjähteiden käsittelyn turvallisuudesta annetun lain mukainen lupamenettely*)

7. Construction of motorways, express roads and

-permitting procedure in accordance with the Highway Act (*maantielain mukainen lupamenettely*)

lines for long-distance railway traffic and

-permitting procedure in accordance with the Railway Act (*ratalain mukainen lupamenettely*)

of airports with a basic runway length of 2,100 metres or more.

-permitting procedure in accordance with the Aviation Act (*ilmailulain mukainen lupamenettely*)

8. Large-diameter oil and gas pipelines.

-permitting procedure in accordance with the Act on the Redemption of Immoveable Property and Special rights (*lupamenettely, josta on säädetty laissa kiinteän omaisuuden ja erityisten oikeuksien lunastuksesta*)

9. Trading ports and also inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tonnes.

-permitting procedure in accordance with the Water Act (*vesilain mukainen lupa*)

10. Waste-disposal installations for the incineration, chemical treatment or landfill of toxic and dangerous wastes.

-environmental permit * in accordance with the Environmental Protection Act

11. Large dams and reservoirs.
 - permitting procedure in accordance with the Water Act (*vesilain mukainen lupa*)
12. Groundwater abstraction activities in cases where the annual volume of water to be abstracted amounts to 10 million cubic metres or more.
 - permitting procedure in accordance with the Water Act (*vesilain mukainen lupa*)
13. Pulp and paper manufacturing of 200 air-dried metric tonnes or more per day.
 - environmental permit* in accordance with the Environmental Protection Act
14. Major mining, on-site extraction and processing of metal ores or coal.
 - permitting procedure in accordance with the Mining Act (*kaivoslain mukainen lupamenettely*)
15. Offshore hydrocarbon production.
 - permitting procedure in accordance with the Water Act (*vesilain mukainen lupa*)
16. Major storage facilities for petroleum, petrochemical and chemical products.
 - permitting procedure in accordance with the Act on the Safety of the Handling of Dangerous Chemicals and Explosives (*vaarallisten kemikaalien ja räjähteiden käsittelyn turvallisuudesta annetun lain mukainen lupamenettely*)
17. Deforestation of large areas.
 - permitting procedure depends on the reason for deforestation

c. *The procedures for informing of the "final decision" domestically and for the affected Party;*

Domestically the requirement to inform about the final decision is stipulated in the legislative act by virtue of which the decision is adopted. The affected Party is informed about the final decision after the decision has been taken.

d. *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 the public in your country (art. 6, para. 1)?*

The outcome of the impact assessment, the EIA documentation and the statement of the competent authority (which includes a summary of national comments and the comments of the public and the authorities from the affected Party) are included in the permit application to enable the permit authority to take them into account in its decision.

e. *The opportunity to review the decision if, before the activity is implemented, additional information becomes available according to article 6, paragraph 3.*

In such a case it is possible to reconsider the decision, for example, in accordance with the Environmental Protection Act. Moreover Finland's Administrative Procedure Act enables the issuing authority to review or annul a decision based on incorrect or deficient information.

Post-Project Analysis

18. *Indicate the legal requirements in your country, if any, related to:*

a. *Post-project analysis (art. 7, para. 1);*

It is possible to act on a case by case basis.

b. *Procedures for informing of the results of post-project analysis.*

It is possible to act on a case by case basis.

Article 8

Bilateral and multilateral agreements

19. *Does your country have any bilateral or multilateral agreements based on the 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.

The link to the text of the agreement: www.finlex.fi/en >international treaties > go to 51/2002 (=treaty number 51/year 2002). Parallel text is provided in Finnish and English.

20. *Has your country established any supplementary points of contact pursuant to bilateral or multilateral agreements?*

No.

Article 9

Research programmes

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

No.

Ratification of the amendments to the Convention and of the Protocol on Strategic Environmental Assessment

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

Yes. It is likely that both amendments will be ratified before the next Meeting of the Parties.

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

Yes. It is likely that both amendments will be ratified before the next Meeting of the Parties.

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

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PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2010–2012

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether as Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice; and the goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

CASES DURING THE PERIOD 2010–2012

25. *If your country's national administration has a list of transboundary EIA procedures that were under way during the reporting period, in which your country was Party of origin or affected Party, please list it.*

Finland as the Party of origin

1-21 are presented in the previous questionnaires

22. Remediation of contaminated sediments in the Kymijoki river, 2010
(affected Party: Estonia)*

23. Hannukainen iron ore mine (Kolari, Lapland), 2011
(affected Party: Sweden)

24. Kuusamo gold mine, 2011
(affected country: Russia) *

25. Biodiesel installation (Kemi), 2011
(affected Party: Sweden)

26. Sokli mine -enrichment in Russia, 2012
(affected country: Russia)

27. LNG-terminal (Porvoo and Inkoo in Southern Finland), 2012
(affected Party: Estonia)

28. LNG-terminal (Tornio), 2012
(affected Party: Sweden)

* notification only, Party/country did not participate

Finland as an affected Party

1-15 are presented in the previous questionnaire

16. Fixed link across Fehmarnbelt, 2010
(Parties of origin: Denmark, Germany)

17. Offshore wind farm, Northwest Estonia, 2011
(Party of origin: Estonia)

18. Forsmark low and medium active radioactive waste storage, 2011
(Party of origin: Sweden)

19. Södra Midsjöbanken, wind farm in the Baltic Sea within the Swedish EEZ, 2011
(Party of origin: Sweden)

20. Baltic North -construction of wind power plants in the Baltic Sea
within Polish EEZ, 2012
(Party of origin: Poland)

26. *Does your country object to the inclusion of the above list of transboundary EIA procedures in a compilation of such procedures to be made available on the website of the Convention? (Indicate “yes” if you object.)*

No.

27. *Provide information and explanations on the average duration of transboundary EIA procedures, both of the individual steps and of the procedures as a whole.*

The average time frame is from one to two years.

EXPERIENCE IN THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE DURING THE PERIOD ~~2006–2009~~ 2010-2012

28. *If your country has had practical experience in the transboundary EIA procedure during the reporting period, 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.

29. *Please share with other Parties your country’s experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country’s general experience. You might also include examples of lessons learned in order to help others:*

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

It is recommended by the Ministry of the Environment that it is 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.

- b. *Translation is not addressed in the Convention. How has your country addressed the question of translation? What does your country usually translate? What difficulties has your country experienced relating to translation and interpretation, and what solutions has your country 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 is translated into the language of the affected Party. In some cases the whole EIA report may be translated into English or in the language of the affected Party. As Finland is bilingual, some EIA documents are available in Swedish in addition to Finnish. In the north Sámi is also used. Early cooperation between the Points of Contacts of the affected Party and the Party of origin are important for facilitating translations.

At public hearings simultaneous interpretation has been used in some cases.

- c. *How has your country organized transboundary public participation in practice? As Party of origin, has your country organized public participation in affected Parties and, if so, how? Has your country experienced difficulties with the participation of its public or the public of another Party (e.g., have there been complaints from the public about the procedure)?*

As an affected Party, Finland has organized public participation as follows in the projects during 2010-2012:

- The Point of Contact's public announcement was sent to relevant newspapers.
- The Point of Contact's press release on the activity was published.
- Public information meetings are held if there is a need. The Points of Contacts agree on the matter.
- EIA documentation was available for public review in relevant places, and it was also put on the Internet with supporting information.
- The public was given an opportunity to send comments to the Point of Contact during a given time frame.

It is common practice in Finland's neighboring countries that the affected Party takes on the responsibility for organizing public participation. As a Party of origin, Finland offers to give any support needed in arranging public participation.

- d. *Describe any difficulties that your country has encountered during consultations, for example over timing, language and the need for additional information. As an affected Party, have consultations under article 5 supported the prevention, reduction or control of possible significant transboundary environmental impacts?*

No difficulties.

- e. *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 procedures in different acts. 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 Point of Contact of the affected Party. Translation of the decision into English in parts or completely may be needed.

- f. *Has your country carried out post-project analyses and, if so, on what kinds of project?*

No.

- g. *Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects? Please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.);*

None from the period in question.

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

No specific examples from the period in question.

- i. *Identify the most common means of applying the Convention (e.g., through focal points, joint bodies, multilateral agreements).*

Through focal points.

CO-OPERATION BETWEEN PARTIES IN 2010–2012

30. *Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries? If so please specify.*

No specific experiences to be described.

EXPERIENCE IN USING THE GUIDANCE IN 2010–2012

31. *Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online? Describe your country's experience with using these guidance documents and how they might be improved or supplemented.*

- a. *Guidance on public participation in EIA in a transboundary context (ECE/MP.EIA/7);*

Yes, but no specific experiences to be described.

- b. *Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix);*

Yes, but no specific experiences to be described.

- c. *Guidelines on good practice and on bilateral and multilateral agreements (ECE/MP.EIA/6, annex IV, appendix).*

Yes, but no specific experiences to be described.

CLARITY OF THE CONVENTION

32. *Has your country 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?*

No major difficulties have been experienced. The active application of the Convention has brought us a lot of experience in the field.

AWARENESS OF THE CONVENTION

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

The Convention procedure is explained to developers and consultants who have not applied the transboundary procedure in earlier activities.

34. *Does your country see a need to improve the application of the Convention in your country and, if so, how does it intend to do so?*

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SUGGESTED IMPROVEMENTS TO THE REPORT

35. *Please provide suggestions for how this report may be improved.*

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