

N:o 86/2000

Issued in Helsinki, February 4, 2000

ENVIRONMENTAL PROTECTION ACT

By decision of Parliament the following is enacted:

Chapter 1

General provisions

Section 1

Objective of the Act

The objective of this Act is:

- 1) to prevent the pollution of the environment and to repair and reduce damage caused by pollution;
- 2) to safeguard a healthy, pleasant ecologically diverse and sustainable environment;
- 3) to prevent the generation and the harmful effects of waste;
- 4) to improve and integrate assessment of the impact of activities that pollute the environment;
- 5) to improve citizens' opportunities to influence decisions concerning the environment;
- 6) to promote sustainable use of natural resources; and
- 7) to combat climate change and otherwise support sustainable development.

Section 2

Scope of application

This Act applies to all activities that lead or may lead to environmental pollution as laid down below. This Act also applies to activities that generate waste, and to the recovery and disposal of waste.

This Act does not apply to activities prescribed upon in the Act on the Prevention of Pollution From Ships (300/1979) nor in the Act on the Protection of the Sea (1415/1994). Nor does this Act apply to prevention of the harmful effects of radiation in so far as it is prescribed upon in the Nuclear Energy Act (990/1987) or the Radiation Act (592/1991), nor to prevention of pollution of bodies of water as laid down in the Agreement on Frontier Rivers (SopS 54/1971) between Finland and Sweden.

Exceptions to the application of this Act may be laid down by decree if so required by national security, emergency supply or the special nature of the Defence Forces' activities.

The provisions of international agreements on the protection of the seas that are binding on Finland shall be observed when this Act is applied. In addition, what is laid down elsewhere in the law shall be observed pertaining to prevention of environmental pollution.

Section 3

Definitions

In this Act:

- 1) *environmental pollution* refers to such emission or deposit of a substance, energy, noise, vibration, radiation, light, heat or odour caused by human activity in the environment that either alone or together with other emissions:
 - a) causes harm to health;
 - b) causes harm to nature and its functioning;
 - c) prevents or materially hinders the use of natural resources;
 - d) decreases the general amenity of the environment or degenerates special cultural values;
 - e) reduces the environment's suitability for general recreation purposes;
 - f) damages or harms property or its use; or
 - g) constitutes a comparable violation of the public or private good.
- 2) *activity that poses a threat of environmental pollution* refers to the founding or use of an installation, the use of an area or the arrangement of activities in such a way as may result in environmental pollution;
- 3) *harm to health* refers to illnesses diagnosed in people, other disturbances of health or the presence of a factor or circumstance that may impair the health of the population or the healthiness of an individual's living environment;
- 4) *best available technique* refers to methods of production and treatment that are as efficient and advanced as possible and technologically and economically feasible, and to methods of designing, constructing, maintenance and operation with which the pollutive effect of activities can be prevented or most efficiently reduced;
- 5) *operator* refers to natural and legal persons who are engaged in activities that pose a risk of pollution or who are *de facto* responsible for such activities;
- 6) *water body* refers to water areas referred to in chapter 1, section 1, paragraph 2, and to territorial waters referred to in section 3 of the Water Act (264/1961); and
- 7) *groundwater* refers to water in the ground or in bedrock.

A technique is technologically and economically feasible when it is generally available and may be applied in the relevant field at a reasonable cost. More detailed provisions concerning the factors to be taken into account when defining the best available technique shall be laid down by decree.

Section 4 *General principles*

The following principles apply to activities that pose a risk of pollution:

- 1) harmful environmental impact shall be prevented or, when it cannot be prevented completely, reduced to a minimum (*principle of preventing and minimizing harmful impact*);
- 2) the proper care and caution shall be taken to prevent pollution as entailed by the nature of the activity, and the probability of pollution, risk of accident and opportunities to prevent accidents and limit their effects shall be taken into account (*principle of caution and care*);
- 3) the best available technique shall be used (*principle of best available technique*);
- 4) combinations of various methods, such as work methods, shall be used and such raw materials and fuels shall be selected as provide appropriate and cost-efficient means to prevent pollution (*principle of environmentally best use*).

It is the duty of parties engaged in activities that pose a risk of pollution to prevent impact and eliminate or minimize harmful environmental effects (*principle of 'polluter pays'*).

Section 5

General duties

Operators must have sufficient knowledge of their activities' environmental impact and risks and of ways to reduce harmful effects (*knowledge requirement*).

In addition, the general duties laid down in sections 4 and 6 of the Waste Act (1072/1993) must be observed in activities posing a risk of pollution.

Section 6 *Selection of location*

Activities posing a risk of pollution must be located so that they will not cause pollution or pose a risk thereof and so that pollution can be prevented, whenever feasible.

The following shall be taken into account when the suitability of a location is being assessed:

- 1) the nature of the activity, the probability of pollution occurring and the accident risk;
- 2) the present and future land use indicated in a legally binding land-use plan for the area and its surroundings and the plan regulations that concern the area; and
- 3) other possible locations in the area.

Section 7 *Soil pollution prohibition*

Waste or other substances shall not be left or discharged on the ground or in the soil so as to result in such deterioration of soil quality as may endanger or harm health or the environment, substantially impair the amenity of the site or cause comparable violation of the public or private good (*soil pollution prohibition*).

Section 8 *Groundwater pollution prohibition*

A substance shall not be deposited in or energy conducted to a place or handled in a way that:

- 1) groundwater may become hazardous to health or its quality otherwise materially deteriorate in areas important to water supply or otherwise suitable for such use;
- 2) groundwater on the property of another may become hazardous to health or otherwise unsuitable for usage; or
- 3) the said action may otherwise violate the public or private good by affecting the quality of groundwater (*groundwater pollution prohibition*).

The action referred to above in paragraph 1 is also deemed to include action separately prescribed upon by decree and the discharge into groundwater of substances hazardous to the environment and health as prohibited by decree. A decree may only pertain to action referred to in the relevant directive of the European Community.

Section 9 *Special prohibitions pertaining to the sea*

No action may be taken on Finnish territory, inland waters or territorial waters that may cause marine pollution outside Finnish territorial waters, as referred to in the Act on the Protection of the Sea.

Waste or other substances may not be discharged into Finnish territorial waters to be sunk or otherwise deposited from a Finnish or foreign vessel, vehicle

travelling on ice, aircraft or a sea-going unit referred to in section 4, paragraph 2, of the Act on the Protection of the Sea, nor may a vessel, sea-going unit or aircraft be sunk or abandoned, taking into account the provisions of section 7, paragraph 3, of the Act on the Protection of the Sea on corresponding action outside territorial waters. The same applies to dumping substances into the sea from the shore with the intention of sinking or depositing them.

The prohibition referred to above in paragraph 2 does not apply to the dumping of snow into the sea. Discharging dredged spoils in a water area is prescribed upon in the Water Act.

Chapter 2 Decrees and regulations

Section 10 *General principles*

The Government may, as laid down below in this chapter, issue necessary provisions by decree for the purpose of preventing and reducing environmental pollution.

The provisions of sections 4-6 shall be taken into account when the decrees referred to in this chapter are issued.

When decrees are drawn up, the authorities and parties whose activities or interests the relevant issue specially concerns shall be provided with an opportunity to state their opinion.

Section 11 *Quality of the environment and emissions*

The Government may stipulate by decree:

- 1) on the quality, monitoring and observation of the environment;
- 2) on emissions into the environment, public sewer, restriction of emissions and enforcement of emission limits;
- 3) on limiting or prohibiting discharge into the environment or public sewer of substances that are hazardous to health or the environment;
- 4) on limiting or prohibiting specially disturbing noise or vibration during certain times;
- 5) on limiting the discharge or deposit of sludge in the environment or prohibiting the discharge into the environment of sludge that contains substances hazardous to health or the environment; and
- 6) on the passing of agricultural nitrates into bodies of water, and on other water protection requirements to be observed in agriculture.

Section 12 *Certain activities*

In addition to what is laid down in section 11, the Government may stipulate by decree:

- 1) on methods, equipment, buildings and structures needed to reduce emissions from agriculture, animal husbandry, fur farming and forestry and peat production and fish farming, and on environmental protection requirements related to the location of activities;
- 2) on methods, equipment, buildings and structures needed to reduce emissions from plants or boiler plants generating less than 10 Mw of power or heat, asphalt stations, stone crushing plants, stone quarries or other stone quarrying activities and fuel stations and other comparable activities and on environmental protection requirements related to the location of such

activities, when consistent environmental protection measures are applicable in the sector concerned;

- 3) on the reduction of emissions by sectors or from activities using volatile organic compounds; and
- 4) on the environmental protection requirements and supervision concerning the institutional or commercial utilization or recovery of waste.

Section 13

Motor vehicles, machinery and equipment

The Government may stipulate by decree;

- 1) on limiting the idling of motor vehicles in areas other than roads referred to in road traffic legislation;
- 2) on emissions from machinery and equipment and on prohibiting or restricting their use or placement on the market and on their marking requirements.

It may be laid down in the decree referred to above in paragraph 1, subparagraph 2, that a party placing machinery or equipment on the market must acquire type approval or indicate by means laid down in more detail by decree that the machinery or equipment meets the requirements of the decree.

The decree referred to above in paragraph 1, subparagraph 2, and in paragraph 2 may be issued only if so required in the acts of the European Community.

Section 14

Soil

The Government may stipulate by decree:

- 1) on the maximum permitted content of harmful substances in the soil for different uses of soil, and on the maximum concentrations of harmful substances for the purpose of assessing level of contamination and need for treatment;
- 2) on handling and containing contaminated surface deposits, technical standards of treatment and treatment methods and observation and supervision.

The Government may issue decrees as referred to above in paragraph 1 which also apply to the beds of waters, as applicable.

Section 15

Substances, preparations and products

If the use of a fuel or of a substance, preparation or product with an adverse impact on the atmosphere gives rise to emissions which may be justifiably deemed to cause harm to health or to pollute the environment, the Government may stipulate by decree:

- 1) on limiting or prohibiting the manufacture, import, placing on the market, export, transfer or use of a substance, preparation or product;
- 2) on the composition and marking of a substance, preparation or product that is manufactured, placed on the market, imported, exported, transferred or used.

In addition, the Chemicals Act (744/1989) contains restrictions and prohibitions pertaining to chemicals, and the Product Safety Act (914/1986) contains provisions on the safety of products.

Section 16

Other decrees

In addition, the Government may stipulate by decree on the validity and revision of environmental permits and on regulations issued in the permits, and

on requirements comparable to those referred to above in sections 11-15 needed to prevent environmental pollution, for the purpose of enforcing relevant acts of the European Community and Finland's international obligations.

Section 17
Granting an exception

The Ministry of the Environment may grant an exception to a decree issued under sections 11-16, on basis of the grounds laid down in the decree.

In addition, the Ministry may grant an exception to Council Regulation (EC) No. 3093/94 on substances that deplete the ozone layer on the grounds laid down therein.

Exceptions are granted on application. Before the Ministry of the Environment grants an exception it shall provide the regional environment centre, relevant local authority and a registered organization referred to in section 92 with an opportunity to be heard concerning the application. The decision shall be publicized as laid down in the Act on providing information in administrative matters (232/1996).

An exception concerning joint implementation is laid down in section 111.

Section 18
Household sewage

The Ministry of the Environment may stipulate by decree on equipment and methods for treating sewage from water closets and other household sewage, on sealed gullies, and on the use and maintenance of this equipment, on soakaways and removal of sludge, giving special consideration to national water protection objectives.

Section 19
Municipal environmental protection regulations

For the purpose of implementing this Act, municipal councils may, on the basis of local circumstances, issue general regulations pertaining to the entire municipality or a part thereof that concern other activities that are not subject to a permit under this Act or to notification under sections 61, 62 or 78, or that are not part of the Defence Forces' operations (*municipal environmental protection regulations*).

The regulations may concern:

- 1) activities, restrictions and structures that prevent emissions or the harmful effects thereof;
- 2) abatement of especially disturbing noise or vibration;
- 3) environmental protection requirements regarding the location of activities outside local detailed plan areas;
- 4) areas where conducting wastewater into the ground, a water body or channel referred to in chapter 1, section 2, of the Water Act is prohibited due to special pollution risk;
- 5) zones and areas where the use of manure and fertilizer and other environmentally harmful substances used in agriculture is restricted;
- 6) providing information required for supervision.

The municipal environmental protection committee may grant an exception to an environmental protection regulation as referred to therein.

Before an environmental protection regulation is issued, the relevant regional environment centre and employment and economic development centre shall be provided with an opportunity to state their opinion. Decisions to approve environmental protection regulations shall be publicized in the manner

municipal notices are customarily made public in the municipality. A decision is deemed to have been publicized when it has been made available to the public. The same applies to publicizing an environmental protection regulation's entry into force. The regional environment centre must be provided with the regulations.

Chapter 3
Authorities and their duties

Section 20
State authorities

The Ministry of the Environment is in charge of general steering, surveillance and development referred to in this Act.

Within its territory, the regional environment centre steers and promotes the execution of duties referred to in provisions issued in this Act and under it, enforces these provisions and exercises its right to defend public environmental interests in decision-making based on this Act.

Section 21
Municipal environmental protection committee

The permit and enforcement duties of a local authority laid down in this Act are the responsibility of the municipal environmental protection committee referred to in the Act on Municipal Environmental Administration (64/1986) which exercises its right to defend public environmental interests in decision-making based on this Act.

The municipal environmental protection committee may delegate the authority referred to in this Act to an official as is laid down in the Act on Municipal Environmental Administration. Authority may not, however, be delegated to an official in matters involving the use of administrative compulsion.

Section 22
Supervisory authorities

The supervisory authorities referred to in this Act are the regional environment centre and the municipal environmental protection committee.

Employment and health authorities shall enforce the decree referred to in section 13, paragraph 1, subparagraph 2, as laid down in more detail in the decree.

Within their sphere of duties, the Customs and the Frontier Guard shall enforce the provisions laid down in this Act and under it.

Section 23
Environmental permit authorities

The State permit authorities referred to in this Act are the environmental permit authorities and the regional environment centres. The number of environmental permit authorities, their administrative status, organization, processing of permit issues, qualifications required of personnel and the filling of posts are prescribed upon separately. Separate provisions are laid down concerning environmental permit procedure in regional environment centres.

In the municipalities, the municipal environmental protection committee is the primary environmental permit authority.

Section 24
Other authorities and institutions

State authorities and research institutions may function as expert authorities or institutions referred to in this Act as laid down, as needed, in more detail by decree. The Ministry of the Environment may appoint an expert institution to function as an accredited national environmental laboratory.

The Vehicle Administration Centre is in charge of the type approval referred to in section 13, paragraph 2, as laid down in more detail by decree.

An institution referred to above in paragraph 1 that has been appointed by the Ministry of the Environment, or another institution that meets the requirements laid down by decree, may function as the accredited inspection authority for type approval referred to in section 13, paragraph 2, or as a similar institution. The Ministry may revoke the appointment if the institution fails to meet the requirements of the decree. More detailed provisions on the requirements to be met by such an institution and their enforcement shall be laid down by decree.

Section 25
Monitoring the state of the environment

Within its territory, the local authority shall see to the necessary monitoring of the state of the environment. The Finnish Environment Institute and the regional environment centres' duties concerning the monitoring of the state of the environment are laid down separately.

Monitoring data shall be made public and publicized as comprehensively as necessary.

Section 26
National plans and programmes

National plans and programmes on environmental protection referred to in the acts of the European Community will be approved by the Government. When plans and programmes are drawn up, the authorities and parties whose interests the issue especially concerns shall be provided with an opportunity to be heard.

National and regional waste plans are prescribed upon in the Waste Act.

Section 27
Environmental protection database

Regional environment centres and the Finnish Environment Institute maintain an environmental protection database containing the necessary data on:

- 1) permits and notifications based on this Act and on notifications based on section 6 of the Act on the Enforcement of Environmental Protection Legislation (113/2000);
- 2) on reports and surveillance concerning permits;
- 3) on data entered in the waste database referred to in the Waste Act; and
- 4) the monitoring of and reporting on the state of the environment related to the enforcement of this Act.

Notwithstanding the confidentiality provisions laid down in the Act on the Publicity of Actions Undertaken by Authorities (621/1999), local authorities shall submit the data referred to in paragraph 1 to the environmental protection database. Notwithstanding confidentiality provisions, the municipal environmental protection committee is entitled without charge to any information from the database that is needed for supervision and monitoring.

The provisions of the Personal Data Act (523/1999) apply to registered persons' right to inspect the content of the database.

Chapter 4
Environmental permit requirement

Section 28
General permit requirement

A permit is required for activities that pose a threat of environmental pollution (*environmental permit*). Activities subject to a permit are prescribed in more detail by decree.

An environmental permit is also required for:

- 1) activities that may cause pollution of a water body that are not referred to in chapter 1, section 19, of the Water Act;
- 2) conducting wastewater that may lead to the pollution of a channel or reservoir referred to in chapter 1, section 2, of the Water Act;
- 3) activities that may place an unreasonable burden on the surroundings as referred to in section 17, paragraph 1, of the Adjoining Properties Act (26/1920);
- 4) institutional or commercial recovery or disposal of waste; and
- 5) test drilling for oil or gas in Finnish territorial waters and the exploitation of the deposit and for other related activities.

A permit is required for any alteration of an activity that increases emissions or the effects thereof or any other material alteration of an activity for which a permit has already been granted. No permit is required, however, if the alteration does not increase environmental impact or risks and the alteration does not require revision of the permit.

Section 29
Decree on permit requirement

Emission into waters or a public sewer may be subjected to permit by decree irrespective of whether or not the emissions cause pollution referred to in this Act. The decree may pertain only to emissions referred to in relevant directives of the European Community.

In addition, it may be laid down by decree that the emission of a particular harmful substance into the sea, whether directly or indirectly, requires an environmental permit, irrespective of consequences, if this is necessary to implement an international treaty on the protection of the seas that is binding on Finland. The decree may concern the entire country even when the international treaty concerns only a part of Finnish territory.

Section 30
Derogation from the permit requirement

If the activities referred to in section 12, subparagraph 2 or 3, or, under section 18 of the Waste Act, are subject to a separate decree on the disposal of non-hazardous waste at the place of origin or its institutional or commercial recovery, it may also be laid down at the same time that no environmental permit is required for the activities under conditions laid down in the said decree. In addition, exceptions to the permit requirement concerning the activities referred to in section 28, paragraph 2, subparagraph 4, may be laid down by decree.

A permit is not required for short-term activities undertaken on an experimental basis when the purpose is to test a raw material for fuel,

manufacturing or incineration method or treatment equipment, or to investigate the impact, usefulness or other corresponding feature of such activities by means of institutional or commercial processing of waste.

However, an environmental permit must always be obtained for activities referred to in section 28, paragraph 2, subparagraphs 1-3 and 5, and section 29.

Chapter 5 Competence of permit authorities

Section 31 *Competent permit authority*

The environmental permit authority resolves permit issues when:

- 1) the activity may have substantial environmental impact or resolving the issue at the environmental permit authority is otherwise warranted by the type or nature of the activity;
- 2) the activity requires, in addition to the environmental permit, a permit under chapters 2-9 of the Water Act, or a right-of-use license as prescribed in the Water Act, excluding that of a discharge pipe, or as referred to in chapter 10, and the permit applications must be processed jointly under section 39; or
- 3) the applicant is a regional environment centre or the centre has significantly promoted the project concerned.

Permit applications other than those referred to in paragraph 1 are processed by the regional environment centre if:

- 1) the environmental impact of the activity concerns an area substantially wider than that of the municipality where the activity is located, or resolving the issue at the regional environment centre is otherwise warranted;
- 2) the permit is needed under section 28, paragraph 2, subparagraph 1, or
- 3) the permit is needed under section 29.

More detailed provisions concerning activities referred to above in paragraph 1, subparagraph 1, and paragraph 2, subparagraph 1, are laid down by decree.

Section 32 *Permit authority when activity is altered*

Permit applications concerning the alteration of an activity are decided by the authority within whose competence the processing of applications for corresponding new activities would fall.

Section 33 *Referral of a permit decision*

When a permit application has been made to the municipal environmental protection committee and it becomes evident during the processing of the matter that the activity in question may cause pollution of a water body, the matter must be referred to the regional environment centre. In individual cases where a matter within local jurisdiction requires such special investigation that the required expertise is not available locally, the municipal environmental protection committee may refer the matter to the regional environment centre. A permit decision may also be referred to the regional environment centre for some other special reason.

When special reasons exist in individual cases, the regional environment centre may refer a permit decision within its jurisdiction to the environmental permit authority.

Section 34
Permit authorities' territorial jurisdiction

Permit applications are decided by the permit authority competent under section 31 within whose territory the activity concerned is to be sited. When the activity involves the use of an area comprising the territories of several permit authorities, the permit application is decided by the authority within whose territory the main part of the polluting activities is to be located.

If fisheries regulations included in the permits for several activities that burden the same body of water arrive for inspection simultaneously and it is expedient to decide on them together, the matter is resolved by the environmental permit authority that is competent under paragraph 1.

Chapter 6
Permit procedure

Section 35
Permit application

Permit applications shall be submitted to the competent permit authority. A permit matter within the competence of a State permit authority is deemed to have become pending when the application has been submitted to the appropriate regional environment authority or environmental permit authority.

Applications shall include a report on the activity, its impact, parties involved and other relevant matters that are needed in the permit consideration as is laid down in more detail by decree.

If the application concerns activity referred to in the Act on Environmental Impact Assessment Procedure (468/1994), an assessment report in accordance with the said Act must be enclosed in the application before the decision is made. In addition, the assessment referred to in section 65 of the Nature Conservation Act (1096/1996) shall also be enclosed in the application, as necessary.

Section 36
Opinions

The permit authority shall request an opinion on the permit application from the regional environment authority and the municipal environmental protection committee in municipalities where the activity referred to in the application may have environmental impact. Regional environmental permit authorities shall request an opinion from the regional environmental centre in whose area the activity referred to in the application may have environmental impact.

In addition to the provisions of paragraph 1 above, the permit authority must also request an opinion from other authorities charged with protecting the public interest and any other opinions needed in considering the permit application. Regional environmental permit authorities and regional environmental centres shall request an opinion from the local authority where the activity referred to in the application is located and, if needed, from other local authorities whose territory is affected.

The permit authority may also procure other necessary opinions and statements relating to the permit application.

Section 37
Complaints

Before passing a decision on a permit, the permit authority shall provide those whose rights or interests might be concerned (*stakeholder*) with an opportunity to lodge a complaint regarding the matter.

Persons other than stakeholders shall be provided with an opportunity to state their opinion.

Section 38
Publicizing a permit application

The permit authority shall publicize permit applications by posting them for 30 days on the notice boards of the relevant local authorities as is laid down in the Act on Public Announcements (34/1925). Likewise, the regional environment centre and the environmental permit authority shall post permit applications on their own notice boards. The content of the notice is laid down in greater detail by decree. The posting of the notice must be announced in at least one newspaper in general circulation in the area affected by the activities, unless the matter is of minor importance or the announcement is otherwise manifestly unnecessary.

Stakeholders especially concerned by the matter shall be notified separately.

Otherwise, the provisions of the Administrative Procedures Act (598/1982) and the Act on Providing Information in Administrative Matters apply to the hearing and pending of an issue. The provisions of chapter 16, section 8, of the Water Act apply to the notification of partner municipalities not represented on the joint municipal board.

Section 39
Joint processing of permits

A permit application concerning the pollution of water and an application referred to in the Water Act pertaining to the same activity and a right-of-use application referred to in section 31, paragraph 1, subparagraph 2, shall be processed together and included in one decision, unless this is deemed unnecessary for a special reason. Joint processing is not necessary if the activity requires only an environmental permit and a permit referred to in chapter 9 of the Water Act for the purpose of conducting water for use in liquid form and the conduction of water and its discharge back into a water body has no direct impact on water supply.

If it becomes evident during the course of processing a permit that the activity also requires a permit under the Water Act, the applicant must lodge a permit application in accordance with the Water Act within a reasonable period set by the permit authority. Otherwise, the pending permit application will not be processed.

Matters referred to above in paragraph 1 are processed in accordance with the Water Act, taking into account the provisions laid down in this Act or under it on the content of permit applications and decisions.

Required derogations from the provisions on buffer zones referred to in chapter 9, sections 19 or 20, of the Water Act are laid down under the same decision as a pending environmental permit matter.

Section 40
Simultaneous processing of permits for different activities

If the joint impact of separate activities posing a risk of environmental pollution is significant in terms of permit consideration and environmental permit matters for these activities are pending with the same permit authority, the matters shall be processed and decided together unless this must be deemed unnecessary for a special reason.

Chapter 7
Permit consideration

Section 41
Principles of permit consideration

An environmental permit is granted for activities that meet the requirements of this Act and the Waste Act and those of the decrees issued under them.

The permit authority must inspect the opinions issued and complaints made in the matter and the preconditions for granting the permit. The permit authority shall also take into account legislative provisions on the protection of the public and private good.

Provisions laid down in the Nature Conservation Act and under it shall also be observed when resolving a permit matter.

Section 42
Preconditions for granting a permit

Granting a permit requires that the activity, severally or together with other activities, does not, taking permit regulations and the location of the activity into account, result in:

- 1) harm to health;
- 2) other significant environmental pollution or risk thereof;
- 3) a consequence prohibited in sections 7-9;
- 4) deterioration of special natural conditions or risk to water supply or other potential use important to the public interest in the activity's area of impact;
- 5) an unreasonable burden referred to in section 17, paragraph 1, of the Adjoining Properties Act.

Activities may not be located in conflict with a detailed local plan. In addition, the provisions of section 6 apply to location.

A party engaged in the recovery or disposal of waste must also post collateral that is sufficient considering the extent and nature of the activity and the regulations issued regarding the activity, or propose some other arrangement to guarantee appropriate waste management. Parties other than those engaged in landfill activities or recovery or disposal of hazardous waste may be excepted from the collateral or corresponding arrangement if they are sufficiently solvent and otherwise able to provide appropriate waste management, or if the waste recovery or disposal activity is of a minor scale. When needed, more detailed provisions concerning the collateral or other corresponding arrangement required of a party engaged in landfill activities are laid down by decree.

In addition, parties engaged in the recovery or disposal of waste shall possess expertise that is sufficient considering the type and extent of the activities.

Section 43
Permit regulations for the purpose of preventing pollution

Permits shall contain necessary regulations on:

- 1) emissions, their prevention and other limitation and the location of the site of emission;
- 2) wastes and reduction of their generation and harmfulness;
- 3) action to be taken in case of a disturbance or in other exceptional situations;
- 4) measures to be taken after discontinuing activities, such as remediation of the area and prevention of emissions; and
- 5) on other measures to prevent, reduce or evaluate pollution, the risk thereof and harm caused by it.

If, with regard to activities other than industrial production or the generation of energy, regulations based on paragraph 1 do not, due to the nature of the activity, provide the means for sufficient prevention or reduction of harmful environmental effects, necessary regulations concerning production volume, feed content or energy may be issued in the permit.

When permit regulations are issued, the nature of the activity, the properties of the area where the impact of the activity shows, the impact of the activity on the environment as a whole, the significance of measures intended to prevent pollution of the environment as a whole and the technical and financial feasibility of these actions shall be taken into account. Permit regulations concerning the prevention and limitation of emissions shall be based on the best available technology. In addition, energy efficiency and precautions, preventing accidents and limiting their consequences shall be taken into account as needed.

Section 44

Regulations pertaining to fisheries

If discharging wastewater or some other substance may have such impact as is referred to in chapter 2, section 22, of the Water Act, the necessary regulations pertaining to fishery duties or a fishery fee shall be issued in the environmental permit. Chapter 2, sections 22 and 22b, of the Water Act apply to the regulations.

Section 45

Waste and waste management regulations

In addition, necessary regulations on waste and waste management concerning the observation of the Waste Act and provisions issued under it, and on posting the collateral and other arrangements referred to in section 42, paragraph 3, shall be issued in the permit. This Act applies to the enforcement of the regulations.

A permit for institutional and commercial recovery and disposal of waste may be limited for the recovery and disposal of a particular kind of waste. The recovery of waste from a particular area may be given precedence in the permit.

Section 46

Monitoring regulations

The necessary regulations on operative monitoring of the activity and monitoring of emissions, waste and waste management, the impact of the activity and on the monitoring of the state of the environment following the discontinuation of the activity must be issued in the permit. In addition, the operator may be ordered to provide information necessary for monitoring.

When needed, the permit authority may order several permit holders to jointly monitor the impact of their activities.

The operator may be required to provide the permit authority or an authority assigned by it with a monitoring plan in sufficient time so that monitoring may be initiated when the activity begins or at some other time appropriate with regard to the impact of the activity. Notwithstanding whether the operator holds a valid permit, monitoring regulations and an approved monitoring plan may be amended when needed.

Decisions in cases referred to in paragraphs 2 and 3 shall be made in accordance with the provisions of the Administrative Procedures Act, unless the decision is made when the permit is being granted or amended. A decision may be amended ex officio or by demand of the permit holder, supervisory authority, an authority protecting the public good, local authority or a party suffering harm. The decision is published after it has been made available to the public, and is appealed as laid down in this Act.

Section 47

Regulations concerning emissions into a sewer

If industrial wastewater is conducted to a community wastewater treatment plant, necessary regulations on the preprocessing of the wastewater shall be issued in the environmental permit as laid down in more detail by decree.

Section 48

Designating a sewer

If conducting wastewater into a channel referred to in chapter 1, section 2, of the Water Act causes pollution of the channel, the permit must also stipulate under chapter 10, section 2, of the Water Act whether the channel is deemed to be a sewer entirely or in part.

Section 49

Regulations on outlet pipes

When needed, the permit shall include provisions on the construction of an outlet pipe and on the required right-of-use license, as laid down in the Water Act. Chapter 11 of the Water Act applies to compensating damage, harm and other loss of benefit. Chapter 12 and chapter 21, section 8, of the Water Act apply to the right of use.

Section 50

Impact of certain plans and programmes

An activity may not be in conflict with obligations included in national plans and programmes, referred to in section 26, paragraph 1, that are binding on the operator. Waste plans based on section 40 of the Waste Act must be taken into account in permits for waste recovery and disposal that require a permit. In addition, other plans approved under section 26, paragraph 1, shall be taken into account as needed in permits.

Section 51

A permit regulation's relationship to the minimum requirements of a decree

A permit regulation may be more strict than a specific environmental protection requirement included in a decree issued under this Act or the Waste Act:

- 1) for the purpose of meeting the preconditions for granting a permit;
- 2) to ensure that environmental quality requirements issued by decree are met;
or
- 3) to protect waters.

A permit regulation referred to above in paragraph 1, subparagraph 3, that concerns water protection in agriculture and is more strict than a decree issued under section 11, subparagraph 6, may be issued only for the purpose of preventing a special risk of environmental pollution.

Chapter 8 Permit decisions

Section 52 *Contents of a permit decision*

Depending on the matter concerned, environmental permits are issued either until further notice or for a fixed period.

The grounds and justification of the ruling shall be indicated in the permit decision. The decision must respond to separate demands made in opinions and complaints.

When the Act on Environmental Impact Assessment Procedure is applied to a project, the permit decision must indicate how the assessment has been taken into account in the permit consideration.

More detailed provisions concerning the content of permit decisions are issued by decree.

Section 53 *Issuing a permit decision*

A permit decision is issued on the date indicated in the notice placed on the notice board of the permit authority (*publication*), as of which time forward stakeholders are deemed to have knowledge of the decision.

Section 54 *Publicizing a permit decision*

Decisions must be delivered to applicants and to those who have separately so requested, and to supervisory authorities and authorities protecting the public good in the case. In addition, those who have made a complaint in the case or who have separately requested to be notified and those who under section 38, paragraph 2, have been separately informed of the permit application, shall be notified of the decision. When a letter of complaint has been signed by several complainants, the decision or a notice of the decision need only be sent to the first signatory of the complaint.

A notice on the decision must be published immediately in the municipality where the activity is located, and in other municipalities where the impact of the activity may show. Also, a notice on the decision must be published in at least one newspaper in general circulation in the area affected by the activity, unless the matter is of minor importance or its publication is otherwise manifestly unnecessary.

Chapter 9 Validity of permits

Section 55 *Validity and review of permits*

A permit granted for a fixed period expires when the period ends, unless otherwise stipulated in the permit decision.

Permits granted until further notice must set the date by which an application for the review of permit regulations must be made and specify any reports that must be submitted by that time, unless such a stipulation is deemed manifestly unnecessary. For a special reason a stipulation on the review of permit regulations may also be issued in a permit for a fixed period. The authority that granted the permit shall process the matter in the same way as the permit application was processed, as appropriate.

For a special reason it may be stipulated in the permit that the permit authority may issue more detailed permit regulations or supplement them on basis of the report referred to in section 43, paragraph 1, subparagraph 5.

Section 56 *Observing a decree*

If provisions that are stricter than the regulations of a permit already granted under this Act or the Waste Act or provisions that differ from the permit's regulations on validity or review are issued by decree, the decree shall be observed, the permit notwithstanding.

Section 57 *Lapsing of a permit*

The authority granting a permit may decide that the permit lapses if:

- 1) the activity has been suspended for at least five consecutive years, or the operator reports that the activity will not be started or that it has been discontinued permanently;
- 2) the activity or measures essential to its initiation have not been started or taken within five years of the permit becoming legally valid, or within a longer period stipulated in the permit; or
- 3) the application to review permit regulations has not been made in accordance with section 55, paragraph 2.

The case must be processed similarly to a permit application, as appropriate. The case may be initiated by the permit authority on its own initiative, a supervisory authority, operator, local authority or party suffering harm.

Section 58 *Amending a permit*

On application by the permit holder, supervisory authority, the relevant authority protecting the public good or a party suffering harm, the authority that granted the permit shall amend it if:

- 1) the pollution or risk thereof caused by the activity is materially different than was expected;
- 2) the activity has a consequence prohibited in this Act;
- 3) emissions may be reduced considerably without undue cost due to advances in best available technology;
- 4) circumstances have changed substantially since the granting of the permit;
or
- 5) it is necessary for the observation of provisions issued for the purpose of fulfilling an international obligation binding on Finland.

The provisions of chapter 2, section 22, paragraph 4, and section 22b, apply to amending a fishery obligation or fishery fee. If new information has been obtained on the grounds of a fishery obligation or fishery fee in a compensation procedure referred to in section 68, the environmental permit authority may consider a case concerning the amending of the obligation or the fee in conjunction with amending the permit, notwithstanding other provisions on amending and reviewing regulations.

The case shall be processed similarly to a permit application, as appropriate.

Section 59
Revoking a permit

On the initiative of the supervisory authority the authority granting the permit may revoke it if:

- 1) the applicant has provided erroneous information that is material to the preconditions for granting the permit;
- 2) permit regulations have been violated repeatedly despite a written reminder from the supervisory authority so that the activity poses a risk of environmental pollution; or
- 3) preconditions for continuing the activity cannot be met by amending the permit in accordance with section 58.

The case shall be processed similarly to a permit application, as appropriate.

Chapter 10
Duty to notify and making entries in the database

Section 60
Temporary activities causing noise and vibration

Operators must notify the municipal environmental protection authority in writing of measures or events causing temporary noise or vibration, such as construction work or public events, if there is reason to expect that such noise or vibration will be especially disturbing. If such projects involve the territories of several local authorities, the notification is made to the regional environment centre within whose territory the noise or vibration will mainly occur. In case a notification referred to in section 13, paragraph 1, of the Health Protection Act (763/1994) must be made on the activity, the notification is processed by the municipal health protection authority.

However, a notification is not required on activities that require an environmental permit or concern the household of a private person, the Defence Forces' activities or on such temporary activities pertaining to which the local authority has issued environmental protection regulations under section 19 and, at the same time, has stipulated that no notification duty exists.

The notification shall be made in good time before taking the measure or starting the activity, but not less than 30 days in advance, however, unless the local environmental protection regulations stipulate a shorter period.

Section 61
Experimental activities

A written notification on experimental activities referred to above in section 30, paragraph 2, shall be made to the competent environmental permit authority at the latest 30 days before starting the activity.

Section 62
Exceptional situations

If an accident, production disturbance, demolition of a structure or equipment or some other corresponding factor causes emissions or generates waste that may pose an immediate and manifest risk of environmental pollution, or if special waste management measures are required because of the amount or properties of the waste, the party responsible for the activity or the holder of the waste must immediately notify a supervisory authority of the incident. With regard to

activities subject to a permit, the necessary regulations are issued by the appropriate permit authority.

Section 63

Hearing

If the reported activity may have a material impact on the public or private good, notification shall be given when a notice referred to in this chapter is pending and the stakeholders shall be heard as laid down in the Administrative Procedures Act.

Section 64

Processing notices

When a notice is made, the authorities must decide on issuing necessary stipulations on the prevention of environmental pollution, monitoring of the activity and notifying residents and on observing duties laid down in the Waste Act. Authorities may prohibit or suspend activities other than those permitted if considerable harm caused to the public or private good cannot be reduced by regulations. In situations referred to above in section 62 the authority may approve a necessary short-term exception to a duty under conditions set by it based on this Act or the Waste Act.

The regulations may be issued or activity prohibited even if notification of duty has been neglected.

When the notice referred to in section 60 is processed by a municipal health protection authority, the provisions of the Health Protection Act also apply to the processing, in addition to paragraphs 1 and 2. Regulations issued on the basis of the notice may then be included in a decision based on the Health Protection Act; the Environmental Protection Act applies to the enforcement of the regulations. The Act on the Application of Administrative Law (586/1996) applies in the case of appeals.

Section 65

Making entries in the database

For the purpose of making an entry in an environmental protection database referred to in section 27, the regional environment centre shall be notified of activities, other than those subject to permit, that may pose a risk of environmental pollution, as referred to above in section 30, paragraph 1, and prescribed upon by decree, before they are started. More detailed provisions on the information required on activities may be laid down by decree.

Activities entered in the database shall fulfil the requirements of the decree or the plan referred to in section 26. The supervisory authority shall be provided with the information on the activity required for supervision. More detailed provisions on the supervision of activities may be laid down by decree.

Chapter 11

Compensation

Section 66

Applicable provisions

The Act on Compensation for Environmental Damage (737/1994) applies to compensating environmental damage caused by activities referred to in this Act. However, the provisions of this chapter also apply to compensation questions concerning the pollution of a water body.

The provisions of this chapter on bodies of water also apply to waters referred to in chapter 1, section 2, of the Water Act, as appropriate.

Section 67

Deciding on compensation in connection to permit questions

When a permit authority grants an environmental permit, it shall at the same time, unless otherwise is laid down in section 68, order ex officio that damage from water pollution caused by the activity be compensated. In such cases section 9 of the Act on Compensation for Environmental Damage does not apply. When deciding on a compensation, due consideration shall be given to the provisions of section 55 on the fixed-term nature of the permit and the possibility of reviewing the regulations of a permit granted until further notice.

Section 68

Separate compensation decisions

If the detailed investigation of damage caused by activities would unreasonably delay the processing of a permit question, the regional environment centre or the environmental permit authority may resolve the question, in so far as it concerns granting a permit, and postpone the processing of matters related to compensating damage referred to in section 67. If the environmental permit is granted by the regional environment centre, it shall refer the compensation question to the environmental permit authority for its decision. However, compensation on granting right of use as referred to in section 49 must be decided in connection with the permit.

In addition, the regional environment centre and the environmental permit authority may stipulate a postponement of the decision on certain aspects of compensation for damage caused by activities, if special reasons exist because of insufficient information or otherwise. In such a case the recipient of the permit must be required to obtain the required information and to apply the environmental permit authority for supplementation of the compensation decision.

Section 69

Posting collateral in compensation questions

In permit decisions referred to above in section 68, applicants other than the State, a local authority or joint municipal board shall be required to post acceptable collateral before the activity is started or, if it has already been started, within the time stipulated by the permit authority, to compensate damage caused by the activity. Where applicable, the provisions of Chapter 16, section 24, paragraph 3, of the Water Act apply to posting collateral, reviewing its amount and releasing the collateral.

Section 70

Decisions of the appellate court on the processing of a compensation question

If the appellate court amends an environmental permit decision so that a decision concerning compensation needs to be amended, the court shall refer the compensation question to be processed either entirely or in part by the permit authority, unless it can amend the compensation decision by itself.

Section 71

Compensating damage occurring before a permit question has been resolved

In connection with a permit question concerning the pollution of a water body, the environmental permit authority may also process a demand pertaining to the compensation of damage caused by the activity before resolution of the permit question, unless this causes substantial delay. If the demand is not processed in connection with the permit question, the environmental permit authority handles it as a separate question. Other authorities may refer demands made to them to the environmental permit authority.

Section 72
Compensating unforeseeable damage

Notwithstanding earlier decisions, compensation may be demanded for damage not foreseen when the permit was granted by application made to the environmental permit authority. Demands concerning compensation for damage caused by the same activity carried out in contradiction to the permit may be processed at the same time.

Section 73
Processing a compensation question in the district court

A district court shall not investigate a compensation claim brought to it if a related compensation question has been brought to a permit authority.

Notwithstanding sections 71 and 72, compensation demands pertaining to a crime relating to pollution of waters shall be resolved in the general courts. The environmental permit authority shall not investigate a compensation question if a criminal matter is pending at a district court on which the demand being processed is based.

The district court shall notify the regional environment centre or environmental permit authority of compensation claims brought to it concerning pollution of water bodies.

The district court and the appellate court may request an opinion from the relevant regional environment centre or environmental permit authority if resolving the question requires special expertise in questions concerning environmental or water protection.

Section 74
Processing compensation questions at a permit authority

The provisions of sections 35-38, 53 and 54 on processing permit applications apply to compensation applications and their processing, and to decisions made in compensation questions, as appropriate.

Questions of compensation based on the pollution of waters may be designated for processing by investigation proceedings or review proceedings in line with the provisions of the Water Act.

Chapter 11, sections 14-14c also apply to questions of compensation, as appropriate.

Chapter 12
Treatment of polluted soil and groundwater

Section 75
Duty to treat soil and groundwater

Any party whose activities have caused the pollution of soil or groundwater is required to restore said soil or groundwater to a condition that will not cause harm to health or the environment or represent a hazard to the environment.

If the party that has caused the pollution of soil cannot be established or reached, or cannot be prevailed upon to fulfil its treatment duty, and if the pollution has occurred with the consent of the holder of the area or said holder has known, or should have known, the state of the area when it was acquired, said holder of the area shall restore the soil in so far as this is not clearly unreasonable. The holder of the area is also responsible, on the same preconditions, for treating groundwater if the pollution has arisen from pollution of the soil in the area.

In so far as the holder of the polluted area cannot be required to treat polluted soil, the local authority shall establish the need for and carry out soil treatment.

Section 76 *Duty to notify*

If a substance which may cause pollution has entered the soil or groundwater, the polluter shall notify the supervisory authority immediately.

Section 77 *Duty to investigate*

If the soil or groundwater is manifestly polluted, the regional environment centre may order the party responsible for treatment under section 75 to establish the size of the polluted area and the need for treatment. The order is issued in compliance with the provisions of chapter 13 below, as applicable.

Section 78 *Restoration of soil*

An environmental permit is required for the treatment of polluted extractable land resources.

Action may, however, be initiated to restore soil in a polluted area or to remove polluted soil material for treatment elsewhere in accordance with paragraph 1 by making the relevant notification to the regional environment centre if

- 1) the extent of the polluted soil and the degree of pollution have been adequately established;
- 2) treatment observes an approved treatment method in general use; and
- 3) the activity does not result in any other pollution of the environment.

The regional environment centre scrutinizes the notification and makes a decision concerning it. This decision may include the necessary orders on how the activity must be organized and supervised.

More detailed provisions on the notification and the consequent decision may be issued by decree if necessary.

Section 79 *Ordering restoration*

The regional environment centre shall order treatment of polluted soil or groundwater if the party responsible for treatment under section 75 does not take action. The order is issued in compliance with the provisions of chapter 13, as applicable.

If the treatment requires treatment of surface deposits in the polluted area, the order is issued in compliance with the provisions on environmental permits and those of chapter 13, as applicable. An authority can likewise order other necessary action that must be taken to restore the condition of the environment to what it was before, or to reduce or eliminate the hazard caused.

Section 80
Transfer of powers to a local authority

Following application by a local authority and having consulted the regional environment centre, the Ministry of the Environment may decide that, in matters concerning polluted soil as referred to in this chapter, with the exception of section 75, paragraph 3, the competent authority will be the municipal environmental protection authority. The decision may be issued for a fixed period and may be amended if special cause exists. Such decisions cannot be appealed.

Before making a decision on transfer of powers, any matters referred to in paragraph 1 currently pending at the regional environment centre will be fully dealt with by the said centre.

Chapter 13
Supervision and administrative force

Section 81
Notification of changes in operations and change of permit-holder

Holders of environmental permits shall without delay notify the supervisory authority of any permanent or long-term interruption in operations, and of any changes in operations significant in terms of supervision.

If the permit-holder changes, the new holder of the permit shall report this.

Section 82
Monitoring on another party's land

The regional environment centre may grant an operator the right to monitor the environmental effects of its operations and the quality of the environment on another party's land if the owner or holder of the area has not given consent for this.

The right may be granted as long as said monitoring does not cause any major inconvenience. The owner or holder of the area shall be given an opportunity to be heard on the matter.

Section 83
Right to information and inspection

The authority referred to in this Act, or a civil servant or officeholder appointed by said authority, is entitled, for the purposes of supervision and enforcement of the Act:

- 1) to obtain necessary information from authorities and operators, notwithstanding the confidentiality duty laid down in the Act on the Openness of Government Activities;
- 2) to move around on another party's land;
- 3) to make inspections and tests, carry out measurements and take samples;
- 4) to gain access to places where activities are engaged in;
- 5) to monitor the environmental effects of activities.

Any other person appointed by an authority also has the right referred to in paragraph 1 above, which does not involve any exercise of official authority.

The measures referred to in paragraph 1 above may not be carried out in facilities covered by domiciliary peace unless they are necessary to protect life, health, property or the environment. The Health Protection Act contains provisions on the inspection of housing.

Section 84

Rectification of a violation or negligence

A permit or supervisory authority may

- 1) prohibit a party that violates this Act or a decree or regulation based on it from continuing or repeating a procedure contrary to a provision or regulation;
- 2) order a party that violates this Act or a decree or regulation based on it to fulfil its duty in some other way;
- 3) order action as referred to in subparagraphs 1 and 2 to restore the environment to what it was before or to eliminate the harm to the environment caused by the violation;
- 4) order an operator to conduct an investigation on a scale sufficient to establish the environmental impact of operations if there is justified cause to suspect that they are causing pollution contrary to this Act.

The order is issued by a competent permit authority in accordance with section 31 in the case of operations subject to permit, and in other cases by a supervisory authority.

If the order concerns operations subject to permit in which the permit matter must be dealt with in joint processing in accordance with section 39, the order is issued as provided concerning administrative force matters in chapter 21 of the Water Act. If the order concerns only compliance with an obligation laid down in or under this Act, however, it is issued in accordance with this Act.

An order cannot be issued immediately to enforce sections 4 or 6.

Section 85

Orders to prevent pollution

After performing an inspection, a municipal environmental protection authority can issue a single order concerning matters other than operations subject to permit if this is necessary to prevent pollution. The order must be reasonable relative to the nature of the operations and the significance of the pollution.

Section 86

Suspending operations

If the risk of environmental pollution caused by operations is caused by a direct harm to health or some other immediate major pollution of the environment, the supervisory authority can suspend the operations if the harm cannot be eliminated or sufficiently reduced otherwise. As far as possible, the entrepreneur must be heard before such suspension.

Minutes shall be kept of the suspension measure and a decision on the suspension shall be made without delay. In addition, the authority shall provide information on later procedures to resume operations.

Section 87

Ministry of the Environment decision to prohibit or require action

If a decree issued under section 13, paragraph 1, subparagraph 2, or section 15 has been violated, the Ministry of the Environment may:

- 1) prohibit the manufacturer, importer or other market supplier from continuing operations;
- 2) prohibit manufacture, trading, sale or other supply contrary to the law;
- 3) require the offender to bring the manufacture, product, working machine or implement into compliance with the law;
- 4) require the perpetrator of the violation to deliver the substance, manufacture or product, or part of it, for proper waste treatment.

If a substance, manufacture or product referred to in paragraph 1 has been placed on the market, the ministry may require the party acting contrary to decree to remove the product from the market and to act as laid down in paragraph 1.

Section 88

Threat of a fine, of having action taken and of suspension

Unless it is obviously unnecessary, an authority may intensify the effect of a prohibition or order that it has issued by threat of a fine, of having an omission corrected at the expense of the defaulting party, or of suspending operations.

Unless this Act requires otherwise, what is provided in the Penalty Fine Act (1113/1990) applies to matters related to a threat of a fine, of having action taken, and of suspension.

Section 89

Temporary order by an officeholder

In urgent cases, an order as referred to in section 84 can be issued, or a decision as referred to in section 86 made, by an officeholder appointed by a municipal environmental protection authority. However, the matter shall be placed before the municipal environmental authority without delay.

Section 90

Obligations after discontinuing operations

When operations subject to permit are discontinued, the party that has engaged in the operations is still responsible for the action needed to prevent pollution and establish and monitor the effects of the operations according to the permit regulations.

If the operator no longer exists, or cannot be reached, and monitoring of the environment is necessary to supervise the environmental effects of the discontinued operations, the holder of the operating area is responsible for said monitoring.

If the permit does not include sufficient regulations on the action needed to terminate operations, the permit authority shall issue orders for this purpose. The matter shall be processed like a permit application, as applicable. Orders concerning monitoring are issued according to the provisions of section 46, as applicable.

Section 91

Hearings

Before issuing an order as referred to in this chapter, an authority shall give the party affected by the order an opportunity to be heard in the matter, as provided in the Administrative Procedures Act. If necessary, other interested

parties, supervisory authorities and authorities protecting the public interest shall also be heard.

Section 92
Right to take legal action

If legal action is not taken on the initiative of the supervisory authority in the case of a matter referred to in sections 77, 79 and 84-86, action may be initiated in writing by:

- 1) the party whose right or interest the matter may concern;
- 2) a registered association or foundation whose purpose is the promotion of environmental protection, the protection of health, nature conservation or pleasant living environments and whose sphere of operations relates to the environmental effects concerned;
- 3) the municipality where the activities are located and any other municipality within which the environmental effects of the operations are felt;
- 4) the regional environment centre and the environmental protection authorities in the municipality where the activities are located and municipalities in the area affected by them;
- 5) any other authority watching over the public interest in the matter.

Section 93
Executive assistance

The police are required to provide executive assistance to ensure compliance with provisions and regulations issued in and under this Act. The same applies to customs and frontier guard authorities within their own purviews.

Section 94
Action in criminal cases

The supervisory authority shall report any act or regulation referred to in section 116 to the police for preliminary investigation. However, no notification need be made if the act can be considered minor in view of the circumstances and the public interest does not require charges to be brought.

If the public interest is infringed, the regional environment centre is the injured party in criminal cases.

Section 95
More detailed provisions on supervision

If necessary, the Ministry of the Environment may issue more detailed provisions by decree concerning the conducting of inspections and the organizing of supervision called for by this Act.

The Ministry of the Environment may provide supervisory authorities with more detailed general instructions on supervising compliance with this Act.

Chapter 14
Appeal and enforcement of decisions

Section 96
Appeal

Decisions of authorities issued under this Act can be appealed to the Vaasa Administrative Court under the Administrative Judicial Procedure Act. The petition of appeal and any appendices must be submitted to the authority which issued the decision.

Ministry of the Environment decisions are appealed to the Supreme Administrative Court under the Administrative Judicial Procedure Act. Vehicle Administration Centre decisions concerning type approval are appealed as laid down in the Administrative Judicial Procedure Act.

Orders or decisions of municipal office-holders issued under section 89 cannot be appealed. Decisions pursuant to sections 33, 68 and 70 concerning referral to another authority for decision and rulings concerning separate processing of a claim for compensation as referred to in section 71 cannot be appealed separately. Rulings on processing fees to be charged under section 105 are appealed in the same order as the principal claim.

Decisions concerning approval of municipal environmental protection regulations and tariffs for environmental permit processing fees are appealed under the Local Government Act.

Vaasa Administrative Court decisions are appealed to the Supreme Administrative Court under the Administrative Judicial Procedure Act.

Section 97 *Right of Appeal*

Right of appeal pertains to:

- 1) persons whose rights or interests may be affected by the matter;
- 2) registered associations or foundations whose purpose is to promote environmental, health or nature protection or the general amenity of the environment and whose area of activity is subjected to the environmental impact in question;
- 3) the municipality where the activity takes place and other municipalities subjected to its environmental impact;
- 4) the regional environment centre and the environmental authorities of municipalities where the activity takes place or located in the area of impact;
- 5) other authorities supervising the public interest in the matter.

For the purpose of safeguarding the public environmental protection interest, regional environment centres and municipal environmental authorities are also entitled to appeal Vaasa Administrative Court decisions amending or reversing decisions issued by them.

Section 98 *Hearing of parties regarding appeal*

Appeal documents associated with decisions made by a municipal environmental authority, regional environment centre or environmental permit authority shall be kept available for inspection in the municipalities concerned for at least 30 days as of the end of the period of appeal. The authority shall inform the parties concerned and the authority supervising the public interest about the appeal for the purpose of submitting response in the manner prescribed in the Act on Notice in Administrative Matters, unless this is manifestly unnecessary. At the same time the authority shall announce where the appeal documents are available for inspection and where written responses can be submitted within the period set for submitting a response.

The authority that issued the decision shall submit the appeal documents, responses, its statement on them and other documents to the Vaasa Administrative Court within 30 days as of the end of the period set for submitting a response.

Section 99 *Procedure in the appellate court*

In addition to what is provided in the Administrative Judicial Procedure Act concerning inspections, the appellate court or by its order the chairman, a member or presenting official of the court can conduct an inspection on site.

Vaasa Administrative Court decisions concerning environmental permits shall be issued after they have been posted for public inspection, in which case the parties concerned are considered to have been informed of the decision as of the time it is issued. A notice of the decision shall also be posted immediately for public inspection on the bulletin board of the municipality where the activity takes place and in other municipalities in the area of impact.

Vaasa Administrative Court decisions shall be delivered to the appellant and copies of the decision to parties concerned who have requested this, and, in cases concerning permits, to the operator concerned if he is not the appellant. A copy of the decision shall also be submitted to the environmental permit authority, authorities supervising the public interest in the matter and the Finnish Environment Institute.

In the case of administrative court decisions on administrative compulsion issued under this Act, notice is given by way of special notification as prescribed in the Act on Notice in Administrative Matters.

Section 100 *Enforceability of decisions*

Activities must not be started or changed before the permit decision conferring entitlement thereto has gained legal force. Appeals against compensation payments do not prevent the start of activities.

The law governing enforcement of final judgements shall apply as appropriate to enforcement of final decisions by a permit authority insofar as the decisions are in respect of compensation awarded under chapter 11 of this Act or right of use and related compensation granted under section 49.

Section 101 *Enforcement of decisions regardless of appeal*

Upon request by the applicant, the permit authority can give an order to allow the activity to be started in accordance with the permit decision regardless of appeal, if the applicant deposits acceptable security for restoration of the environment in case the permit decision is annulled or its terms changed. The security condition does not apply to the State, State agencies, local authorities or joint municipal boards. The order can be given only for a justified cause and on condition that its enforcement does not defeat the purpose of the appeal. The appellate court can prohibit enforcement of the decision.

The authority can stipulate that orders or decisions as referred to in sections 64, 78, 79, 82 and 84-87 shall be observed regardless of appeal. The appellate court can prohibit enforcement of the decision.

The provisions of chapter 6 of the Administrative Judicial Procedure Act concerning enforcement of decisions that have not gained legal force do not apply to appeals made under this Act. In the case of permit matters concerning continuation of existing activities, the Vaasa Administrative Court decision can include a clause stating that the decision shall be observed wholly or in part unless the Supreme Administrative Court orders otherwise.

Miscellaneous provisions

Section 102

Protection of air quality

Local authorities shall use all means at their disposal to prepare for action to prevent any transgression of limit values for air quality laid down by Government decree in the municipality. Any transgressions of limit values shall be announced publicly and the population shall be warned. Government decrees on air quality shall contain provisions on cases where preparation is essential and on the detailed content of warnings.

In the case of a transgression of a limit value laid down in a Government decree, the local authority shall take appropriate action or issue orders to restrict traffic and decrease emissions. Provisions concerning reduction of emissions arising from activities subject to permit and any unexpected occurrence of significant air pollution will be issued separately.

Section 103

General duty to treat wastewater

If the site is not connected to a public sewerage system and no permit is required for the activity in question pursuant to this Act, wastewater shall be drained and treated in such a manner that it poses no threat of pollution.

Before draining wastewater from a water closet or other household wastewater into the ground, water, or channels or reservoirs as referred to in chapter 1, section 2, of the Water Act, it shall be treated in such a way that the efficiency of the treatment equals at least that of the treatment referred to in the decree issued under section 18. Wastewater other than that from a water closet can be drained into the ground without treatment if the amount is negligible and if it poses no threat of pollution.

Section 104

Reporting duty concerning a polluted area

Persons relinquishing or renting land shall provide the new owner or tenant with any information available on the activity carried out on the land and any wastes or substances that may cause pollution of the ground or ground-water.

Section 105

Processing fees

A fee can be charged for processing a permit, notification or other matter under this Act by a State authority, the amount of which shall be specified in accordance with the Act on Bases for Charges Payable to the State (150/1992) and Ministry of the Environment decisions issued under it. The bases for fees payable to local authorities shall, as appropriate, comply with the Act on Bases for Charges Payable to the State. The bases for charges shall be specified in detail in a tariff approved by the local authority.

A fee shall not be charged for processing of matters initiated by authorities or an injured party. A fee can be charged for processing of a matter initiated by another party, if initiation of the matter is deemed manifestly ungrounded.

Section 106

Hearing of witnesses

Environmental permit authorities can, if this is necessary for a special cause, hear witnesses under oath and parties under solemn declaration. All parties

shall be given an opportunity to be present when witnesses or parties are heard, and they are entitled to put questions and present their view of the witnesses' and parties' testimonies. The provisions of the Administrative Judicial Procedure Act apply to remuneration paid to witnesses.

Section 107

Reimbursement of costs in matters concerning compensation

In matters concerning compensation, the provisions of the Administrative Judicial Procedure Act concerning reimbursement of court costs apply to reimbursement of costs incurred by the parties.

If a party has been granted public legal aid under the Act on Public Legal Aid (104/1998), the authority deciding on compensation shall also rule on any obligation of the parties to reimburse costs incurred by the State or the costs and the deductible paid by the recipient of public legal aid pursuant to section 24 of the said Act.

Section 108

Quality assurance of measurements and inspections

Measurements, tests, reports and inspections required for the enforcement of this Act shall be conducted competently and reliably and by suitable means.

The Ministry of the Environment can by decree issue provisions concerning:

- 1) measurement and test methods, standards and calculation models to be used in the application of this Act and provisions issued under it;
- 2) quality assurance concerning measurements, tests, reports and inspections and the supervision of research institutes.

Section 109

Confidentiality

The provisions of the Act on Publicity of Actions undertaken by Authorities lay down stipulations on the confidentiality binding persons performing functions under this Act. Related information on emissions, monitoring data and environmental status data are not confidential, however.

Notwithstanding the obligation of confidentiality laid down in the Act on Publicity of Actions undertaken by Authorities, information obtained when performing functions under this Act concerning the financial position of individuals or corporations, trade or professional secrets, or the personal conditions of an individual can be disclosed:

- 1) to State and municipal authorities for the purpose of performing functions of this Act;
- 2) to prosecution, police and customs authorities for the purpose of investigating a crime;
- 3) when required by an international agreement binding on Finland.

Section 110

Transboundary impact

Should the environmental impact of activities referred to in this Act extend to other countries, they shall be interpreted under this Act as comparable to impact in Finland, unless otherwise dictated by an agreement made with the country concerned. Section 9 shall apply to pollution of territorial waters or economic zones.

If a permit is required for the activity from the permit authority under the Agreement on Frontier Rivers referred to in section 2, paragraph 2, the environmental permit is not necessary solely pursuant to section 28, paragraph

2, subparagraph 1 or 2. Decisions on environmental permits shall take into account the decisions issued by the permit authority under the border river agreement.

Section 111
Decisions on joint implementation

On the part of certain activities, the Ministry of the Environment can on application grant an exception to the provisions on emissions of Governmental decrees issued under section 11, if the operator implements such environmental protection measures elsewhere in Finland or in another country as cause material reduction of emissions or of their impact as a whole (*joint implementation*).

Joint implementation requires that

- 1) it does not breach international obligations binding on Finland;
- 2) it is expedient, taking into account the technical and economic capacity to implement environmental protection measures; and
- 3) emissions and environmental protection measures and their impact can be monitored reliably.

If the activity causes detrimental regional impact, a decision on joint implementation also requires that the arrangement shall reduce emissions on Finnish territory.

A Ministry decision can include necessary conditions. The decision shall not supplant any requirements concerning the activity prescribed in this Act or otherwise stipulated pursuant to it.

Section 112
Hearing and information concerning joint implementation

Before a decision as referred to in section 111 is issued on an application, statements must be requested from the municipality where the activity takes place and municipalities located in the area of impact, the regional environment centres concerned and from parties further specified by decree. In addition, registered associations and foundations as referred to in section 92 must be given an opportunity to be heard concerning the application.

A public notice of the application shall be published in the Official Gazette. In addition, information shall be disseminated about the application in the municipality where the activity takes place and municipalities in the area of impact in accordance with the Local Government Act.

Ministry decisions shall be made public in accordance with the Act on Notice in Administrative Matters.

Section 113
Changing and revoking a decision on joint implementation

Decisions on joint implementation can be changed or revoked if

- 1) after the decision was issued the circumstances have changed in such a way that the requirements for joint implementation are no longer met;
- 2) it is found that joint implementation does not reduce emissions materially or that joint implementation otherwise causes environmental impairment materially more than expected; or
- 3) changing or revoking the decision is required in order to comply with the legal provisions issued in order to implement Finland's international obligations.

Before making the decision, the Ministry of the Environment shall provide the operator referred to in section 111 with an opportunity to be heard.

Section 114
Activities retroactively made subject to permit

If, after this Act enters into force, provisions are issued making activities subject to a permit after they have been started or essential action preparing for their start has been undertaken, provisions must also be issued concerning the period stipulated for application for a permit. The period stipulated for application for a permit shall be at least one year. The activity can be continued, however, until the decision on a permit has gained legal force.

Section 115
Extension of time limits

If complying with the terms of an environmental permit within the stipulated period causes undue difficulty for reasons beyond the control of the permit holder and delayed compliance with the terms does not pose a threat of significant pollution, the permit authority can on application grant an extension not exceeding three years to the time limit. The matter shall be processed in the same way as an application for a permit, as appropriate.

Time limits shall not be extended under this section if an extension would violate this Act or the Waste Act, decrees issued under them, or international obligations binding on Finland.

Section 116
Penal provisions

Provisions concerning punishment for degradation of the environment in violation of this Act or provisions or regulations issued under it are laid down in chapter 48, sections 1-4, of the Penal Code (39/1889).

Whosoever deliberately or through gross negligence in a manner other than referred to in paragraph 1

- 1) neglects submission of a notification as referred to in this Act,
- 2) neglects his duty under orders issued by an authority pursuant to this Act or acts contrary to a notification submitted by him to an authority,
- 3) neglects his duty under Council Regulation (EC) No. 3093/94 on substances that deplete the ozone layer, or
- 4) violates a prohibition as referred to in sections 7-9, a decree issued under chapter 2, neglects his duty under section 75, 76, 90, 103 or 104 or violates the terms of a Ministry decision issued under section 111,

shall be sentenced to a fine for *violation of the Environmental Protection Act*, unless a more severe punishment is provided for elsewhere in the law.

The punishment for violating confidentiality as laid down in section 109 shall be imposed in accordance with chapter 38, section 1 or 2, of the Penal Code, unless the act is punishable under chapter 40, section 5, of the Penal Code or a more severe punishment is provided for the act elsewhere in the law.

A parking ticket in accordance with the Act on Parking Tickets (248/1970) can be ordered to be paid for violation of a prohibition on idling of motor vehicles.

Section 117
Further provisions and instructions

Further provisions on the implementation of this Act shall be issued by decree. The Ministry of the Environment can also issue general instructions for the implementation of this Act.

Chapter 16
Entry into force

Section 118
Entry into force

Provisions on the entry into force of this Act shall be issued in a separate act of Parliament.

HE 84/1999

YmVM 4/1999

LaVL 15/1999

PeVL 11/1999

MmVL 18/1999

EV 100/1999

Council Directives: 96/61/EC, OJ No L 257, 10.10.1996, p. 26; 76/464/EEC, OJ No L 129, 18.5.1976, p. 23; 80/68/EEC, OJ No L 20, 26.1.1980, p. 80; 82/176/EEC, OJ No L 81, 27.3.1982, p. 29; 83/513/EEC, OJ No L 291, 24.10.1983, p. 1; 84/491/EEC, OJ No L 274, 17.10.1984, p. 11; 86/280/EEC, OJ No L 181, 4.7.1986, p. 16; 91/271/EEC, OJ No L 158, 30.5.1991, p. 40; 91/676/EEC, OJ No L 375, 31.12.1991, p. 1; 80/779/EEC, OJ No L 229, 30.8.1980, p. 30; 82/884/EEC, OJ No L 378, 31.12.1982, p. 15; 84/360/EEC, OJ No L 188, 16.7.1984, p. 20; 85/203/EEC, OJ No L 87, 27.3.1985, p. 1; 88/609/EEC, OJ No L 336, 7.12.1988, p. 1; 89/369/EEC, OJ No L 163, 14.6.1989, p. 32; 89/429/EEC, OJ No L 203, 15.7.1989, p. 50; 92/72/EEC, OJ No L 297, 13.10.1992, p. 1; 96/62/EC, OJ No L 296, 21.11.1996, p. 55; 99/13/EC, OJ No L 85, 29.3.1999, p. 1; 99/32/EC, OJ No L 121, 11.5.1999, p. 13; 79/113/EEC, OJ No L 33, 8.2.1979, p. 15; 84/533/EEC, OJ No L 300, 19.11.1984, p. 123; 84/534/EEC, OJ No L 300, 19.11.1984, p. 130; 84/535/EEC, OJ No L 300, 19.11.1984, p. 142; 84/536/EEC, OJ No L 300, 19.11.1984, p. 149; 84/537/EEC, OJ No L 300, 19.11.1984, p. 156; 84/538/EEC, OJ No L 300, 19.11.1984, p. 171; 86/662/EEC, OJ No L 384, 31.12.1986, p. 1; 75/439/EEC, OJ No L 194, 25.7.1975, p. 23; 87/101/EEC, OJ No L 42, 12.2.1987, p. 43; 75/442/EEC, OJ No L 194, 25.7.1975, p. 39; 91/156/EEC, OJ No L 78, 26.3.1991, p. 32; 78/176/EEC, OJ No L 54, 25.2.1978, p. 19; 91/689/EEC, OJ No L 377, 31.12.1991, p. 20; 94/67/EC, OJ No L 365, 31.12.1994, p. 34; 99/31/EC, OJ No L 182, 16.7.1999, p. 1; and European Parliament and Council Directives: 94/63/EC, OJ No L 365, 31.12.1994, p. 24; 97/68/EC, OJ No L 59, 27.2.1998, p. 1; and Council Regulation No 3093/94, OJ No 333, 22.12.1994, s. 1

Helsinki, February 4, 2000

President of the Republic
MARTTI AHTISAARI

Minister of the Environment Satu Hassi