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Act

on Implementation of the Legislation on Environmental Protection

By decision of Parliament, the following is decreed:

Chapter 1

Statutes coming into force and repealed

Section 1

Entry into force

The following acts come into force on March 1, 2000:

- 1) Environmental Protection Act (86/2000);
- 2) Act on Environmental Permit Authorities (87/2000);
- 3) Act amending the Water Act (88/2000);
- 4) Act amending the Health Protection Act (89/2000);
- 5) Act amending the Adjoining Properties Act (90/2000);
- 6) Act amending the Waste Act (91/2000);
- 7) Act amending the Act on Prevention of Marine Pollution (92/2000);
- 8) Fishing Act (93/2000);
- 9) Act amending sections 2 and 3 of the Act on ratification of certain clauses of the agreement with the Soviet Union on the release of water of

- Lake Saimaa and River Vuoksi and on application of the agreement (94/2000);
- 10) Act amending section 11 the Dam Safety Act (95/2000);
 - 11) Act amending section 75 of the Real Estate Formation Act (96/2000);
 - 12) Act amending sections 12 and 17 of the Act on Public Waterworks and Sewerage Systems (?) (97/2000);
 - 13) Act amending section 2 of the Land Extraction Act (98/2000);
 - 14) Act amending sections 134 and 153 of the Land Use and Building Act (99/2000);
 - 15) Act amending section 3 of the Chemicals Act (100/2000);
 - 16) Act amending sections 30 and 31 of the Off-Road Traffic Act (101/2000);
 - 17) Act amending sections 21 and 22 of the Water Traffic Act (102/2000);
 - 18) Act amending section 44 of the Aviation Act (103/2000);
 - 19) Act amending section 2 of the Act on the Environmental Administration (104/2000);
 - 20) Act amending the Act on Municipal Environmental Administration (105/2000);
 - 21) Act amending the Act on Administrative Courts (106/2000);
 - 22) Act amending the Act on the Supreme Administrative Court (107/2000);
 - 23) Act amending section 4 of the State Civil Servants Act (108/2000);
 - 24) Act amending section 1 of the Act on the Publicity of Court Proceedings (109/2000);
 - 25) Act amending sections 3 and 5 of the Act on fees charged for the procedures of courts of law and certain judicial administration authorities (110/2000);

- 26) Act amending sections 1 and 26 of the Cost-Free Court Proceedings Act (111/2000); and
- 27) Act amending chapter 48 of the Criminal Code (112/2000).

Measures needed to enforce the acts listed in paragraph 1 may be taken before they come into effect.

Section 2

Statutes repealed

This Act repeals the following acts and Decree, including any amendments thereto, as of March 1, 2000:

- 1) Air Pollution Control Act (67/1982) of January 25, 1932;
- 2) Noise Abatement Act (382/1987) of April 3, 1987;
- 3) Environmental Permit Procedures Act (735/1991) of April 19, 1991; and
- 4) Decree on Precautionary Measures for the Protection of Water (283/1962) of April 6, 1962.

Chapter 2

Compliance with earlier statutes and decisions

Section 3

Government decisions issued earlier

Government decisions issued on the basis of the Water Act (264/1961) or acts mentioned in section 2 will remain in force until otherwise decreed by virtue of the Environmental Protection Act.

The Environmental Protection Act applies to supervision of compliance with the decisions referred to in paragraph 1. Furthermore, provisions of the Environmental Protection Act will apply to the monitoring of government decisions issued on the basis of the Waste Act (1072/1993) in the case of activity subject to environmental permit.

Section 4

Earlier decisions

If a permit or comparable decision issued under the Water Act, the Waste Act, the Adjoining Properties Act (26/1920), the Waste Management Act (673/1978), the Health Protection Act (469/1965) and any act mentioned in section 2 is valid when the Environmental Protection Act comes into force, the requirements stated in the permit must be complied with unless otherwise provided in this Act. Furthermore, activity for which no permit has been applied on the grounds that its location complies with a town plan or building plan is considered comparable to an activity for which a permit has been issued.

A decision issued in a case of administrative compulsion or executive assistance before the Environmental Protection Act comes into force must be complied with if it concerns an activity which is subject to permit or notification under the Environmental Protection Act or if the case concerns the monitoring of compliance with statutes referred to in section 3. If the decision requires an application for a permit or the making of a notification, this must be done in accordance with the Environmental Protection Act.

The provisions of chapter 9 and 13 of the Environmental Protection Act apply to decisions referred to in paragraphs 1 and 2 above. The same applies to any decision issued after an act referred to in section 1 came into force, but under earlier legislation. If the activity was suspended before the Environmental Protection Act came into force, the suspension is considered to have begun upon the said Act's entry into force. However, the provisions in force earlier apply to the expiry of a permit issued under the Health Protection Act or the Water Act.

Chapter 3

Ongoing activity

Section 5

Requirement to apply for an environmental permit

An environmental permit as referred to in the Environmental Protection Act must be applied for in the case of activity subject to permit or decision referred to in section 4, paragraph 1, and subject to permit under the Environmental Protection Act, within a period prescribed by decree if the activity constitutes activity as referred to in the Council Directive concerning integrated pollution prevention and control (96/61/EC), or activity as referred to in the implementing provisions of the Decree amending the Air Pollution Control Decree (306/1996).

An environmental permit must be applied for with respect to the activity as a whole if changes in the activity are, under section 28, paragraph 3, of the Environmental Protection Act, subject to permit or if a permit issued

earlier is declared subject to review within a prescribed period.

The permit application is handled by the authority competent under the Environmental Protection Act to handle permits for comparable new activities. The activity may be continued while the permit application is pending.

Section 6

Notification to a regional environment centre

A regional environment centre must be notified of any activity subject to environmental permit other than activity referred to in section 5 that is permissible under decisions referred to in section 4, paragraph 1, or in other compliance with the law for entry in the environmental protection database within one year of the entry into force of the Environmental Protection Act or by some later date prescribed by decree. Further provisions on the content of such notifications will be issued by decree. The provisions of the Environmental Protection Act on failure to disclose information will apply to any failure to make such notification.

Section 7

Requirement to apply for an environmental permit

If, judged overall, activity referred to in section 6, or provisions concerning it, do not in any essential part fulfil the requirements of the Environmental Protection Act, the supervisory authority must on its own initiative or on the initiative of the party suffering inconvenience order the operator to apply for an environmental permit

within a specified period. In the assessment of the necessity of a permit, particular attention must be paid to the nature and environmental impact of the activity and the established form of land use in the area affected. A decision containing an order to apply for a permit is not subject to appeal.

At the request of a supervisory authority, an operator must submit any information necessary for assessment of the necessity of a permit. The Environmental Protection Act is applied to any failure to submit such information.

Section 8

Exemption from the notification requirement

Hazardous-waste-collection activity or activity entered in the waste data register for which an environmental permit was issued before the acts referred to in section 1 come into force does not require notification under the Waste Act unless the activity in question changes materially. Such activity is supervised under the Waste Act. At the request of a regional environment centre, an operator must supply the information necessary for assessment of the compliance of the activity with the requirements laid down in the Waste Act.

Chapter 4

Cases pending

Section 9

Scope of application of the chapter

This chapter contains provisions on the handling or transferring of cases by a water rights court, a regional environment centre, a municipal environmental protection authority or other administrative authority, and a court of appeal pending when the acts referred to in section 1 come into force and on the provisions to be applied to making decisions in such cases.

Section 10

Application of new legislation

Legislation referred to in section 1 is applied to pending cases unless otherwise provided in this chapter.

Section 11

Transfer of the competence of water rights courts

Applications and cases of executive assistance subject to the Water Act and pending at a water rights court are transferred to the environmental permit authorities. If, however, the Environmental Protection Act is applied to an application under chapter 10, section 24 of the Water Act which is in force before the acts referred to in section 1 come into force, the case is transferred to an authority competent under the Environmental Protection Act. Petitions of appeal are transferred to the Administrative Court of Vaasa and criminal cases to the competent District Court.

Before the acts referred to in section 1 come into force, a water rights court must decide which pending civil cases constitute the civil cases referred to in the Act amending the Water Act and transfer these to the district court with jurisdiction over the object of the dispute. A

water rights court may also decide that a petition lodged under the Act amending the Water Act is to be transferred to the environmental permit authority in accordance with the provisions on handling matters as non-contentious civil cases. Other civil cases pending at a water rights court under the earlier Act are transferred to the relevant environmental permit authority for handling as non-contentious civil cases. Decisions on the transfer of a case are not subject to appeal.

Other cases pending at a water rights court are transferred to environmental permit authorities.

Irrespective of any transfer of competence referred to in paragraphs 1-3, decisions issued by a water rights court on cost-free legal proceedings will remain in force.

Section 12

Application of earlier provisions by environmental permit authorities

When the acts mentioned in section 1 come into force, the environmental permit authorities apply the provisions of the Water Act to:

- 1) applications for which public notice has been made or of which the relevant party has been otherwise informed, or which have been made subject to inspection; and
- 2) cases of executive assistance, provided, however, that the party must be ordered to apply for an environmental permit instead of a permit required by chapter 10 of the Water Act.

Section 13

Application of earlier provisions by regional environment centres

In permit cases under the Environmental Permit Procedures Act or cases referred to in section 77, paragraph 2 of the Waste Act, regional environment centres apply provisions effective when the acts referred to in section 1 come into force if public notice (?) of the case has been made, or if the relevant party has otherwise been informed of the case. Cases concerning extension of a siting permit under the Health Protection Act are governed by the Health Protection Act earlier in force.

Similarly, pending cases of administrative compulsion related to violation of provisions effective when the acts referred to in section 1 come into force and before the repeal of acts repealed by section 2 are governed by earlier provisions, nevertheless in accordance with the procedural provisions of the Environmental Protection Act. The relevant party must be ordered to apply for a permit under the Environmental Protection Act instead of the Environmental Permit Procedures Act.

Section 14

Application of earlier provisions by municipal authorities

In permit cases under the Environmental Permit Procedures Act or applications under chapter 10, section 3 of the Water Act, a municipal authority handling environmental permit matters applies provisions effective at the time the acts referred to in section 1 come into force, if a public notice has been made on the case or if the relevant party has otherwise been informed thereof. Cases

concerning extension of a siting permit under the Health Protection Act are governed by the Health Protection Act earlier in force.

Similarly, pending cases of administrative compulsion related to acts violating provisions effective when the acts referred to in section 1 come into force and before the repeal of acts repealed by section 2 are governed by earlier provisions, nevertheless in accordance with the procedural provisions of the Environmental Protection Act. The relevant party must be ordered to apply for a permit under the Environmental Protection Act instead of a permit under the Environmental Permit Procedures Act.

An official in municipal environmental authority may decide on a case which in accordance with section 10 is governed by new legislation if a similar case has previously been delegated to him for a decision.

Section 15

Several pending cases concerning a single activity

Without prejudice to the provisions of sections 12-14, the Environmental Protection Act applies to all pending permit cases at a water rights court, a regional environment centre, municipal environmental authority or a municipal environmental permit authority concerning a single activity, if it is applied to any one of the applications. A pending case lapses if the authority handling the case is not competent under the Environmental Protection Act. In that event, the case must be transferred to a competent authority.

Section 16

Cases pending at other administrative authorities

Cases of administrative compulsion that concern activity subject to permit under the Environmental Protection Act and that are pending at a health protection authority are referred to an authority under the Environmental Protection Act and governed by the provisions on administrative compulsion in chapter 13 of the Environmental Protection Act.

Pending permit cases filed before the Act amending the Adjoining Properties Act come into force and that are not handled under the Environmental Permit Procedures Act are settled in accordance with the provisions effective at the time the Act came into force.

Section 17**Civil and criminal cases pending at the Administrative Court of Vaasa**

Civil and criminal cases pending at the Administrative Court of Vaasa are transferred to a competent court of appeal, with the provisions of section 11, paragraph 2, applied to civil cases, where applicable. Decisions on transfer are not subject to appeal.

Section 18**Lapse of certain pending cases**

Notifications pending under the Decree on Precautionary Measures for Protection of Water lapse as the Decree is repealed.

Cases which were filed at the Ministry of the Environment under chapter 10, section 26 of the Water Act before the acts mentioned in section 1 come into force, lapse.

Section 19

Appeal

Administrative or other decisions issued under the provisions effective when the acts referred to in section 1 come into force are appealed in accordance with the earlier provisions.

However, administrative decisions issued under earlier laws after the acts referred to in section 1 come into force are appealed to the Administrative Court of Vaasa.

Section 20

Handling a matter returned

If a court of appeal reverses a decision issued under provisions effective when the acts referred to in section 1 come into force and returns the entire case for reconsideration, the case is handled and settled in accordance with the new provisions.

Chapter 5

Miscellaneous provisions

Section 21

Transfer of staff

At the time the acts referred to in section 1 come into force, the justices of the water rights courts will be transferred and appointed to the corresponding positions of directors and environmental counsellors at the environmental permit authorities without the positions being declared open publicly. Similar procedures will be followed for the transfer and appointment of the water rights court engineers and water rights court limnologists to positions of environmental counsellors at the environmental permit authorities.

Positions and staff other than those referred to in paragraph 1 will be transferred to environmental permit authorities when the acts referred to in section 1 come into effect. A position may be transferred without the consent of its holder.

Chief engineer counsellors participating in the handling of cases under the Water Act at the Supreme Administrative Court will be transferred and appointed to positions of special environmental counsellors (?) for the remainder of their tenure.

Section 22

Contaminated land areas

Soil contamination that has occurred before the Environmental Protection Act comes into force is governed by the provisions of chapter 12 of the Environmental Protection Act if the contamination occurred after the Waste Act came into force. Other occurrences of soil contamination are governed by earlier provisions, with regard to the provisions of section 77 of the Waste Act as well. However, the handling of cases and the relevant

procedure are governed by the Environmental Protection Act.

Any provisions issued on the basis of section 14 of the Environmental Protection Act are also applied to soil contamination which has occurred before the Environmental Protection Act comes into force.

Section 23

Environmental protection database

Any information on decisions concerning water pollution that has been entered in water-rights registers (?) maintained under chapter 15, section 12 of the Water Act before the acts referred to in section 1 come into force will be integrated into the environmental protection database required by the Environmental Protection Act.

Section 24

Unlawful procedure

An act or omission that violates provisions repealed by section 2 before the acts mentioned in section 1 come into force, or violates chapter 1, sections 19, 20, 22, 22a, 23, 23a or 23b of the Water Act repealed or amended by the Act amending the Water Act, the statutes referred to in section 3 of this Act or decisions referred to in section 4, paragraph 1 is governed by the provisions of the Environmental Protection Act on administrative compulsion after the Environmental Protection Act has come into force. Liability to punishment for such an act or omission are governed by provisions effective at the time of the act or omission, unless otherwise provided by criminal law.

Section 25

Application of earlier provisions to certain cases

What is provided for water rights courts elsewhere applies to the environmental permit authorities after the acts referred to in section 1 come into force.

What is provided on permits under the Environmental Permit Procedures Act, decisions under the Aviation Act, decisions of approval of waste management plans under the Waste Management Act, waste permits under the Waste Act or permits under chapter 10 of the Water Act elsewhere in the law, applies to environmental permits complying with the Environmental Protection Act after the Environmental Protection Act comes into force.

What has been decreed or decided on the limit values for air quality under section 7a of the Air Pollution Control Act before the Environmental Protection Act comes into force applies as prescribed by section 102 of the Environmental Protection Act. If a government decision issued before the Environmental Protection Act comes into force refers to section 10, sub-paragraph 4 of the Air Pollution Control Act with regard to exceptions to competence, such references refer to section 17 of the Environmental Protection Act after the Environmental Protection Act comes into force.

Section 26

Competence of municipal boards

If a municipal board is responsible for the tasks of a municipal environmental authority in accordance with the

Act on the municipal administration of environmental protection before the acts referred to in section 1 come into force, it may perform such tasks until February 28, 2001.

Section 27

Entry into force

This Act will come into force on February 9, 2000.

President of the Republic
MARTTI AHTISAARI

Minister of the Environment
Satu Hassi