

LAW FOR ENVIRONMENTAL IMPACT ASSESSMENT IN ICELAND.

Translated August, 1993.

Article 1.

The aim of this act is to ensure that prior to a decision regarding projects that may on account of site, resulting activity, nature, or size have considerable effect on the environment, natural resources and community, an Environmental Impact Assessment has been carried out and to ensure that such an assessment is invariably a part of the planning process.

Article 2.

For the purposes of this act,

Developer means the state, municipality, institution or company partly or wholly owned by such parties, legal person or an individual that proposes projects which this act applies to.

Grantor means a competent authority granting final permission for projects.

Article 3.

The Minister for the Environment is the principal authority in the field this act applies to. The Director of the National Physical Planning Agency is the executor of the act.

Article 4.

This act applies to all projects which may have considerable effect on the environment, natural resources and the community.

This act does not repel stricter provisions of other law concerning Environmental Impact Assessment.

The provisions of the Planning Act, No. 19 of May 21, 1964, as amended, shall be applied in the execution of this act, as appropriate.

Article 5.

The following projects are subject to Environmental Impact Assessment:

1. Hydroelectric power plants with installed power 10 MW or more, or water irrigation where more than 3 km² of land go under water on account of dams and/or changes of river beds.
2. Geothermal power plants with capacity of 25 MW or more in raw energy or installed power of 10 MW or more and other thermal power plants with installed power 10 MW or more.
3. Construction of high voltage lines with 33 kV voltage or more.
4. Gravel mines on land 50.000 m² or larger area or where planned removal of gravel exceeds 150.000 m³.
5. Tourist centers in uninhabited areas.
6. Disposal installations for poisoned and hazardous waste, and waste disposal installations where waste is disposed of in an organised manner, or buried in land fills.
7. Plants with initial melting or remelting of cast iron, steel and aluminium.
8. Chemical Plants.

9. Construction of new roads, railways and airports.
10. Ports for vessels over 1.350 tonnes.

Furthermore, projects listed in Annex I to this act but not included in paragraph 1 are subject to an Environmental Impact Assessment.

The Minister of the Environment may decide by regulation that other projects are subject to an Environmental Impact Assessment in accordance with international conventions to which Iceland is a party.

Article 6.

The Minister of the Environment may, having received the opinion of the Director of the National Physical Planning Agency, decide that a specific project or projects which may have significant effect on the environment, natural resources and community, but are not included in Article 5, are subject to an assessment according to this act.

Prior to a decision according to paragraph 1, the Minister shall consult with the developer, the grantor and the municipal authorities concerned.

Article 7.

Prior to commencing a project which this act, or regulation according to this act, the developer shall notify the Director of the National Physical Planning Agency. This notification should include a description of the planned project, its design, possible disruption of the environment and proposed measures to be taken to reduce this disruption, as well as other information the Director of the National Physical Planning Agency may deem necessary.

Within two weeks the Director of the National Physical Planning Agency publishes the developer's notification with the enclosed information according to paragraph 1 in a public advertisement. Objections shall be submitted within five weeks from the publication of the advertisement.

Article 8.

Within eight weeks from the publication of the developer's notification the Director of the National Physical Planning Agency shall decide whether:

- a. conditional or unconditional approval of the project concerned is granted,
- b. a further Environmental Impact Assessment is to be carried out.

The developer, the grantor and the municipal authorities concerned shall be informed when the verdict of the Director of the National Physical Planning Agency is carried out. The verdict shall also be published.

Article 9.

The developer is responsible for the assessment according to this act and bears the cost.

The Director of the National Physical Planning Agency lays down general guidelines on the execution of the assessment with regard to special provisions of the law and to international commitments.

Article 10.

The Environmental Impact Assessment shall specify in an appropriate manner the impact the planned project and the resulting activity may have on human beings, community and culture, animals, fauna and flora, soil, water, air, climate, landscape and the interaction of these factors. It shall include a separate discourse on the premises on which the assessment is based.

Within two weeks after the Director of the National Physical Planning Agency received the results of the Environmental Impact Assessment, he shall publish them in a public advertisement. Objections shall be submitted within five weeks from the publication of the advertisement.

Article 11.

Within eight weeks from the date the Director of the National Physical Planning Agency publishes the results of the Environmental Impact Assessment he shall pass a substantiated verdict on the basis of existing information. The verdict may:

- a. approve of the project concerned, conditionally or unconditionally;
- b. require that a further enquiry be made on particular factors, or
- c. reject of the project concerned.

The developer, the grantor and the municipal authorities concerned shall be informed when the verdict of the Director of the National Physical Planning Agency has been passed. The verdict shall also be published.

The verdict of the Director of the National Physical Planning Agency as well as the results of the Environmental Impact Assessment shall be readily accessible to the public.

Article 12.

The Minister may, by special regulation, decide that a payment be collected from the developer in order to cover costs incurred by the Director of the National Physical Planning Agency on account of the procedures laid down by this act.

Article 13.

The grantor shall grant permission for a project with due regard to the results of the Environmental Impact Assessment

Article 14.

The verdict of the Director of the National Physical Planning Agency, according to Articles 8 and 11, can be appealed to the Minister of the Environment within four weeks from its date of publishing or from the date on which the developer was informed of it.

Prior to passing his verdict, the Minister of the Environment shall consult with the Director of the National Physical Planning Agency, the developer, the grantor and the municipal authorities concerned.

The Minister of the Environment shall pass his verdict within eight weeks from receiving a request.

Article 15.

The Minister of the Environment will lay down, by regulation, further details on the execution of this act.

Article 16.

A violation of this act results in fines. The procedure is as in public litigation.

Article 17.

This act shall enter into force immediately and apply with effect from May 1, 1994.

Týnda lagagreinin: Article 14.

A permission to commence a project this act applies to may not be granted, a project begun or planning confirmed according to the Planning Act no. 19, of May 21, 1964, as amended, unless the provisions of this act have been met.