

**NB: Unofficial translation; legally binding texts are those
in Finnish and Swedish**

Ministry of the Environment, Finland

ENVIRONMENTAL PROTECTION ACT

(86/2000; amendments up to 137/2006 included)

February 4, 2000

By decision of Parliament the following is enacted:

Chapter 1 - General provisions

Section 1

Objective of the Act

(1) 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 and 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

(1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) This Act also applies to the Finnish exclusive economic zone referred to in the Act on the Finnish Exclusive Economic Zone (1058/2004). (1061/2004)

Section 3 **Definitions**

(1) 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 and an activity that is technically and operationally an integral part of it or the use of an area or the arrangement of activities in such a way as may result in environmental pollution (252/2005);
- 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 pollution caused by 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, subsection 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 (506/2002);
- 8) *emission limit value* refers to the value of undiluted emission released in to the environment either directly or indirectly and referred to in subsection 1 which may not be exceeded during one or more periods of time and which is expressed as a total amount, concentration, percentage or in any other similar manner. (506/2002)

(2) 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

(1) 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 pollution prevention 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 best environmental practice*).

(2) 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

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

(2) 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

(1) 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.

(2) 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 contamination prohibition

(1) 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 contamination prohibition*).

Section 8
Groundwater pollution prohibition

(1) 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*).

(2) The action referred to above in subsection 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

(1) No action may be taken on Finnish territory, inland waters, territorial waters or the Finnish exclusive economic zone that may cause marine pollution outside the Finnish exclusive economic zone referred to in the Act on the Protection of the Sea.(1061/2004)

(2) Waste or other substances may not be discharged into Finnish territorial waters or the Finnish exclusive economic zone to be sunk or otherwise deposited from a Finnish or foreign vessel, a vehicle travelling on ice, aircraft or a sea-going unit referred to in section 4(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(3) of the Act on the Protection of the Sea on corresponding action outside the exclusive economic zone. The same applies to dumping substances into the sea from the shore with the intention of sinking or abandoning them.(1061/2004)

(3) The prohibition referred to above in subsection 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

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

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

(3) 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

(1) 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

(1) 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 combustion plants with a rated thermal input less than 10 Mw, 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-driven vehicles, mobile machinery and equipment (1100/2002)

(1) The Government may issue decrees laying down provisions:

- 1) on limiting the idling of motor-driven vehicles in areas other than roads referred to in road traffic legislation (1100/2002);
- 2) on emissions from machinery and equipment and on prohibiting or restricting their use or placement on the market and on their marking requirements.

(2) It may be laid down in the decree referred to above in subsection 1(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.

(3) The decree referred to above in subsection 1(2), and in subsection 2 may be issued only if so required in the acts of the European Community.

Section 14
Soil

(1) 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 remediation;
- 2) on handling and containing contaminated surface deposits, technical standards of remediation and remediation methods and observation and supervision.

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

Section 15
Substances, preparations and products

(1) If the use of a fuel, a product containing organic solvents, 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 issue decrees laying down provisions (252/2005):

- 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.

(2) 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 (252/2005)

(1) In addition, the Government may, for the purpose of enforcing relevant acts of the European Community and Finland's international obligations, issue decrees laying down provisions:

- 1) on the validity and review of an environmental permit and the regulations contained in the permit;
- 2) on obligation of an operator to give information to authorities provisions on which are contained in a decree, on chemicals used in an activity posing a threat of environmental pollution, emissions and waste resulting from the activity and the waste received during the activity;
- 3) other requirements necessary for the prevention of environmental pollution that are comparable with the requirements laid down in sections 11-15.

Section 17
Granting an exemption (252/2005)

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

(2) Exemptions are granted on application. Before an exemption is granted, the Ministry of the Environment must provide the regional environment centre, the

relevant municipality and a registered organization referred to in section 92 with an opportunity to be heard concerning the application. The decision must be publicized as laid down in the Administrative Procedure Act (434/2003).

(3) Provisions on exemptions concerning joint implementation are laid down in section 111.

Section 17a
Granting exceptions in certain cases (814/2005)

(1) The Finnish Environment Institute may, on application, grant an exception concerning the purchase or sale of certain amount of a product in which the content of volatile organic compounds is not in agreement with the Government decree on implementing Directive 2004/42/EC of the European Parliament and of the Council on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC. The exception may be granted for products that are used for the restoration and maintenance of such buildings and vintage vehicles that are of particular historical and cultural value. Further provisions on the items with particular historical and cultural value involving the use of products that may be granted exceptions shall be issued by Government decree.

(2) Notification about the pendency of an application concerning an exception must be provided, the parties heard and the decision served as laid down in the Administrative Procedure Act. Further provisions on the application shall be issued by Government decree.

Section 18
Household sewage (252/2005)

(1) Provisions on the equipment and methods for treating sewage from water closets and other household sewage, on sealed gullies, the use and maintenance of such equipment, on cesspools and removal of sludge may be issued by Government decree in which connection special consideration must be given to national water protection objectives.

(2) A municipal environmental protection committee may, on application, grant a property-specific exception concerning an obligation laid down in a Government decree for a maximum of five years at a time. The exception may be granted if the measures required under the decree are, when assessed as a whole, unreasonable for the property holder in terms of compliance with wastewater management requirements and the environmental loading must be deemed insignificant.

Section 19
Municipal environmental protection regulations

(1) 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*).

(2) 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; (1300/2004) and
- 7) measures concerning the improvement of the state of waters that are necessary under a water management plan drawn up in accordance with the Act on Water Resources Management (1299/2004). (1300/2004)

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

(4) 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**

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

(2) 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.

(3) The Finnish Environment Institute shall act as the competent authority in accordance with Regulation (EC) No 2037/2000 of the European Parliament and of the Council on substances that deplete the ozone layer.(586/2001)

Section 21 **Municipal environmental protection committee**

(1) The permit and enforcement duties of a municipality 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.

(2) 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**

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

(2) Occupational safety authorities, health protection authorities, and the

supervisory authorities referred to in the Product Safety Act shall enforce the provisions of the Government decree referred to in section 13(1)(2) and section 108a(3). The Finnish Environment Institute shall enforce the provisions of the Government decree on products containing organic solvents referred to in section 15. (814/2005)

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

(4) Employment and Economic Development Centres must supervise compliance with the provisions laid down in and under this Act, to the extent that it is a question of the supervision of compliance with statutory management requirements referred to in the Council regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers. The Employment and Economic Development Centre must notify municipal environmental protection committees or a regional environment centre of the deficiencies it has observed during supervision so that measures that come within the jurisdiction of these authorities under this Act can be taken. Further provisions on supervision and cooperation between supervisory authorities shall otherwise be issued by Government decree, as necessary. (252/2005)

Section 23 **Environmental permit authorities**

(1) 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.

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

Section 24 **Other authorities and institutions**

(1) 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.

(2) The Vehicle Administration Centre, the Agrifood Research Finland or other authorities provisions of which shall be issued by Government decree are in charge of the type approval referred to in section 13(2), as laid down in a Government decree. (252/2005)

(3) An institution referred to in subsection 1 that has been appointed by the Ministry of the Environment, or another institution that meets the requirements, may, under section 13(2) function as the accredited inspection authority for type approval or as a similar institution. Further provisions on the requirements laid down for such institutions and the supervision of the compliance with the requirements shall be issued by Government decree. The Ministry may revoke the appointment if the institution fails to meet the requirements laid down in the decree. When carrying out public administration duties referred to in this Act, the institution must observe the provisions of the Act on the Openness of Government Activities (621/1999), the Act on Electronic Services and Communication in the Public Sector (13/2003), the Administrative Procedure Act and the Language Act (423/2003). (252/2005)

Section 25
Monitoring the state of the environment

(1) Within its territory, the municipality 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.

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

Section 25a
Noise mapping and noise abatement action plans (459/2004)

(1) A noise map and a noise abatement action plan must be drawn up:

- 1) for agglomeration of more than 100,000 which on account of their population density can be considered as urbanised areas;
- 2) for public roads with more than three million vehicles passages a year;
- 3) for railways with more than 30,000 trains passages a year; and
- 4) for civil airports in which the combined total of take-offs and landings of aircraft, excluding the take-offs and landings of light aircraft for training purposes, numbers more than 50,000 a year.

(2) The noise mapping must, using noise indicators, describe the existing and predicted noise situation in the area in overall terms, including the quiet areas and present the number of persons exposed to the noise and the number of dwellings in the area.

(3) The purpose of the noise abatement action plan is to reduce noise and its impacts and prevent noise from increasing in quiet areas.

Section 25b
Drawing up noise mapping and noise abatement action plans (459/2004)

(1) The noise maps and noise abatement action plans for railways must be prepared by the Finnish Rail Administration, for airports by the Civil Aviation Administration, and for other traffic areas by those maintaining the traffic areas, and for agglomerations other than those referred to above by the municipalities concerned. The Finnish Road Administration, the Finnish Rail Administration and the Civil Aviation Administration must submit the noise maps and action plans they have drawn up to the municipalities concerned, which must consider them when drawing up the noise reports and action plans for agglomerations.

(2) The noise maps and the action plans must be reviewed at least every five years, and in this connection the action plans and, if necessary, the noise maps must also be updated. If necessary, the action plans must also be changed and updated at other times if there are major developments affecting the existing noise situation in the area.

(3) When a noise abatement action plan is drawn up, the persons whose living, working and other conditions may be affected by the action plan, must be given an opportunity to express their views. Opinions must be requested from the municipalities in the areas affected, the regional environment centres concerned, the Finnish Road Administration, the Finnish Rail Administration, the Civil Aviation Administration and parties further provisions on which shall be issued by decree. Furthermore, registered associations and foundations referred to in section 92 must be given an opportunity to express their views during the drawing up of the action plan.

(4) The noise maps and the noise abatement action plans must be published and information on them provided to the extent necessary. They must be submitted to

authorities provisions on which shall be issued by Government decree so that they can be entered in the environmental protection database referred to in section 27. Furthermore, they must be delivered to the relevant municipalities and regional environment centres concerned for information and, if necessary, to the Finnish Road Administration, the Finnish Rail Administration and the Civil Aviation Administration.

(5) Provisions on indicators used in noise maps, on matters that must be evident from noise maps and noise abatement action plans, and on the dates by which the noise maps and noise abatement action plans must be drawn up and, if necessary, provisions containing further details on the designation of areas referred to in section 25a shall be issued by Government decree.

Section 26 **National plans and programmes**

(1) National plans and programmes on environmental protection referred to in the acts of the European Community are approved by the Government. When plans and programmes are drawn up, the authorities and parties whose interests and rights the issue concerns and the national associations and foundations referred to in section 92 below must be provided with an opportunity to give their opinions about the draft plans and programmes. The draft must be published in electronic form and the members of the public must be given an opportunity to give their views at a sufficiently early stage. Information on the approved plan or programme and its justification and on how consideration has been given to the views expressed must be provided in electronic form.
(814/2005)

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

Section 27 **Environmental protection database**

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

- 1) decisions made by environmental permit authorities and supervisory authorities under this Act;
- 2) reports and monitoring concerning permits and notifications;
- 3) significant data entered in the waste database referred to in the Waste Act;
- 4) monitoring and reporting on the state of the environment related to the enforcement of this Act;
- 5) chemicals used in activities posing a threat of environmental pollution, the emissions and waste generated and the waste received;
- 6) other factors that are necessary for the enforcement of this Act.

(252/2005)

(2) Notwithstanding the confidentiality provisions laid down in the Act on the Publicity of Actions Undertaken by Authorities (621/1999), municipalities shall submit the data referred to in subsection 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.

(3) 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

(1) 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.

(2) 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(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, the exploitation of a deposit and other related activities in Finnish territorial waters and the Finnish exclusive economic zone. (1061/2004)

(3) 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

(1) 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.

(2) 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

(1) If the activities referred to in section 12 (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(2)(4), may be laid down by decree.

(2) A permit is not required for short-term activities undertaken on an experimental basis when the purpose is to test a raw material or 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.

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

Chapter 5 - Competence of permit authorities

Section 31

Competent permit authority

- (1) 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.
- (2) Permit applications other than those referred to in subsection 1 must be processed by a 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 required under section 28(2)(1);
 - 3) the permit is required solely under section 29; or
 - 4) the permit is required for treating contaminated surface deposits.
- (252/2005)
- (3) Permit applications other than those referred to in subsection 1 or 2 must be processed by the municipal environmental protection committee.
- (4) If an application for a permit must be made for the activities in accordance with section 35(4) the environmental permit authority must decide on the permit matter for different activities if deciding on the permit matter for any of the activities come under its competence, and in other cases a regional environment centre if the permit matter for any of the activities comes under its competence. (252/2005)
- (5) Further provisions on the activities referred to in subsection 1(1) and subsection 2(1) shall be issued by Government decree.(252/2005)

Section 32

Permit authority when activity is altered

- (1) 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

- (1) 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.

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

Section 34
Permit authorities' territorial competence

(1) 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.

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

(3) A regional environment centre must decide on a permit matter that otherwise would come within the competence of the municipal environmental protection committee if the activity is located or the activities are located in the territory of more than one environmental protection committee. (252/2005)

Chapter 6 - Permit procedure

Section 35
Permit application

(1) 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.

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

(3) 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.

(4) If several activities requiring an environmental permit located in the same site are technically and operationally connected in such a manner that their environmental impacts or waste management must be considered together, a permit for the activities must be simultaneously applied for on separate application permits or on a joint permit application. The permit may, however, be applied for separately if the application does not require the changing of a valid permit covering other activities. (252/2005)

Section 36
Opinions

(1) 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.

(2) In addition to the provisions of subsection 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 municipality where the activity referred to in the application is located and, if needed, from other municipalities whose territory is affected.

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

Section 37

Complaints

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

(2) Persons other than parties concerned shall be provided with an opportunity to state their opinion.

Section 38

Publicizing a permit application

(1) The permit authority shall publicize permit applications by posting them for 30 days on the notice boards of the relevant municipalities 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.

(2) parties concerned especially concerned by the matter shall be notified separately.

(3) Otherwise, the provisions of the Administrative Procedure Act apply to the hearing. The provisions of chapter 16, section 8 of the Water Act apply to the notification of unorganized jointly owned landed property association.

(252/2005)

Section 39

Joint processing of permits

(1) 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(1)(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.

(2) 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.

(3) Matters referred to above in subsection 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.

(4) 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

(1) 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.

(2) If proceedings on a permit matter covering activities referred to in section 35(4) have been instituted on separate permit applications, the applications must be considered and resolved simultaneously, taking into account the activities as a whole. (252/2005)

Chapter 7 - Permit consideration

Section 41

Principles of permit consideration

(1) 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.

(2) 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.

(3) Provisions laid down in and under the Nature Conservation Act must be observed when resolving a permit matter. Provisions on a waste management plan laid down in and under the Act on the Prevention of Pollution from Ships must be observed when resolving an environmental permit matter concerning a port. (934/2003)

Section 42

Preconditions for granting a permit

(1) 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(1), of the Adjoining Properties Act.

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

(3) An operator 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. Operators 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 an operator engaged in landfill activities are laid down by decree.

(4) In addition, operators 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

(1) Permits shall contain necessary regulations on:

- 1) emissions, emission limit values, the prevention and limitation of emissions and the location of the site of emission; (506/2002)
- 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 cessation of operation 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.

(2) If, with regard to activities other than industrial production or the generation of energy, regulations based on subsection 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.

(3) When permit regulations are issued, the nature of the activity, the properties of the area where the impact of the activity appears, 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 this action shall be taken into account. Permit regulations concerning emission limit values and the prevention and limitation of emissions must be based on the best available technology. The permit regulations may not, however, oblige the operator to apply any specific technology. In addition, energy efficiency and precautions, preventing accidents and limiting their consequences must be taken into account as needed. (506/2002)

(4) When permit regulations are issued for combustion plants and gas turbines with a rated thermal input of 50 megawatts or more, the opportunity for co-generation of heat and electricity shall be taken into account if feasible technically and economically. In assessing this, the starting point shall be the situation on the energy market and in energy distribution. (944/2002)

(5) If the activity belongs to the scope of application of the Emissions Trading Act (683/2004), the permit may not lay down emission limit values for the greenhouse gas emissions referred to in section 2 of the Emissions Trading Act unless they are necessary for ensuring the prevention of significant pollution at local level. (684/2004)

Section 44
Regulations pertaining to fisheries

(1) 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

(1) In addition, necessary regulations on waste and waste management concerning the observance of the Waste Act and provisions laid down under it, and on posting the collateral and other arrangements referred to in section 42(3) shall be issued in the permit. An environmental permit concerning a port must contain the necessary regulations on a waste management plan. This Act applies to the enforcement of the regulations. (934/2003)

(2) 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

(1) The necessary regulations on the operative monitoring of the activity, on the monitoring of emissions, waste, waste management and the impact of the activity and on monitoring of the state of the environment following the cessation of the activity must be issued in the permit. In order to carry out the monitoring, the permit shall contain provisions on the measurement methods, the frequency of measurements, on how the results are assessed and on how the results are submitted to the supervisory authority. The operator may also be ordered to provide other information necessary for monitoring. (506/2002)

(2) When a regulation to monitor the impacts of an activity on waters is issued, consideration must be given to what is deemed necessary in a water monitoring plan referred to in the Act on Water Resources Management in order to organize the monitoring. The information gathered during the monitoring of an activity may be used in monitoring carried out in accordance with the Act on Water Resources Management and in the drawing up of water management plans. (1300/2004)

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

(4) Under the permit, the operator may be required to provide the permit authority or an authority assigned by it with a monitoring plan on more detailed organization of the monitoring referred to in subsection 1 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 the validity of the permit, monitoring regulations and the approved monitoring plan may also be amended when needed. (506/2002)

(5) Decisions in cases referred to in subsections 3 and 4 must be made in accordance with the provisions of the Administrative Procedure Act, unless the decision is made when the permit is being granted or amended. A decision may be amended ex officio or on demand by the permit holder, supervisory authority, an authority protecting the public good, municipality or a party suffering harm. The decision must be issued after publication and information on it must be provided in accordance with sections 53 and 54 of the issuing and publicizing of an environmental permit decision. (252/2005)

(6) A rectification request on a decision referred to in subsection 4 and made by an authority determined by a permit authority may be submitted in writing to the permit authority within 30 days of the publication of the decision. A decision of the permit authority made on the basis of a rectification request may be appealed in accordance with section 96. (252/2005)

Section 47

Regulations concerning emissions into a sewer

(1) 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

(1) 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

(1) 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

(1) An activity may not be in conflict with obligations included in national plans and programmes, referred to in section 26(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(1), shall be taken into account as needed in permits.

(2) When an assessment is made in the permit of the significance of the pollution referred to in section 42(1)(2), consideration must be given to what is said in the water management plan prepared in accordance with the Act on Water Resources Management on the matters pertaining to the state and use of the waters in the impact area. (1300/2004)

Section 51

***A permit regulation's relationship to the minimum requirements of a decree
(252/2005)***

(1) A permit regulation may be stricter than a specific minimum environmental protection requirement contained in a Government 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;
- 3) to protect waters; or
- 4) for the use of the best available technology should this be provided

under a Government decree issued for the purpose of enforcing acts of the European Community.

Chapter 8- Permit decisions

Section 52

Contents of a permit decision

- (1) Depending on the matter concerned, environmental permits are issued either until further notice or for a fixed period.
- (2) 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.
- (3) 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 decision. The permit decision must also indicate how the water management plans prepared in accordance with the Act on Water Resources Management have been taken into account. (1300/2004)
- (4) More detailed provisions concerning the content of permit decisions are issued by decree.

Section 53

Issuing a permit decision (252/2005)

- (1) A permit decision must be issued after the publication and those entitled to lodge an appeal are deemed to have knowledge of it when it is issued.
- (2) Notification of the issuing of the decision in accordance with subsection 1 must be shown on the notice board of the authority making the decision before the issue date. The publication notification must give the name of the authority, the nature of the matter, date the decision is issued, and the appeal period. The notification must be kept on the notice board of the authority making the decision at least for the duration of the time during which the decision may be appealed. The decision must be available on the issue date given on the notification.

Section 54

Publicizing a permit decision

- (1) 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(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.
- (2) 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

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

(2) 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 in that connection unless such an order is deemed manifestly unnecessary. Permit regulations must, however, be reviewed from time to time if the permit covers activities subject to permit under Council directive (96/61/EC) concerning integrated pollution prevention and control. Consideration of a regulation concerning the review or the fixed-period nature of the permit must take into account the water management plans and action programmes prepared in accordance with the Act on Water Resources Management. For a special reason, an order concerning the review of permit regulations may also be issued in a permit for a fixed period. The authority that granted the permit must process the matter in the same way as the permit application was processed, as appropriate. (1300/2004)

(3) 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(1)(5).

Section 56

Observing a decree

(1) 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

(1) 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(2).

(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, municipality or party suffering harm.

Section 58

Amending a permit

(1) 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 substantially 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.

(2) The provisions of chapter 2, section 22(4), and section 22b of the Water Act, 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.

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

Section 59 Revoking a permit

(1) 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.

(2) 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

(1) Operators must notify the municipal environmental protection committees 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 municipalities, the notification must be submitted to the regional environment centre within whose territory the noise or vibration will mainly occur. (252/2005)

(2) 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 municipality has issued environmental protection regulations under section 19 and, at the same time, has stipulated that no notification duty exists.

(3) 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

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

Section 62
Exceptional situations (252(2005))

(1) 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 operator responsible for the activity or the holder of the waste must notify a supervisory authority of the incident without delay.

(2) If for a reason other than that referred to in subsection 1 which is unforeseen and not connected with the activity an unexpected situation arises as a result of which observance of the permit regulation is impossible for a limited period, the operator must notify the supervisory authority of the matter.

Section 63
Hearing (252/2005)

(1) If the reported activity may have a substantial impact on the public or private good, notification must be given of the pendency of the notification made in accordance with sections 60 and 61 above and the parties concerned heard as laid down in the Administrative Procedure Act. Similarly , notification of the pendency of the notification referred to in section 62 above must be given and the parties concerned must be heard if there are special reasons for doing so.

Section 64
Processing notices (252/2005)

(1) When a notification is made, the authorities must decide about issuing necessary regulations on the prevention of environmental pollution resulting from the activity, on monitoring of the activity, on providing residents with information and on meeting obligations concerning the organization of the activity as laid down in the Waste Act. An authority may prohibit or suspend activities other than those carried out under the permit if the considerable harm caused to the public or private good cannot be sufficiently reduced by regulations. The decision must be issued after publication and information on it must be provided in accordance with sections 53 and 54 on issuing and publicizing an environmental permit decision.

(2) The regulations may be issued or the activity prohibited even if the notification obligation had been neglected.

(3) In situations referred to in section 62 above, the supervisory authority may, applying its own terms and conditions, allow a necessary short-term exception to an obligation based on this Act or the Waste Act. The exception must not cause any health hazard or significant environmental pollution or pose a threat of significant environmental pollution. A decision on the exception is made by a regional environment centre if considering the permit matter covering the activity comes within the competence of the regional environment centre or the environmental permit authority. After the exception, the supervisory authority must, if necessary, institute proceedings on the matter at the permit authority as laid down in section 58 on amending a permit regulation.

Section 64a
Exceptional situations in certain combustion plants (944/2002)

(1) Operators of combustion plants or gas turbines with a rated thermal input of 50 megawatts or more shall immediately notify the regional environment centre and the municipal environmental protection authority of any malfunction or breakdown in waste gas treatment equipment and of any disturbance in the availability of fuel. Further provisions on notification will be issued by Government decree.

(2) A regional environment centre may, on account of a notification, issue a decision containing regulations on the activity of the operator who submitted the notice or prohibit or suspend the activity, if this is necessary for implementing the obligations laid down in Directive 2001/80/EC of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from large combustion plants. The decision must be issued after publication and information on it must be provided in accordance with sections 53 and 54 of the issuing and publicizing of an environmental permit decision. Further provisions on the application of jurisdiction of the environment centre as referred to above shall be issued by Government decree. (252/2005).

Section 65
Making entries in the database

(1) A Government decree may provide that a notification on activities other than those subject to an environmental permit must be submitted to a regional environment centre so that an entry can be made in the environmental protection database laid down in section 27, if:

- 1) the activities are of the type referred to in section 30(1);
- 2) a hazardous substance provisions on which are laid down in a Government decree is used;
- 3) the activities may pose a threat of environmental pollution and provisions on the minimum standards of combating emissions resulting from the activities or other minimum standards of environmental protection requirements have been issued by Government decree.

(1300/2004)

(2) A port must be entered in the environmental protection database in the manner laid down in the Act on the Prevention of Pollution from Ships. The entry must contain a waste management plan that must be observed after the port has been entered in the environmental protection database. The municipal environmental protection committee must be notified of the entry in the database and of the waste management plan entered. (934/2003)

(3) 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

(1) 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.

(2) 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 procedure

(1) 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

(1) 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.

(2) 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

(1) In permit decisions referred to above in section 68, applicants other than the State, a municipality 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(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

(1) 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

(1) 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

(1) 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

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

(2) 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.

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

(4) 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

(1) 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.

(2) 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.

(3) Chapter 11, sections 14-14c of the Water Act also apply to questions of compensation, as appropriate.

Chapter 12 - Treatment of contaminated soil and groundwater

Section 75
Duty to treat soil and groundwater

(1) Any party whose activities have caused the contamination 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.

(2) If the party that has caused the contamination of soil cannot be established or reached, or cannot be prevailed upon to fulfil its remediation duty, and if the contamination 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 restoring groundwater if the pollution has arisen from contamination of the soil in the area.

(3) In so far as the holder of the polluted area cannot be required to treat contaminated soil, the municipality shall establish the need for and carry out soil remediation.

Section 76
Duty to notify

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

Section 77
Duty to investigate and remediation-need assessment(252/2005)

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

(2) An assessment of the need for the remediation of contaminated soil and groundwater must take into account the present and future use of the contaminated area, its surroundings and the groundwater, and any danger or harm to the environment and health that would be caused by the contamination.(252/2005)

Section 78
Remediation of soil

(1) An environmental permit is required for the remediation of contaminated extractable land resources.

(2) Action may, however, be initiated to restore soil in a contaminated area or to remove contaminated soil material for remediation elsewhere in accordance with subsection 1 by making the relevant notification to the regional environment centre if

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

(3) A regional environment centre scrutinizes the notification and makes a decision concerning it. The decision may include the necessary regulations on how the activity must be organized and supervised. The decision must be issued after publication and information on it must be provided in accordance with sections 53 and 54 on the issuing and publicizing of an environmental permit decision.(252/2005)

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

Section 79
Ordering remediation

(1) The regional environment centre shall order remediation of contaminated 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.

(2) An authority may, in the decision referred to in subsection 1, also issue an order on other necessary measures that must be taken to restore the condition of the environment to what it was before or to reduce or eliminate the harm that has arisen. If the restoration requires the treatment of surface deposits in the contaminated area, the order must be issued in accordance with the provisions on environmental permits and those laid down in chapter 13, as applicable. (252/2005)

Section 80
Transfer of powers to a municipality

(1) Following application by a municipality and having consulted the regional environment centre, the Ministry of the Environment may decide that, in matters concerning contaminated soil as referred to in this chapter, with the exception of section 75(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.

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

Chapter 13 - Supervision and administrative compulsion

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

(1) 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.

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

Section 82
Monitoring on another party's land

(1) The regional environment centre may grant an operator the right to monitor the environmental effects of its activities 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.

(2) 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

(1) 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.

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

(3) The measures referred to in subsection 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

(1) 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 a party as referred to in paragraphs 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.

(2) For an activity subject to a permit, the order must, under section 31, be issued by a competent permit authority or the authority that under section 33 has granted the permit concerning the activity. In other cases, the order shall be issued by a supervisory authority. (252/2005)

(3) 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 compulsion 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.

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

Section 85
Orders to prevent pollution

(1) 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

(1) If a direct harm to health or some other immediate major pollution of the environment is caused by an activity that poses a threat of environmental pollution, the supervisory authority can suspend the activities if the harm cannot be eliminated or sufficiently reduced otherwise. As far as possible, the operator must be heard before such suspension.

(2) 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 activities.

Section 87
Decision to prohibit or require action on substances, preparations, products, equipment and machines (586/2001)

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

- 1) prohibit the manufacturer, importer, other market supplier or those maintaining the equipment or handling the substance from continuing operations;
- 2) prohibit the use, manufacture, trading, sale or other supply of substances, preparations, products, equipment or machines that are in violation of the law;
- 3) require the offender to bring the substance, preparation, product, equipment or machine into compliance with the law or otherwise meet its obligations;
- 4) require the offender to deliver the substance, preparation, product, equipment or machine or part of it for proper waste treatment.

(2) If a substance, preparation, product, equipment or machine referred to in subsection 1 has been placed on the market, the Ministry may require the party acting contrary to the Decree to remove the product from the market and to act in accordance with subsection 1.

(3) The Finnish Environment Institute shall decide on the prohibition or requirement referred to in subsections 1 and 2 when the violation concerns compliance with the Government decree on the products containing organic solvents given under section 15 and compliance with the special permit referred to in section 17a. The Finnish Environment Institute shall also decide on the prohibition and requirement when the violation concerns compliance with the Regulation of the European Parliament and of the Council on substances that deplete the ozone layer, the Government decree on protecting the ozone layer issued under section 15, and the Government decree issued under section 108a(3), and otherwise compliance with the obligations under section 108a. The prohibition on using equipment violating the provisions or the obligation to meet the maintenance requirement shall, however, be issued by the supervisory authority referred to in section 22(1). (814/2005)

Section 88
Threat of a conditional fine, of having action taken and of suspension

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

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

Section 89
Temporary order by an officeholder

(1) 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 activities

(1) When activities subject to permit are discontinued, the operator is still responsible for the action needed to prevent pollution and establish and monitor the effects of the activities according to the permit regulations.

(2) 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 activities, the holder of the operating area is responsible for said monitoring.

(3) If the permit does not include sufficient regulations on the action needed to terminate activities, 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

(1) 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 parties concerned, supervisory authorities and authorities protecting the public interest shall also be heard.

Section 92
Right to take legal action

(1) 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 committees 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.

(2) A regional environment centre may demand legal action on a matter concerning the issuing of an environmental protection regulation as laid down in section 19(2)7) if a municipality has not issued a regulation on it and, in a water management plan drawn up in accordance with the Act on Water Resources

Management, the regulation has been considered a significant measure from the point of view of the state of waters. (1300/2004)

Section 93
Executive assistance

(1) 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

(1) 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.

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

Section 95
Organizing supervision (252/2005)

(1) The regional environment centre must, in order to organize supervision in accordance with this Act, draw up a supervision plan on the content of which provisions shall be issued by Ministry of the Environment decree, as necessary.

(2) If necessary, the Ministry of the Environment may issue further provisions by decree concerning the conducting of inspections and the organizing of supervision required under this Act. A Government decree otherwise issued under this Act may also contain provisions on measures connected with supervision so that the efficiency of supervision can be ensured.

(3) The Ministry of the Environment may provide the supervisory authorities with more detailed general instructions on the supervision of the compliance with this Act.

Chapter 14 - Appeal and enforcement of decisions

Section 96
Appeal

(1) Decisions of authorities issued under this Act may be appealed to the Vaasa Administrative Court as laid down in the Administrative Judicial Procedure Act. The petition of appeal on an environmental permit decision and any appendices must be submitted to the authority which issued the decision. The authority must notify the Vaasa Administrative Court of the environmental permit decision and the appeals lodged immediately after the expiry of the appeal period. (252/2005)

(2) Decisions of the Government and the Ministry of the Environment may be appealed to the Supreme Administrative Court, as laid down in the Administrative Judicial Procedure Act. Decisions made by the Finnish Environment Institute under section 17a may be appealed to the Vaasa Administrative Court, as laid down in the Administrative Judicial Procedure Act. (814/2005)

(3) 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.

(4) Decisions concerning approval of municipal environment protection regulations and tariffs for environmental permit processing fees may be appealed as laid down in the Local Government Act (365/1995). A regional environment centre also has the right of appeal in decisions that a municipality has made on the basis of legal action taken under section 92(2). (1300/2004)

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

Section 97 **Right of Appeal**

(1) 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 protection committees where the activity takes place or located in the area of impact;
- 5) other authorities supervising the public interest in the matter.

(2) 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 97a **Appeal in certain cases (252/2005)**

(1) A decision on type approval made by an authority may be appealed as laid down in the Administrative Judicial Procedure Act.

(2) The party whose rights or interests the issue may concern may seek rectification of the decision issued by the inspection authority or other similar institution referred to in section 24(3) from the body that issued the decision within 14 days of the service of the decision. The instructions for a rectification request must be appended to the decision. A decision used as a basis for rejecting the rectification request may be appealed to an administrative court, as laid down in the appeal provisions of the Administrative Judicial Procedure Act.

Section 98 **Hearing of parties regarding appeal (252/2005)**

(1) The authority that issued the environmental permit decision must provide information on the appeals concerning the decision by posting information about them on its notice board and on the notice boards of the municipalities concerned for at least 14 days. The appeal documents must be kept available in the municipalities concerned for the duration of the public notice period. The authority must also provide the permit applicant, the parties that the matter particularly concerns, and authorities supervising public interest with an

opportunity to submit a response concerning the appeal, unless this is manifestly unnecessary. The information on the appeal for the purpose of submitting a response to the appeal is given as laid down in the Administrative Procedure Act. At the same time, the authority must also notify where the appeal documents are available for inspection and where written responses can be submitted within the period set for submitting the response.

(2) The authority that issued the decision must submit the appeal documents, responses, other documents concerning the decision and, if necessary, its opinion, to the Vaasa Administrative Court without delay but nevertheless within 30 days of the end of the period set for submitting the response.

Section 99
Procedure in the appellate court

(1) 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.

(2) Vaasa Administrative Court decisions concerning environmental permits shall be issued after they have been posted for publication, 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 publication on the bulletin board of the municipality where the activity takes place and in other municipalities in the area of impact.

(3) 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.

(4) In the case of administrative court decisions on administrative compulsion issued under this Act, notice must be given by way of verifiable service as laid down in the Administrative Procedure Act. (252/2005)

Section 100
Enforceability of decisions

(1) 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.

(2) 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 (252/2005)

(1) The permit authority may, for a justified cause and on condition that the enforcement does not defeat the purpose of the appeal and at the request of the permit applicant, order in the permit decision that, regardless of the appeal, the activity may be started in accordance with the permit decision provided that 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, municipalities or joint municipal boards. The permit authority may, if necessary, order the enforcement to be on a smaller scale than what is laid down in the permit decision and issue orders on the starting date of the enforcement.

(2) The right referred to in subsection 1 above may be granted on the same conditions on the basis of a separate application submitted within 14 days of the end of the appeal period. The supervisory authorities and those appealing the permit decision must be heard on the application. After this, the decision must be made without delay. The decision may be appealed to the Vaasa Administrative Court as laid down in the Administrative Judicial Procedure Act. The decision granting the right referred to in subsection 1 must be delivered immediately to the Vaasa Administrative Court and the appellants.

(3) The authority may require that the orders, regulations and decisions referred to in sections 46, 64, 64a, 78, 79, 82 and 84-87 must be observed regardless of the appeal.

Section 101a

Considering an enforcement matter at an appellate court (252/2005)

(1) An appellate court may, on appeal, annul an order referred to in section 101 or amend it or otherwise prohibit the enforcement of the permit decision. An administrative court decision on enforcement may only be appealed to the Supreme Administrative Court in connection with the main issue.

(2) The party that has appealed an environmental permit decision may in the administrative court request that the decision referred to in section 101(2) be annulled or amended without him/her having to submit a separate appeal concerning it. Otherwise, provisions in subsection 1 of this section apply to the appeals procedure.

(3) Provisions in chapter 6 of the Administrative Judicial Procedure Act on enforcing a decision before it has gained legal force do not apply to an appeal carried out in accordance with this Act in the manner that the activity could be started without a permit with legal force or an order referred to in section 101. If the permit matter is a question of the continuation of an existing activity, the Vaasa Administrative Court may in its decision order that the decision must, despite the appeal, be observed in full or in part, unless otherwise ordered by the Supreme Administrative Court.

Chapter 15 - Miscellaneous provisions

Section 102

Protection of air quality

(1) Municipalities shall use all means at their disposal to prepare for action to prevent any exceedences of limit values for air quality laid down by Government decree in the municipality. Any exceedences 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.

(2) In the case of a exceedence of a limit value laid down in a Government decree, the municipality 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.

(3) Municipalities must provide members of the public with information about the preparation of air quality plans and programmes and give them an opportunity to express their views about the draft plans and programmes at a sufficiently early stage. The opportunity must be given by posting information about the matter on the municipal notice board or in a newspaper in general circulation in the area, and also in electronic form. Information on the approved plan or programme and its justification and on how consideration has been given to the views expressed must be provided in the same manner as for

the draft plan or programme. (814/2005)

Section 103
General duty to treat wastewater

(1) 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.

(2) 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

(1) 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

(1) 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 decrees issued under it. The bases for fees payable to municipalities 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 municipality.

(2) 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

(1) 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

(1) 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.

(2) 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

- (1) Measurements, tests, reports and inspections required for the enforcement of this Act shall be conducted competently and reliably and by suitable means.
- (2) 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 108a
Special provisions concerning the prevention of emissions of substances that deplete the ozone layer (586/2001)

- (1) Those carrying out maintenance on equipment containing refrigerants or solvents according to the Regulation of the European Parliament and of the Council on substances that deplete the ozone layer, or on fire-extinguishing and fire-protection equipment containing them, those handling substances used in them and those carrying out waste management must have the qualification required for the prevention of emissions of the substances.
- (2) An operator carrying out maintenance or handling substances must designate a supervisor who must be primarily employed by the operator in question. The operator must also have the tools and equipment for carrying out the maintenance work in an appropriate manner. The operator must, for supervisory purposes, submit a notification to the Safety Technology Authority on the qualifications of the supervisor, the nature of the work and the tools used.
- (3) Provisions on the following shall be issued by Government decree:
- 1) qualification requirements based on the training and experience of the supervisor referred to above, and the qualification requirements of the employees carrying out maintenance work;
 - 2) the contents of the notification referred to in subsection 2 and the notification procedure;
 - 3) the tools and equipment needed in the maintenance work and waste management;
 - 4) supervision of the equipment and maintenance operations referred to in this section.
- (4) What is provided in this section above also applies to the maintenance and waste management of equipment containing other than ozone-depleting fluorocarbons. Provisions on the obligation to recover fluorocarbons may also be issued by decree.

Section 108b
Special provisions on persistent organic compounds (137/2006)

- (1) Consideration of a permit or notification matter referred to in this Act must be in compliance with article 6, subsection 3, and article 7 of the Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants and amending Directive 79/117/EEC.
- (2) Environmental permit authorities as laid down in this Act, shall act as the competent authorities referred to in article 7 of the regulation mentioned in

subsection 1 above. Provisions on the supervision of compliance with the provisions and regulations laid down in and under this Act apply to the supervision of article 7 of the Regulation.

Section 109
Confidentiality

(1) 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.

(2) 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

(1) 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.

(2) If a permit is required for the activity from the permit authority under the Agreement on Frontier Rivers referred to in section 2(2), the environmental permit is not necessary solely pursuant to section 28(2)(1) or (2). Decisions on environmental permits shall take into account the decisions issued by the permit authority under the Agreement on Frontier Rivers.

Section 110a
Government decisions on environmental protection requirements in certain sectors of operation and their relationship to environmental permits (944/2002)

(1) In order to implement the environmental protection requirements laid down in Council Directive 1999/13/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations, and Directive 2001/80/EC of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from large combustion plants, the Government may decide to place a joint obligation on certain operators regarding reduction of emissions, to target such obligation specifically at each operator in a specific operating sector, and to change such obligations as necessary.

(2) If the Government has not made a decision as laid down in subsection 1, the obligations of the operators to reduce emissions derive from the Government decree issued on implementation of the Directive.

(3) If a Government decision derogates from an environmental permit issued under this Act, the Government decision takes precedence. Permit regulations may be stricter than the Government decree if this is necessary for the purpose of meeting the preconditions for granting a permit or to ensure that environmental quality requirements issued by Government decree are met.

(4) A Government decision must be served in accordance with the Administrative Procedure Act. (252/2005)

Section 110b
Preparation of Government decisions (944/2002)

(1) A body or party representing operators may make a proposal for a Government decision referred to in section 110a or for amending such a decision. Such proposals shall be submitted in writing to the Ministry of the Environment.

(2) In preparing Government decisions, those whose right or interest the matter may concern must be given an opportunity to be heard. Statements shall be obtained from the municipality where the activities are located and from municipalities in the area affected by them, the regional environment centres concerned and such parties as are further provided by Government decree. Registered associations and foundations as referred to in section 92 shall also be given an opportunity to be heard when decisions are prepared.

(3) Further provisions concerning the time limits to be observed in the preparation of Government decisions referred to in section 110a, matters to be included in them and enforcement of their implementation will be issued by Government decree.

Section 111
Decisions on joint implementation

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

(2) 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.

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

(4) 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 providing information concerning joint implementation

(1) 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.

(2) A public notice of the application shall be published in the Official Journal. 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.

(3) A Ministry decision must be served in accordance with the Administrative Procedure Act. (252/2005)

Section 113

Changing and revoking a decision on joint implementation

(1) 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 substantially or that joint implementation otherwise causes environmental impairment substantially 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.

(2) 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

(1) 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

(1) 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.

(2) 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

(1) 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).

(2) Whosoever deliberately or through gross negligence in a manner other than referred to in subsection 1

- 1) neglects submission of a notification as referred to in this Act,
- 2) neglects his/her duty under orders issued by an authority pursuant to this Act, or acts contrary to the notification he/she has submitted to an authority,
- 3) neglects his/her duty under the Regulation of the European Parliament and of the Council on substances that deplete the ozone layer or acts in contravention of section 108a or a decree issued under it,
- 4) neglects his/her duty under article 7 of the Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants and amending Directive 79/117/EEC,
- 5) violates the prohibition referred to in sections 7-9, a decree issued under chapter 2, neglects his/her duty under sections 75, 76, 90, 103 or 104, or violates the terms contained in a Ministry decision issued under section 111,

shall be fined for violation of the Environmental Protection Act, unless a more severe punishment is provided for elsewhere in the law. (137/2006)

(3) 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.

(4) A parking ticket may be issued for the violation of the prohibition on idling of motor-driven vehicles as laid down in the Act on Parking Tickets (248/1970).(1100/2002)

Section 117

Further provisions and instructions

(1) 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.