



28 June 2019

VN/4728/2019

Implementation Committee

Convention on Environmental Impact  
Assessment in a Transboundary Context

UNECE

Viite  
Hänvisning Fifth Review of Implementation of the Convention

Asia  
Ärende Answer to request on how Finland ensures public involvement when an affected Party

Ministry of the Environment in Finland has received a letter from the Implementation Committee, dated 11 April 2019, with a request to provide clarifications on how Finland as an affected Party ensures the public involvement in the EIA procedure under articles 3(8) and 4(2) of the Convention. The Committee refers to the answer given by Finland in the questionnaire that was returned in connection with collecting information on Parties' implementation of and compliance with the Convention during 2013-15. The referred question was number I.22, which asks for the Party to indicate whether its national EIA legislation requires organisation of public hearings in cases it is an affected Party.

Finland wishes to bring to the attention of the Committee how it had interpreted the question and clarify the provisions in its legislation on public involvement.

Articles 3(8) and 4(2) stipulate that the public of the affected Party in the areas likely to be affected shall be informed of, and be provided with possibilities for making comments or objections on the proposed activity and EIA documentation. As the term *public hearing* is not used in the Convention, the question was interpreted by Finland to have meant *a specific public hearing event*, a meeting where public's opinions are officially registered. Finland has no such requirement, instead the public's opinions are requested to be sent to the Ministry of the Environment in writing. The following provisions in the Act on EIA implement articles 3(8) and 4(2) when Finland is affected (informal translation).

### **Section 30**

#### ***Projects carried out in a territory under the jurisdiction of another State***

*The Ministry of the Environment is responsible for managing obligations under an international treaty binding on Finland in the transboundary environmental impact assessment procedure if a project carried out in a territory under the jurisdiction of a party to the treaty or a Member State of the European Union is likely to cause significant environmental impacts in a territory under the jurisdiction of Finland.*

*Having received the relevant information, the Ministry of the Environment:*

*1) replies to the other State whether Finland intends to participate in the environmental impact assessment procedure of the project and submits the answer to the Ministry for Foreign Affairs of Finland for information;*

*2) ensures that the documents relating to the transboundary environmental impact assessment submitted by the other State are announced in the area likely to be affected by the project in Finland and an opportunity to express opinions is provided and the necessary statements are requested;*

*3) submits the statements and opinions to the other State;*

...

Opinions in the procedure can be expressed by those whose circumstances or interests may be affected by the project including the public and non-governmental organisations.

Finland hopes that the above information clarifies the issue mentioned in your letter.

Yours sincerely,

On behalf of the Permanent Secretary,  
Director General

Ministerial Adviser



Helena Säteri



Seija Rantakallio