Finland

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Jan Eklund and Kirsi Stark, Vaasa Administrative Court, and Kari Kuusiniemi, Supreme Administrative Court

Legal Framework

1. How is the EIA Directive (Directive 2011/92/EU) transposed in your country? Please provide a list of your national pieces of legislation transposing the EIA Directive.

The old EIA Directive 85/337/EEC was implemented through the EIA Act (EIAA, Finnish legislation number 468/1994) and Decree (792/1994). The Act has been amended on several occasions, latest in 2009, most often in order to implement the amendments of the Directive. The 1994 Decree has been replaced by a Government Decree on the application of EIA (713/2006), which has been subsequently amended. In 2005, a separate Act on EIA procedure concerning authority plans and programmes (200/2005) was adopted implementing the Directive 2001/42/EC on the assessment of plans and programmes.

The amended EIA Act corresponds to the EIA Directive 2011/92/EU. The list of projects that are to be subject to an EIA in Annex I to the Directive is transposed into Finnish legislation by a corresponding list in Government Decree 713/2006. The Directive's list and the national list are not identical. It seems that Directive paragraph 6 (integrated chemical installations) is not implemented, paragraph 12 (transfer of water resources between river basins) is only partly implemented and paragraph 23 (CO2 storage) is not implemented. On the other hand, the Finnish list contains some items that are not found in Annex I, notably projects concerning land drainage (Finnish Decree section 6 para 2f), river regulation and flood control (para 3 c and d) and wind power installations (para 7e).

2. Are the EIA Directive and the IPPC Directive[1] transposed in your country through the same legislation?

In Finland, the IPPC Directive 2008/1/EC is implemented through the Environment Protection Act (EPA, 86/2000 with later amendments). The new IPPC Directive 2010/75/EU is to be implemented through a revision of the EPA (Govt Bill 214/2013). The EPA regulates environmental permit procedure.

[1] The former Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control repealed by Art 81 of the DIRECTIVE 2010/75/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (Text with EEA relevance) with effect from 7 January 2014, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law and application of the Directives set out in 2010/75/EU Annex IX, Part B.

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As mentioned above, the EIA Directive is implemented through the EIAA 468/1994 with amendments and adjacent legislation. The EIAA regulates the procedure of environmental impact assessment.

The procedures of EIA and environmental permit are separate but interconnected: in the case of a project requiring EIA (either mandatory or discretionary, see below), the EIA must be completed before a permit can be issued.

3. What procedure is set up to determine whether a project (listed in Annex II) shall be made subject to an assessment, case by case examination, thresholds or criteria or a combination of these procedures?

For projects not included on the Annex I /Finnish Govt Decree list, Finnish legislation provides for *in casu* EIA of any project whose environmental impact would be comparable to that of the projects listed for mandatory EIA. There is no national list implementing Annex II, but any type of activity may in principle be subject to discretionary EIA. The impact shall be judged together with other projects in the area affected, by the scope of the project, effects on the environment and effects on cultural heritage, among other things (Govt Decree 713/2006, 7 §, which transposes Annex III of the EIA Directive into Finnish legislation).

Whether a project not on the list for mandatory EIA is liable for EIA is decided *in casu* by the regional environmental authority (Regional Centre for Environment, Traffic and Employment, ETE Centre, which is also the so-called contact authority in the EIA procedure). The authority has a wide scope of discretion, based on the provisions of the EIAA and Decree and on the Directive. The requirement for EIA has been interpreted rather restrictively in cases concerning the extension of existing projects. However, the decisions of the ECJ have to be respected. The following published decisions of the Supreme Administrative Court (SAC) may serve as examples concerning the scope of discretionary EIA:

SAC 2012:79: Environmental permit had been issued for a quarry producing 150 000 m^3/a. Adjacent to the site was an existing quarry producing 45 000 m^3/a. The cumulative effects of the two quarries were, therefore, crucial in deciding whether EIA was required or not. The yearly production of the two quarries combined was just below the threshold value of 200 000 m^3/a stipulated for mandatory EIA.

SAC (the majority) held that the two quarries together were not likely to cause significant negative environmental impacts and that EIA was not required. The environmental effects of hauling rock was, however, considered presumably significant in case transportation was through a densely inhabited area. The exact transportation route was unclear at the time. Even if the two projects together could have significant negative impact due to transportation, the combined effects were not deemed to cause significant adverse environmental impacts comparable in type and extent to that of the projects listed for mandatory EIA. In the vote, the minority considered that EIA was necessary because of the size of the projects and because the effects of rock hauling had not been evaluated properly. There were also some other circumstances casting doubts on the assessment of combined effects of the two quarries, because the quarry permits had been issued by two different authorities.

SAC 21.3.2012 nr 647: A 100 kV power transmission line was to be constructed. Total length of the line was 36 kilometers, line width was 26 metres and the height of the pylons 15 – 20 metres. The Finnish threshold value for mandatory EIA is at least 15 km of 220 kV transmission line. On the line or in its close vicinity,

there were several sites of significant natural, cultural, architectural and scenic value. The Court ruled that EIA was required.

SAC 2010:38: Environmental permit had been sought and obtained for a quarry of 12,4 hectares producing 81 500 m^3 of rock fractions a year and, in addition, an asphalt mixing plant producing 50 000 tonnes of asphalt/a. At a distance of 2,5 kilometres, there was another site, where 160 000 solid m^3 of rock were quarried annually. A third quarry, producing some 50 000 m^3/a was located 1,5 kilometres from the first quarry, for which environmental permit had been sought. The total volume of rock quarried was 181 000 – 330 000 m^3/a and the combined area of the sites about 30 hectares. The court resolved that the combined environmental impact of the three projects was not significantly adverse in the sense of EIAA and that EIA was not required.

SAC 3.7.2008 nr 1633: Environmental permit had been issued for a 500 mm diameter natural gas pipeline 90 kilometres in length. The Finnish threshold for mandatory EIA was 800 mm diameter and at least 40 km in length. The pipeline trajectory width was 28-33 metres. Adjacent to the line were significant natural values and groundwater areas. During construction of the pipeline, cumulative effects with rock quarrying were expected to occur. Although EIA was not mandatory, the Court ruled that EIA was required.

SAC 2004:123: A bedrock quarry and asphalt mixing plant were planned on a site designed for the enlargement of a municipal landfill. The enlargement of the landfill as such was liable for EIA procedure. The quarry and the asphalt plant by themselves were not large enough to presuppose EIA. The quarry and the asphalt plant were operated by an independent company and the Court resolved that these constituted an independent project, realized independently of the landfill. The environmental permit for the quarry and the asphalt plant could not be repealed on the grounds of lacking EIA or failure to assess the combined effects of this project and the landfill.

EIA Procedural Provisions

4. *Is the environmental impact assessment procedure considered in a separate administrative procedure (e.g. - different from the development consent procedure) by the competent authority? If yes, please provide a short description of the applicable arrangements for the implementation of the Directive (including what administrative act is considered a development consent).*

Every project subject to mandatory or discretionary EIA requires also, according to Finnish legislation, a permit either under the EPA, the Water Act (WA, 587/2011), the Soil Extraction Act (555/1981), the Mining Act (621/2011) or the Road Act (503/2005), etc. Under the EPA and the WA the permit for projects presupposing EIA is issued by the regional environment permit authority. Permits are administrative decisions containing provisions on the scope, construction and operation of the project as well as emission limits and provisions for the monitoring of emissions and environmental impact. Decisions under the EPA and WA can be appealed in the Administrative Court and further in the Supreme Administrative Court.

The EIA is either mandatory (for projects on the Annex I /Govt Decree 6 § list) or discretionary (separate EIA decision by the Environmental Authority). In either case, the applicant submits a draft assessment plan to the regional environment authority. The plan is made available for public comments and the authority may

require amendments to the plan before approving it. The EIA consists of an initial public hearing, assessment and investigation of impacts which are summarized in a written report, which is then open to a new public hearing. After the hearing, the authority makes a written statement on the assessment. The authority may criticize weaknesses and omissions of the assessment report, but the EIA as such is not subject to approval by the environmental authority. Assessment in compliance with the EIA legislation is, however, a prerequisite for development consent or environmental permit.

5. Is the EIA process part of a permitting procedure in your legal system? How are the results of the consultations with environmental authorities and the public and environmental information taken into consideration in the development consent procedure? To what extent does an EIA influence the final decision, i.e. its approval or refusal and attached conditions?

As explained above, EIA and the permit procedure are interconnected but independent. The information gathered in the EIA process, as well as the claims and comments of concerned parties and authorities made in that process are taken into account by the developer in planning the project and by the permit authority in considering conditions for a permit. In considering conditions for a permit, the EIA report is a basis for the environmental permit or development consent. EIA as such is neither approved or disqualified, and there is no independent, appealable decision. However, if the permit has been granted without a necessary EIA – whether mandatory or discretionary – or if there are defects in the EIA, the permit decision can be appealed and quashed on these grounds (see also below under 7).

6. In case of a multi-stage development consent procedure (e.g. combination of several distinct decisions), at what stage does the environmental impact assessment procedure take place during the development consent procedure in your country?

The environmental impact of a project must be investigated in an EIA procedure before any action relevant in terms of environmental impact is taken to implement the project. At the latest, EIA must be completed before the permit authority may issue a permit. However, only one but complete EIA is necessary for one project, irrespective of how many different permits and decisions the implementation of the project demands. Hence, the EIA report is the basis for all future decisions concerning the project, although it may happen in some cases (e.g. if the original plans are changed or the project is very time-consuming) that the EIA shall be later amended in order to form a reliable basis for permit deliberations under any relevant Act.

7. What kind of authority (local, regional, central) is responsible for making decisions on EIA and/or to grant/refuse development consent?

In the case of discretionary EIA (Annex II), the regional environment authority, in response to requests by the developer or concerned parties, makes a formal decision on whether EIA is needed or not. The decision cannot be challenged independently.

Development consent / environment permit is issued by municipal authorities or regional permit authorities. Permits can be challenged by appeal in the Administrative court. If the permit is challenged, the appellant may also challenge the authority decision that EIA is needed or not needed or challenge the EIA itself as insufficient. The question is resolved by the court as a procedural prerequisite in the permit decision. If the

environmental authority has neglected to make a decision, non-decision is interpreted as a decision that EIA was not required.

8. Is the decision resulting from the environmental impact assessment a pre-condition to grant development consent? In case of a multi-stage development consent procedure, at what stage are the results of the consultations with environmental authorities and the public and environmental information taken into consideration?

In the case of mandatory EIA (Annex I) or when the environment authority has decided that EIA is needed (Annex II), the completed EIA is a precondition for granting a development consent or a permit. The findings, claims and objections arising in the EIA are taken into account by the permit authority in the permit process. See also under 6 above.

9. In case of projects for which the obligation to carry out environmental impact assessment arises simultaneously from the EIA Directive and other Union legislation, does your country ensure a coordinated or joint (e.g. single) procedure ("one stop shop")? If yes, please provide a list of the Directives covered.

We emphasize that in Finland, every single permit system presupposes an assessment of the project´s environmental impact to ensure that the authority has the necessary material for deciding whether the conditions to grant the permit are fulfilled or not and what kind of provisions should be attached to the permit. An EIA procedure according to the EIA Directive and the national EIAA is reserved only for major projects having significant environmental impacts. Reports created in the EIA are, of course, an important baseline for every permit procedure to follow, and the same assessments shall not be repeated in the permit procedures.

Hence, the other types of assessments (than the ordinary EIA) presupposed by EU legislation are normally included in different permit procedures. *E.g*. the assessment of impacts on Natura 2000 areas imposed by, the Habitats Directive (92/43/EEC) is carried out as part of an environmental permit procedure according to the EPA, a water management permit procedure according to the WA or a soil excavation permit procedure according to the Soil Excavation Act. However, there is a specific section enabling the combination of assessment procedures in section 65 of the Nature Conservation Act, which transposes Article 6(3) of the Habitats Directive into Finnish legislation. If a project or plan, either individually or in combination with other projects and plans, is likely to have significant adverse effect on the ecological value of a Natura 2000 site, the planner or implementer of the project is required to conduct an appropriate assessment of its impact. If the project in question also necessitates performing of an EIA procedure, Natura 2000 assessment can also be carried out as part of the EIA procedure according to the EIAA.

10. Is it possible to carry out joint or coordinated environmental assessments, fulfilling the requirements of the EIA Directive, and Directive 92/32/EEC and/or Directive 2009/147/EC? Is there a legal basis for carrying out such assessments?

See the previous answer.

11. What arrangements are established with neighbouring Member States for exchange of information and consultation?

According to the national EIAA (sections 14 and 15) EIA procedure shall also be carried out if the enforcement of an international agreement binding on Finland requires an EIA produre to be arranged in cooperation with another state. The Ministry of the Environment shall provide the authorities and natural persons and associations in a state party to the agreements with the opportunity to participate in an assessment procedure in accordance with the EIAA if a project is likely to have significant environmental impact in territory under the jurisdiction of another state.

The Convention on the Protection of the Environment between Denmark, Finland, Norway and Sweden ensures any person who is affected or may be affected by a nuisance caused by environmentally harmful activities in another contracting state the same procedural rights as a citizen of state in which the activities are being carried out.

The Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) has also been implemented by the national EIA legislation. In addition to this multinational convention, there are several bilateral agreements between neighbouring countries which include provisions on exchange of information, such as:
Agreement between Finland and Sweden Concerning Transboundary Rivers
Finnish-Estonian Agreement on Environmental Impact Assessment in a Transboundary Context
Finnish-Russian Agreement Concerning Co-operation in the Field of Environmental Protection.

EIA Content

12. Is the developer obliged by national legislation to consider specified alternatives to the proposed project?

The developer must consider alternatives, including the alternative of not undertaking the project (the zero alternative). Apart from the zero alternative, the developer has free hands to construe his alternatives.

13. Is scoping (e.g. scope of information to be provided by the developer) a mandatory step in the EIA procedure?

Scoping is included in the first step of the EIA. The developer submits an EIA plan to the authorities, who comment on the plan. They may find the plan sufficient as such or recommend some amendments. The EIA plan lays down the scope of investigations, the collection of data and the manner of presenting findings to the public. The plan is not formally submitted for approval, but the contact authority´s (the ETE Centre) opinion is in practice decisive. If the assessment carried out on the basis of the plan not meeting the requirements proves to be insufficient, the implementer of the project risks that the permit may not be granted.

14. Are there any provisions to ensure the quality of the EIA report prepared by the developer?

Within the framework of the EIA plan, the developer or his consultants draft the report. The report is not subject to formal approval, but the contact authority is required to make a formal statement in response to the report, and may then point out weaknesses and omissions. As the EIA is a prerequisite for the development

consent or environmental permit, a seriously deficient EIA may have lead the permit authority to refuse the permit or, after appeal, the court to repeal the permit decision.

15. How is the cumulation with other existing and/or approved/already proposed projects considered? Please illustrate your answer by referring to examples of national case law!

The cumulation with other projects may affect the need for an EIA and the permit decision after the EIA. If a project not listed in Annex I of the EIA Directive may have a significant environmental impact in combination of an other project currently under preparation, the ETE Centre may order that an EIA for assessing these projects´ cumulative effects shall be carried out.

However, if there is a project not listed and having no significant impact as such, the impacts of other projects which are already carried out in the vicinity or which already have already been granted permits, the impact of the new project will most likely be assessed only in normal permit procedures. It is, of course, not possible to include activities already carried out or permitted by decisions gained legal force, in a new assessment procedure. At any rate, the assessment for the new project, whether in an EIA procedure or only normal permit procedures, is made against the background of existing activities, emissions and environmental conditions.

16. How is it ensured that the purpose of the EIA Directive is not circumvented by splitting of projects – e.g. 'salami slicing' of projects (i.e. the assessment and permitting of large-scale, usually linear infrastructure projects by pieces)? Please illustrate your answer by referring to examples of national case law!

It is not uncommon that a permit is applied for an activity very close to the borderline volume of a mandatory EIA procedure. According to Annex I of the EIA Directive and the corresponding Finnish Decree an EIA is mandatory for installations for the intensive rearing of e.g. pigs with more than 3 000 places for production pigs (over 30 kg) or 900 places for sows. There have been examples of applications for pig farms for 890 sows. In these cases, the ETE Centre may order that in spite of this capacity limit, an EIA shall be carried out if the environmental conditions (see Annex III and the Finnish Act sec. 4 (2-3) and Decree sec. 7) risk a significant environmental impact as such or because of cumulative effects together with another installation.

As far as we know, there is no case law about EIA concerning situations, where an installation referred to above is extended e.g. by increasing the production volume. However, according to the Directive and Finnish law it is clear that if expansion in itself exceeds the limit for a mandatory EIA, the EIA should be made (e.g. increasing the number of sows from 890 to 1791). The situation is more complicated if the increase is smaller. If the increase is say 10 or 20 sows, it would certainly lead to a new environmental permit procedure: a valid permit must correspond to the scope of the activity. To prevent permit holders to take advantage of salami slicing, it could be argued that exceeding the mandatory limit of 900 sows should lead to an EIA procedure. However, regarding the idea of an EIA as a part of the planning process of an installation and its alternative locations etc., EIA for a minor enlargement of operations would not meet the idea of an assessment.

There is one decision of the Supreme Administrative Court (SAC 2003:40) from the era preceding the present legislation, where the need for a discretionary EIA because of cumulative effects of two pig farms was displayed. The environmental permit had been granted for a farm with 850 sows. In the vicinity there was a pig farm for 1000 pigs and there was a functional combination between the farms. According to the legislation valid that time, the Ministry of the Environment had in its opinion held that an EIA is not necessary and had not decided a discretionary assessment to be performed. In accordance with the legislation at the time, the Ministry´s negative decision could not be questioned by the Courts.

17. Can the screening decision be appealed? If yes, who can lodge an appeal?

As above, the plan for conducting the EIA, or the EIA report, or the authority decision that EIA is not required, cannot be appealed independently. If the developer proceeds and applies for an environmental permit for his project, the permit decision may be appealed, first in the Administrative Court, then in the Supreme Administrative Court.

Appeals against the permit decisions may be made on the grounds of lacking or deficient EIA. The right to lodge an appeal on these grounds depends on the permit legislation to be applied (the EPA, the WA, the Soil Excavation Act, the Mines Act, the Roads Act, etc.). It may be generalized that the following groups are entitled to appeal: parties, such as persons living in the reach of the environmental effects of the activity, environmental supervisory authorities, and environmental NGOs. If the ETE Centre orders an EIA to be conducted the implementer can appeal that decision separately.

18. Is there a time limit for the validity of the EIA decision and the development consent? Is the permit holder obliged to apply for a new permit after a certain period of time?

There is no formal approval of the EIA, and therefore no time limit. But of course, the permit cannot be granted on a basis of an outdated EIA report. In some cases, however, it is possible to amend the details of the report and give updated documents (see also SAC 2008:58: The EIA report was deficient, because the effects and costs of one alternative had not been assessed. The report had been later amended. Therefore there were nor sufficient grounds to repeal the permit). Permit decisions normally set a time limit for commencing and finishing the project.

Access to Information Provisions

19. How is the public informed about the project and the EIA? When is the public informed about a project requiring an EIA and about a pertaining administrative procedure? Where can the information be accessed? What does the information contain? Who gets access to this information?

The plan for the EIA, containing a general description of the project, is announced to the parties and authorities directly by post letter and to the general public through newspaper notice. The EIA report and the authority statement on that report are similarly announced. The plans and reports are usually made available on the internet and may, also, be available in paper copy at the authority's registrar or some other accessible location. Anyone has access to the material.

20. How does the authority ensure public access to environmental information in the procedures based on the EIA Directive? To what extent is this provision of information user-friendly (easy to find, free of charge, searchable, online, downloadable, etc.)?

The entire EIA process is at the expense of the developer, entailing no cost to the public wishing to participate. The EIA report includes a non-technical summary which shall be understandable for laymen.

Public Participation Provisions

21. What are the criteria for taking part in an environmental impact assessment procedure, besides the project developer and the competent authority? What rights can people living in the neighborhood, NGOs, authorities invoke in the procedure? What legal rights do participants of the proceeding have? What happens if the competent authority denies someone's legal standing? Please illustrate your answer by referring to examples of national case law!

There are no limitations on participating in the EIA process - everybody who wants to can have their say orally or in writing. The EIA is not part of the permit procedure, but part of planning the project.

In the permit procedure, access to give comments is also wide. However, legal standing in the procedure and the right of appeal against a permit decision are restricted by law. As mentioned above, the present environmental legislation affords the right to appeal to those parties and authorities whose interests are affected by the projects and also very widely to registered environmental NGOs (no limits for term of operation or number of members).

Administrative and Judicial Review & Enforcement Provisions

22. Can the decisions of the authority (local, regional, central) responsible for making decisions on EIA be appealed? Who is the superior authority deciding over the appeal?

As explained above, EIA is not as such subject to authority approval. Authority decisions approving an inadequate EIA plan or erroneously stating that EIA is not needed, are legal grounds for successful appeal against environmental permit decisions. As indicated above, the appeals against permit decisions are decided in administrative courts and the Supreme Administrative Court as the last instance.

23. Is there a judicial review against decisions made in EIA procedures? If yes, what matters can be challenged and what decisions can the court take?

No independent review of EIA decisions is allowed. In appeals against environmental permits, the Administrative Court may resolve that EIA should have been made or that the EIA submitted is inadequate. On the grounds of deficient EIA, an environmental permit decision can be repealed.

24. What are the criteria of legal standing against decisions based on EIA? Who (individuals, NGOs, others) is entitled to challenge the EIA decision at the court? Do individuals need to be affected? If yes, in what way do individuals need to be affected by the decisions in order to have standing?

As EIA can be challenged only pendant to an environmental permit case, the same standing rules apply. Parties whose interests are affected, NGOs whose field and area of interest are affected, and relevant authorities are entitled to appeal (see also 21 above).

25. Does an administrative appeal or an application for judicial review have suspensive effect on the decision? Under which conditions can the EIA decision be suspended by the court?

EIA is a prerequisite for an environmental permit. Lacking or deficient EIA, therefore, may be ground to repeal a permit. If an appeal has been lodged against a permit decision, it has, as a rule, suspensive effect. Under certain conditions, the permit authority may allow operations according to a permit which has not gained legal force. The Court may, naturally, annul that kind of an order. If there is serious doubt about the need for an EIA, the permit authority would hardly allow operation regardless of appeals, and the Court would probably, in that case, suspend a decision allowing operation before the permit desision has gained legal force.

26. Does the court have the competence to change/amend an EIA decision? Can it decide on a new condition or change the conditions of the EIA decision?

In Finland, there is no EIA decision as such. The Court resolves only the matter of environmental permit. If the EIA is deficient, the permit may be repealed. The reasoning of the Court thus indicates, why the EIA has not been sufficient and/or reliable, and in the next step the implementer of the project may supplement the report and apply for a permit again. If there are minor defects in the EIA report which do not have relevance for discretion of permit conditions or provisions, the permit decision may be upheld.

27. In general, is it required to include monitoring of environmental impacts in the EIA? How is compliance with the monitoring conditions being checked? Is the public informed about the results of monitoring and if yes, how?

Monitoring provisions are laid down in the environmental permit decision. Compliance is subject to surveillance by the regional environmental authority and the monitoring results are available to everybody on request from the authority.

28. Who controls compliance with EIA decisions in your country? Are there specialized inspectorates checking compliance? How often do inspections take place? What enforcement policy do the authorities have (warnings, injunctions, sanctions and so on) in case of detected non-compliance? Has information on the results of inspections and related enforcement actions been disseminated to the wider public, and if yes, how?

As EIA is part of the planning, not the decision-making, there is no control of whether a developer actually makes an EIA or not. If his project needs an EIA, it will also need an environmental permit. Non-compliance

with EIA regulations will appear in the permit process and is ground for refusing a permit. If the activity is operated without an EIA and a permit, there are different administrative and criminal sanctions available according to the relevant environmental acts, such as the EPA and the WA (see also 30 below).

29. If EIA decisions are infringed, what types of sanctions can be imposed by whom? Are these sanctions administrative, criminal or civil in nature? What is the level of sanctions? Are those sanctions often applied and are they considered to be effective? Can those sanctions be applied on legal persons? Please illustrate your answer by referring to examples of national case law!

See the previous answer. There is a provision in the EIAA giving a mandate to the ETE Centre to use administrative coercion if a project would be operated without an EIA in a(n unthinkable) situation, where a permit is not needed.

30. If a given activity falls under the provisions of the EIA legislation, but the developer started the activity without the required authorization, what kind of measures can be taken by the competent authority?

Operations that are unlawful under the EPA, e.g. operating without a permit or in breach of the permit provisions, are subject to administrative sanctions. The operator may be ordered by the environmental authority to cease operation and to restore environmental damage. In a separate court process, the operator may be imposed an administrative fine to force him into action and may also be ordered to pay damages to injured parties.

31. Are there any penalties applicable to infringements of the national provisions adopted pursuant to the EIA Directive?

No penalty for breaking EIA rules as such is provided by law. Criminal sanctions, such as fines or even imprisonment, are available according to other legislation. For instance polluting the environment in breach of the EPA is a criminal offence for which a fine may be levied under the Penal Code or the relevant environmental act. These penal sanctions are ordered by ordinary Courts of first instance.