



Scientific knowledge in  
environmental judicial review -  
Subjective comments

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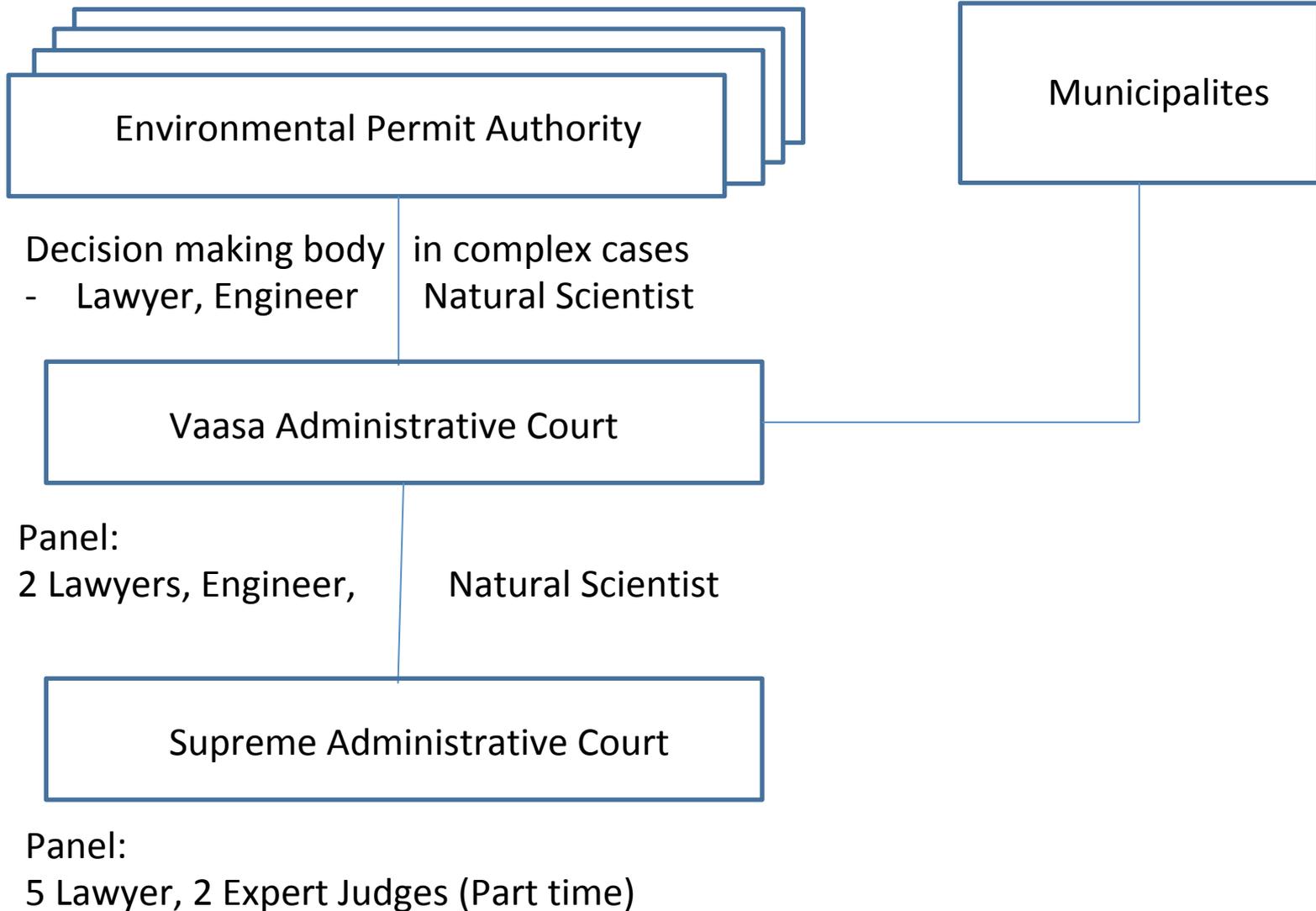
Justice,

Supreme Administrative Court

# Background

- My own career:
  - Helsinki Environmental Centre (inspectorate)
  - Ministry of Environment (drafting legislation)
  - Regional Environmental Permit Authority
  - Team working with engineers and natural scientists to solve environmental problems

# Finnish System



- Ideas of system:

- Decision making should be based on accurate information assessed by experts
- Decision making should be cost effective
- Decision making should be independent



- To protect rights of parties concern the system must be established so that the competence of the court is as good as possible/at least sufficient

# Further aspects

- Distinction between legal aspects and technical/scientific aspects is not clear when the court applies "consideration norms"
  - E.g. "Nuisance should not be unreasonable", requires knowledge on health effect of noise, how noise levels are measured, is the report accurate and how "unreasonable" has been interpreted in different cases and are these criteria comparable to the case

- Decisions should always be right in terms of substance
  - The Court should have possibilities to revise the decision based on wrong assessment. Expert judges are key-players to find problems about models, measurements and surveys on harmful impacts etc.

- Improvement of legitimacy
  - Members of panel are more than individuals and quality of decision is usually better if problems are looked at different angles. Diversity of backgrounds makes decision comprehensible in eyes of citizens and whole society