

# Functions and status of follow-up in Finnish EIA legislation



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# What are the functions (purpose, objectives, desired elements) of follow-up?

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## 1. Controlling function

- Controlling **predicted** and **unpredicted** impacts
- Controlling unpredicted impacts requires identifying uncertainties and applying adaptive management and holistic approach in follow-up

## 2. Democratic function

- Public participation → access to monitoring information, right to express an opinion, give feedback and participate in monitoring activities

## 3. Learning function

- Receive continuous feedback, integrate and coordinate separate monitoring arrangements and record monitoring results and other documents for future use

# How are the functions of follow-up reflected in Finnish EIA and permit legislation? 1/2

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## ■ Controlling function

- EIA directive article 8a(4): "Member States shall [...] determine the procedures regarding the monitoring of significant adverse effects on the environment."
- Article 8a(4) is implemented in permit legislation, not in EIA legislation
- Deficiencies regarding follow-up in permit legislation (Environmental Protection Act and Water Act):
  - The substantive scope of monitoring obligations in EPA and Water Act is narrow → the permit legislation does not oblige monitoring of all the impacts covered by the EIA legislation → lack of holistic approach to monitoring
  - According to EPA and Water Act the purpose of monitoring is to monitor whether the impacts remain within certain pre-defined thresholds and check compliance with the permit conditions but not to **identify and reduce uncertainties**
  - Adaptive management can not be fully applied as the permit is, as a general rule, permanent.

## ■ Democratic function

- No public participation mechanisms regarding follow-up

# How are the functions of follow-up reflected in Finnish EIA and permit legislation? 2/2

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## ■ Learning function

- No mechanisms for feedback from public and stakeholders
- Sectoral approach to monitoring → project-specific monitoring arrangements are prepared separately from each other which prevents effective learning
- No obligation to record all monitoring information and results in a centralized information system
- Concept of adaptive management is still relatively unstructured and unclear in EIA and permit legislation

# To conclude

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- Current EIA and permit legislation as a whole in Finland mainly reflects the function of controlling foreseen impacts. Instead, legislation appears to be incomplete from the perspective of controlling unpredicted impacts and uncertainties, democratic function and learning function.
- **To make IA follow-up happen, minimum requirements for follow-up need to be laid down in EIA/permit legislation**
  - General monitoring obligation in Finnish EIA Act (+ exemption from monitoring when appropriate)
  - Flexible content requirements for monitoring proposal
  - Minimum requirement for participation: obligation to communicate the monitoring results

# Let's continue the conversation!

Post questions and comments in the IAIA24 app.



## #iaia24

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