

Environmental Administration and Legislation

Mikkeli University
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REVISION

What did you learn last week?

Environmental administration?

Governmental organs that:

1. enforce environmental legislation,
2. make decisions on how environmental legislation is implemented,
3. monitor compliance with environmental legislation and
4. participate in development of environmental legislation



Terminology

- Administrative law
- Environmental authority:
 - Supervising authority
 - Permit authority
- System of courts:
 - district court, labour court,... courts of appeal
 - Administrative courts

Typical Arrangement

Typically Ministry of the Environment (or some other Ministry) supervises regional authorities and regional authorities, in turn, supervise local authorities.

EEA (www.eea.europa.eu)

“We provide **independent information on the environment**, to feed into EU and national policymaking. ...we provide a wide range of information and assessments on:

- the state of the environment
- environmental trends, including assessments of economic and social factors putting pressure on the environment
- policies and their effectiveness
- possible future trends and problems.”

US EPA_(www.epa.gov)

EPA also has the power to give regulations!

“Regulations are mandatory requirements that can apply to individuals, businesses, state or local governments, non-profit institutions, or others.”

“Congress passes the laws that govern the United States, but Congress has also authorized EPA and other federal agencies to help put those laws into effect by creating and enforcing regulations.”

*One important thing about studying
legislation...*



History of environmental law

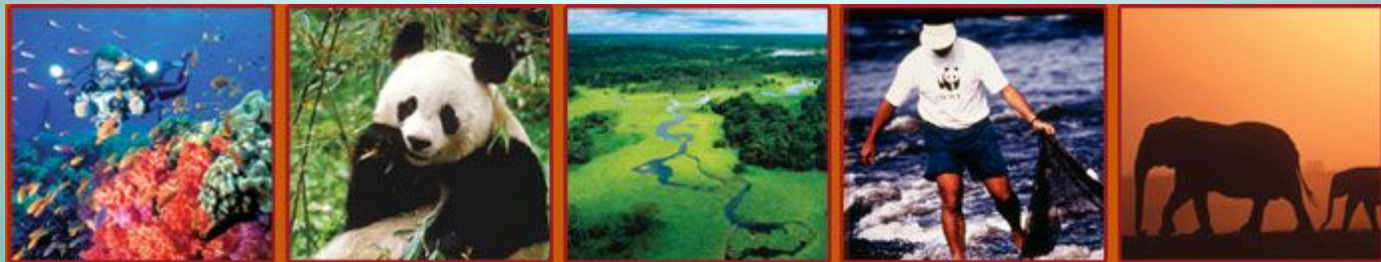
- Over the past 30 years, environmental law has become a recognized legal discipline
- Need for environmental legislation:
 - Disputes about the use of natural resources
 - Industrialization: disease caused by air and water pollution, environmental disasters
 - Environmental movement
 - **How about nature conservation?**

Aspects of Nature Conservation?

Aspects of Nature Conservation

- Management of natural resources and sustainability
- Sustaining biodiversity
- Protection of Flora and Fauna – specific species
- Protection of specific areas (e.g. NATURA 2000) and habitats
- Education and providing information

Protection of Flora and Fauna



The Bern Convention

Council Decision (82/72/EEC) 1981 concerning the conclusion of the Convention on the conservation of European wildlife and natural habitats (Bern Convention).

- “Appropriate legislative and administrative measures must also be adopted to conserve the wild fauna species”
- Finnish Nature Conservation Act (1096/1996) and Decree (160/1997)

Nature Conservation Act

- The aim of the act is to **preserve the diversity of nature** in Finland, by ensuring that the favorable conservation status of different natural habitat types and native species is maintained or restored.
 - **Everyman's right:** “Finland's legal concept of everyman's right gives **everyone** the basic right to roam freely in the countryside, without needing to obtain permission, **no matter who owns or occupies the land.**”
- See pdf -brochure for more information!

Nature Conservation Nationally

- Finland's Nature Conservation Act protects specific natural habitat types (e.g. black alder swamps, sandy shores, coastal meadows...)
- The Forest Act additionally safeguards the characteristic natural features of seven key forest habitat types.
- Four aquatic habitat types are protected under the Water Act.
- All international agreements are not incorporated into only one national law!

Protected Areas

The **protected areas of Finland** include national parks, nature reserves and other areas, with a purpose of conserving areas of all of Finland's ecosystems and biotopes.

The state-owned protected areas cover a total of 14,961 km² while 1,220 km² are on private land.

More information on <http://www.metsa.fi/web/en/nature-conservation>

The Ministry of the Environment



1) The Ministry of the Environment guides the work related to environmental issues of the regional state administrative agencies and the centres for economic development, transport and the environment. Additionally, the Ministry guides the nature conservation work of the Natural Heritage Services unit of Metsähallitus.

2) The Ministry of Agriculture and Forestry is responsible for the work related to water resource management of the Finnish Environment Institute and the centres for economic development, transport and the environment.

Protected Species



Protected Species

- The Nature Conservation Act (Chapter 6) protects all species of birds and mammals not specifically listed as game species or unprotected species. Species other than mammals or birds can be protected by a separate decree. Plants are always protected by a decree.
- *Which principle of environmental law do you find in this?*
- The Nature Conservation Decree lists 62 animal, 131 plant and 13 moss species that are legally protected. In addition, the Decree lists the fish protected by the Nature Conservation Act.

Protected Species

The threat status of Finnish species is evaluated every ten years; most recently in 2010. The results of the assessment are published in the Red List of Finnish Species, listing Regionally Extinct, Threatened, Near Threatened and Data Deficient species.

For further information look for “The 2010 Red List of Finnish species”

Why should this interest you?

IUCN

- “International Union for Conservation of Nature, helps the world find pragmatic solutions to our most pressing environment and development challenges”
- “The IUCN Red List of Threatened Species - 50 years of guiding conservation action”
- Visit the IUCN website for more (and a lot of it) information

So, what does it mean for animal or plant species to be protected -in terms of legislation?

Legislative Instruments: Bans

- It is prohibited to deliberately kill or capture a protected animal. The appropriation, removal or deliberate destruction of nests, eggs and animals at other developmental stages in their life cycles is also prohibited.
- Protected animals must not be deliberately disturbed, particularly during breeding or in important resting places during migration.
- Any tree marked by an authority and hosting the nest of a bird is protected. Any tree hosting a large bird of prey is protected if the bird in question nests in it on a regular basis and the nest is clearly visible.

Legislative Instruments: Permits

The Centres for Economic Development, Transport and the Environment may issue special permits exempting an animal or plant species from protection, if their conservation status remains favourable. If the exemption application covers the entire country, the decision is always made by the Ministry of the Environment.



Legislative Instruments: Penalties

“If a natural or legal person... deliberately or through negligence causes damage, or imminence of damage, to protected species and natural habitats... the operator shall notify the centre for economic development, transport and the environment of the damage or the imminent threat thereof without delay and take the necessary measures to prevent or minimise any adverse effects...

Once notified of damage to protected species and natural habitats or the imminent threat thereof, the centre for economic development, transport and the environment shall... require that the operator who has caused the damage take measures to prevent any adverse effects or limit them to the minimum and, if necessary, require that the operator take remedial measures...

The centre for economic development, transport and the environment may intensify the effect of an order that it has issued by conditional imposition of a penalty payment, by having the omission corrected at the expense of the defaulting party, or by suspending operations.”

Legislative Instruments: Sanctions

Deliberate harming of endangered species is an environmental crime.

“The penalty for causing damage to the environment, or for any other nature conservation offence, is laid down in Chapter 48, sections 1–5, of the Penal Code.”

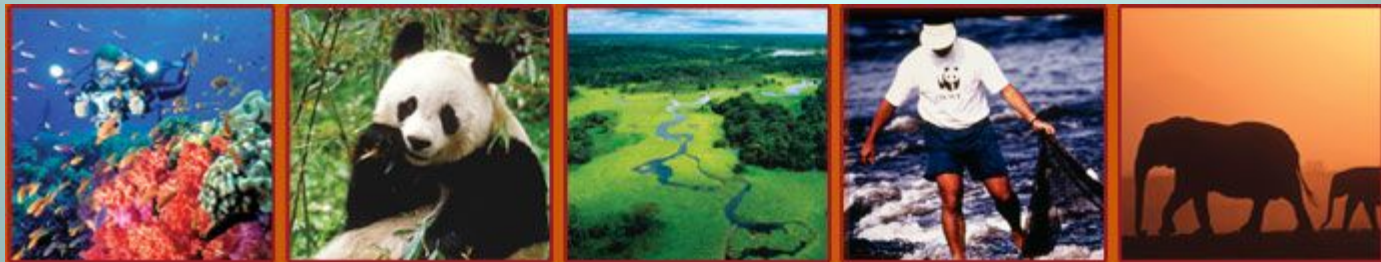
The Ministry of the Environment approves the guideline values for the protected species in euros. They help courts to handle protection regulation violations and determine compensation fees.

CITES

Remember this?

Why is this Convention an important tool for protecting endangered species?

Biodiversity



United Nations Conference on Environment & Development

Rio de Janeiro, Brazil, 1992

AGENDA 21

AGENDA 21

Agenda 21 aims to prepare the world for the challenges of the 21st century and contains detailed proposals in social and economic areas

- combatting poverty
- changing patterns of production and consumption
- demographic dynamics
- conserving and managing our natural resources
- protecting the atmosphere, oceans and biodiversity
- preventing deforestation
- promoting sustainable agriculture, among others.
- Several major initiatives in key areas of sustainable development, including legally binding conventions
- Read more on www.un.org

EU Biodiversity strategy

Set up in 1998, lays down a “general framework for developing Community policies and instruments to fulfill the Community's obligations under the Rio de Janeiro Convention on Biological Diversity”.

EU Biodiversity strategy

Developed around four major themes, with specific objectives being determined and implemented for each by means of action plans:

- conservation and sustainable use of biodiversity
- sharing of benefits arising out of the utilisation of genetic resources
- research, identification, monitoring and exchange of information
- education, training and awareness.

Biodiversity Action Plans

- Biodiversity Action Plan for the Conservation of Natural Resources
- Biodiversity Action Plan for Agriculture
- Biodiversity Action Plan for Fisheries
- Biodiversity Action Plan for Economic and Development Co-operation

Biodiversity Action Plans

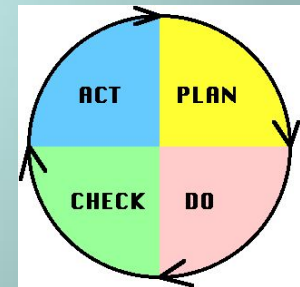
So:

International Convention for Biodiversity

» EU Strategy

» Action Plans

» then what?



Biodiversity Action Plans

...and where do you see the word “law” or “legislation” in this?

E.g. Biodiversity Action Plan for Agriculture

Priorities

The volume on agriculture begins with an analysis of the reciprocal relationship between agriculture and biodiversity stressing mutual benefits but also the pressure on biodiversity from farming. That analysis produced the following priorities for the action plan:

- keeping intensive farming at a level which is not harmful to biodiversity: by establishing good agricultural practice, reducing the use of fertilisers, supporting non-intensive modes de production and establishing sustainable resource management;
- ensuring that farming activities are economically viable, socially acceptable and safeguard biodiversity;
- implementing agri-environmental measures for the sustainable use of biodiversity;
- ensuring that the necessary ecological infrastructure exists;
- supporting measures related to maintaining local breeds and varieties and the diversity of varieties used in agriculture;
- preventing the spreading of non-native species.

E.g. Biodiversity Action Plan for Agriculture

Instruments

The communication mentions several Community instruments that can be used to implement the biodiversity action plan:

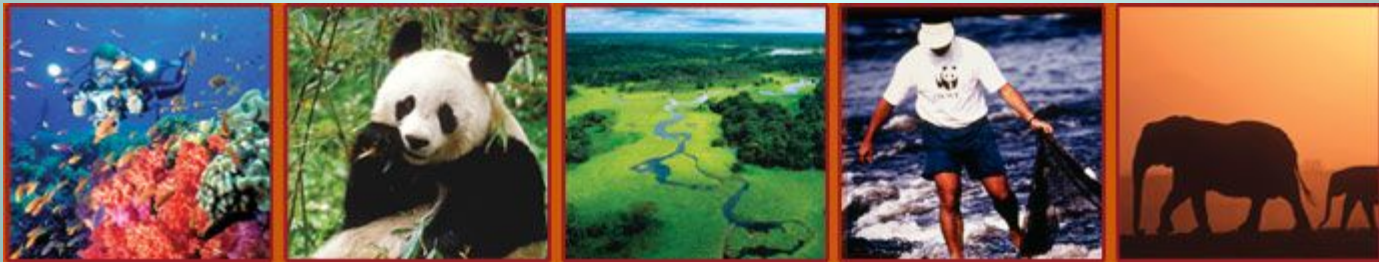
- The Council Regulation establishing common rules for direct support schemes under the common agricultural policy;
- agri-environmental measures in the field of rural development: these are one of the key instruments of this action plan;
- other rural development measures;
- the environmental components of common market organisations;
- the Regulation (EC) No 870/2004 on genetic resources in agriculture;
- the environmental components of market-related instruments on quality: as listed in Annex 2 of the communication;
- plant health legislation;
- Pre-accession agricultural instrument (SAPARD)

Biodiversity information systems

- The Biodiversity Information System for Europe (BISE) : <http://biodiversity.europa.eu/>
- SYKE: <http://biodiversity.fi/en/home>

Why are these important?

Protection of specific areas



Protection of specific areas (NATURA 2000)

Council Directive 92/43/EEC (1992) on the conservation of natural habitats and of wild fauna and flora:

- “The European Union is seeking to ensure biodiversity by conserving natural habitats and wild fauna and flora in the territory of the Member States.”
- “An ecological network of special protected areas, known as "Natura 2000", is being set up for this purpose. “
- “The network is given coherence by other activities involving monitoring and surveillance, reintroduction of native species, introduction of non-native species, research and education.”

What is NATURA 2000 in practise?

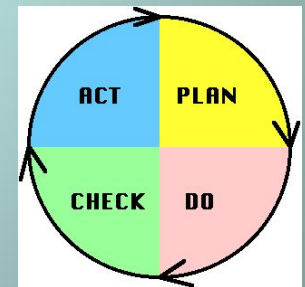
- Annexes I and II to the Directive contain the **types of habitats and species** whose conservation requires the designation of special areas of conservation.
- Some of them are defined as "priority" habitats or species (in danger of disappearing).
- Annex IV lists **animal and plant species** in need of particularly strict protection.

So you have a list of species and habitats?

- Each Member State drew up a list of sites hosting natural habitats and wild fauna and flora.
- On the basis of the national lists, the Commission adopted a **list of sites of Community importance** for each of the nine EU biogeographical regions.
- The Member State designated these areas as a special area of conservation.

So you have a list of areas?

- Member States must take all necessary measures to guarantee the conservation of habitats in special areas of conservation, and to avoid their deterioration and the significant disturbance of species.
- Every six years, Member States must report on the measures they have taken pursuant to the Directive.



So, in Finland, for example?

- Conservation of Natura 2000 areas can be ensured by governmental legislation, by administrative orders or by voluntary agreements.
- For the most part conservation leans on the Nature Conservation Act, but nature is also conserved with laws such as the Forest Act, the Water Act, the Land Use and Building Act ...
- **Any activity which does not compromise conservation efforts can be permitted in these areas.**

The Nature Conservation act...

The Nature Conservation act, Chapter 10 “Special provisions on the European Community Natura 2000 network”:

- 65§ “If a project or plan,..., is likely to have significant adverse effect on the ecological value of a site included in,..., the Natura 2000 network,..., the planner or implementer of the project is required to conduct an appropriate assessment of its impact.”
- “The above assessment of impact can also be carried out as part of the assessment procedure referred to in Chapter 2 of the Act on Environmental Impact Assessment Procedure“

The Nature Conservation act...

- §66 “No authority is empowered to grant a permit for the implementation of a project,..., if the assessment procedure ...indicates that the project or plan would have a significant adverse impact on the particular ecological value for the protection of which the site has been included in”

Why should this interest you?

Natura 2000 European protected areas — interactive map

So... What did you learn today?

(PLEASE don't just sit there quietly...)

Questions?
Comments?
Feedback?

