

Environmental Administration and Legislation

Mikkeli University
of Applied Sciences
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REVISION

What did you learn last week?

What is legislation?



General Principles* of Environmental law

- Polluter Pays Principle
- Precautionary Principle
- Principle of Sustainable Development
- Common heritage of mankind



Common features in a piece of legislation*

- Purpose: (typically the first article) defines the reason(s) for which a piece of legislation is put down
- Definitions: for the purposes of executing legislation it is essential to define the terminology used in the legislation text.
 - Note that most people who read legislation are not experts in the field of specific legislation. This applies especially to environmental legislation.
- Implementation, exemptions and penalties: defines the implementation of the law and possible exemptions
- Specific articles: the actual content, possible mandate to decree, administrative arrangements
- Entry into force, possible deadlines and transition periods
- Signature!

Types of legislation: e.g. EU

- Community legal instruments:
 - **regulations:** these are binding in their entirety and directly applicable in all Member States;
 - **directives:** these bind the Member States as to the results to be achieved; they have to be transposed into the national legal framework and thus leave margin for maneuver as to the form and means of implementation;
 - **decisions:** these are fully binding on those to whom they are addressed;
 - **recommendations and opinions:** these are non-binding, declaratory instruments.
- In addition to these instruments, practice has led to the development of: interinstitutional agreements, Resolutions, Conclusions, Communications, green papers and white papers
 - published to stimulate discussion
 - documents containing proposals for Community action in a specific area



Types of legislation



- National Acts:
 - Framework acts set up the framework for obtaining a larger purpose e.g. Environmental Protection Act
 - Typically more detailed instructions are given in specific laws or decrees given on basis of the framework legislation
- Decree: can be given by parliament, government or by mandated ministry
 - e.g. Environmental Protection Decree, Government Decree on Treating Domestic Wastewater in Areas Outside Sewer Networks
- Decision: gives even more detailed instructions
- Local regulations

International (Environmental) Agreements

WORKSHOP 1

International Environmental Law

- Why do you suppose environmental legislation has many similar elements in most national legislations?

- Sources of international law?

- International Environmental Law...
 - International Environmental Agreements
 - Wikipedia: list of international environmental agreements
 - Choose one of the following
 1. the Aarhus Convention
 2. The Kyoto Protocol
 3. The Montreal Protocol
 4. Rio Declaration
 5. the Basel Convention
 6. the Washington Convention (CITES)
 - Or some other international environmental agreement as agreed with me.

Working with other students with the same topic, prepare to present to the entire group

- Aim of this environmental agreement
- Brief history of this environmental agreement
- **A case example** of how this international environmental agreement works.
- Post your findings in the relevant discussion forum in Moodle.

Timeframe:

- Preparations about 30 minutes
 - Presentations, maximum of 5 minutes each, beginning at 10:45.
- PLEASE don't forget to add your material to Moodle!

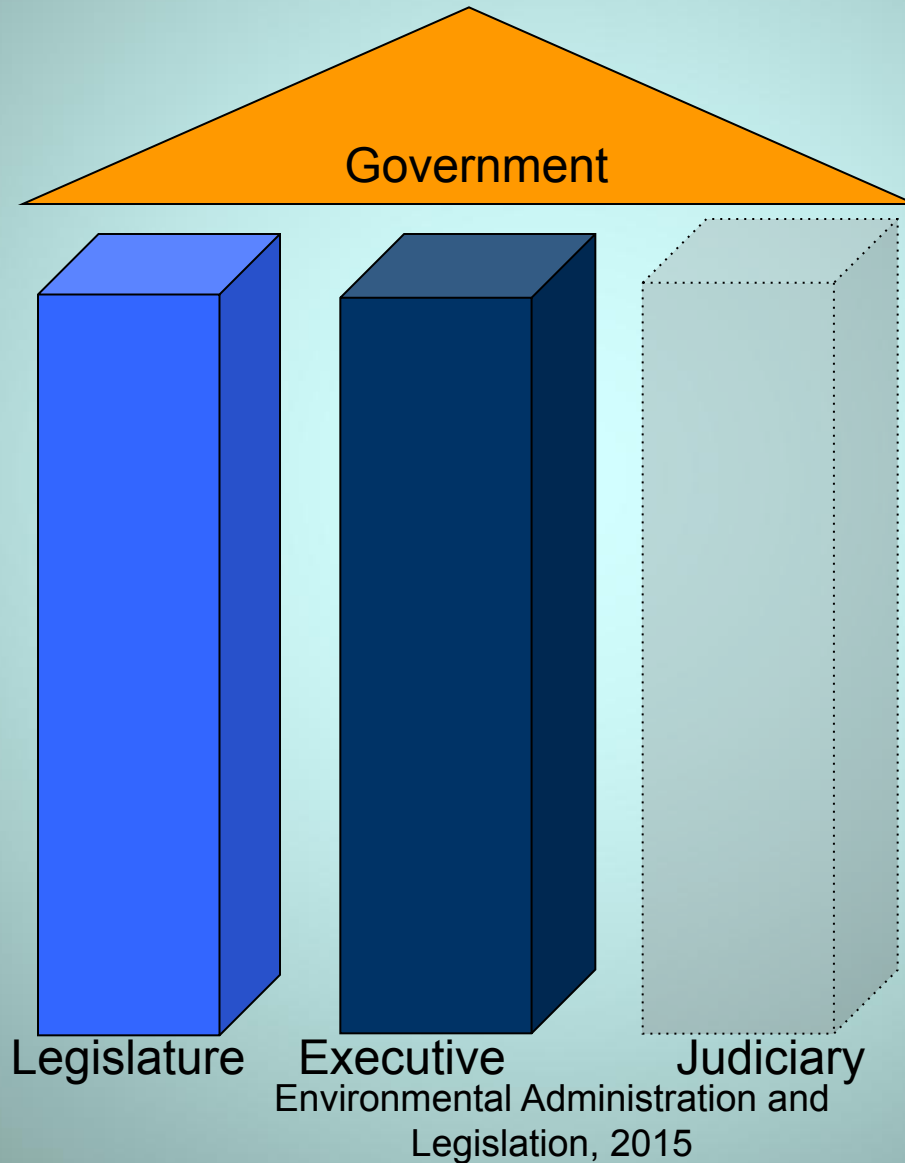
To revise, what did you learn about

1. the Aarhus Convention
2. The Kyoto Protocol
3. The Montreal Protocol
4. Rio Declaration
5. the Basel Convention
6. the Washington Convention (CITES)

- *The encouraging thing about international environmental law is that it seems to actually affect the state of the global environment.*
- *All agreements are not about prevention of pollution or banning the use of some harmful substance, but also about the right to access information and to participate.*
- *The general principles of environmental law can be found in international environmental agreements.*
- *It takes the effort of several nations to affect most environmental issues - not just the global ones-, particularly when it comes to "not shipping the problem elsewhere".*

Environmental Administration

Which of these are administration?



Executive Power*

(wikipedia)



- **Executive branch** of government is the part of government that has sole authority and responsibility for the daily administration of the state bureaucracy.
- For the purposes of this course, we'll use the terms "administration" or "public authorities"
- Every state has a number of institutions which exercise authority based on longstanding practices. Apart from this, every state sets up agencies which are competent in dealing with one particular matter. All this is set up within its charter.
- Administrative law and Environmental Protection Act!

What is “administration”?

Wikipedia: “**Public administration** houses the implementation of government policy and an academic discipline that studies this implementation and that prepares civil servants for this work....

“Some definitions are:

- the management of public programs;
- the translation of politics into the reality that citizens see every day;
- the study of government decision making,
- the analysis of the policies themselves,
- the various inputs that have produced them, and the inputs necessary to produce alternative policies.”

Reminder: Administrative law*

- Governs the activities of administrative agencies of government, including
 - rulemaking
 - enforcement of a specific regulatory agenda
 - decision-making of administrative units of government that are part of the national regulatory scheme in, e.g. environment
- Rapid expansion during the 20th century, creation of government agencies to regulate increasingly complex social, economic and political spheres of human interaction.

Environmental administration?*

Governmental organs that:

1. enforce environmental legislation
2. make decisions on how environmental legislation is implemented
3. monitor compliance with environmental legislation
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.

Typical Arrangement

MoE prepares environmental legislation for parliamentary proceedings and also has the authority to pass decrees and decisions independently. *Remember what makes these valid pieces of legislation?*

- Typically MoE does not have the power to delegate this power
- Regional and local authorities may also have the power to use legal instruments (“pass laws”), if it is written to the relevant piece of legislation.

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.

Discussion topics

- How does it work in your (project) country?
 - Is there a MoE or does some other ministry deal with environmental legislation and administration?
 - Are there regional and local authorities?
- Which legislation controls this?

Tasks of Finland's env administration

“Promotes sustainable development, aims at creation of attractive and safe living environments, safeguarding biodiversity, prevention of environmental damage and improvement of housing conditions in Finland.”

Tasks of Finland's env administration

“The administrative sphere of the Ministry of the Environment (MoE) encompasses the Housing Finance and Development Centre of Finland (ARA) and the Finnish Environment Institute (SYKE).”

Tasks of Finland's env administration

“MoE supervises the work related to environmental issues of the regional state administrative agencies and the centres for economic development, transport and the environment (regional authorities).”

Tasks of Finland's env administration

“The Ministry also supervises the nature conservation work of the Natural Heritage Services unit of Metsähallitus (a state-owned enterprise).”

The Ministry of the Environment

Fin Environmental Protection Act (86/2000):

“The Ministry of the Environment is in charge of general steering, surveillance and development referred to in this Act.”

The Ministry of the Environment

Formulates the Finnish Government's environmental and housing policies on issues such as environmental protection, land use, nature conservation, construction and housing.

The Ministry of the Environment

The Ministry is also responsible for strategic planning and management in its administrative area, the drafting of new legislation, and international co-operation on environmental issues.

The Finnish Environment Institute

Fin Environmental Protection Act (86/2000):

“The Finnish Environment Institute shall act as the competent authority in accordance with Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer and Regulation (EC) No 842/2006 of the European Parliament and of the Council on certain fluorinated greenhouse gases. (1075/2010)”

The Finnish Environment Institute (SYKE)

- Finland's national centre for environmental research and development, also responsible for certain administrative tasks.
- SYKE compiles, processes and publicises a wide range of environmental data, while meeting Finland's reporting obligations under European Union environmental legislation and other international agreements. **BAT**
National working groups!
- SYKE is also responsible for various aspects of water resource management and use in Finland.

Regional State Administrative Agency

Fin Environmental Protection Act (86/2000):

*“The State **permit authorities** referred to in this Act are the regional State administrative agencies as provided in the Act on Regional State Administrative Agencies (896/2009).”*

*“The regional State administrative agency **supports** the operations of the **municipal environmental protection authority** in matters falling within its remit.”*

Regional State Administrative Agency

- The agencies handle and resolve environmental permit issues in accordance with the Environmental Protection Act and the Water Act, and issues of administrative constraint in accordance with the Water Act.
- The agencies also deal with most major compensation claims related to water pollution. The Ministry of the Environment guides the work related to environmental issues of the regional state administrative agencies.

Regional State Administrative Agency

- Four regional state administrative agencies are responsible for environmental permit-related tasks: (Southern; Eastern; Western and Inland Finland; and Northern Finland).
- The Ministry of Finance supervises the general administrative work of the regional state administrative agencies.

Centres for economic development, transport and the environment

Fin Environmental Protection Act (86/2000):

“Within its territory, the Centre for Economic Development, Transport and the Environment steers and promotes the execution of duties referred to in provisions issued in this Act and under it, enforces these provisions and exercises its right to defend public environmental interests in decision-making based on this Act. (1590/2009)”

Centres for economic development, transport and the environment

Under the supervision of the Ministry of the Environment, the centres are responsible for:

- environmental protection,
- land use,
- guidance on construction,
- management of the cultural environment,
- protection of biodiversity and its sustainable use,
- and monitoring of the state of the environment in their respective regions.

Centres for economic development, transport and the environment

The centres are also responsible for the enforcement of permits in accordance with the Environmental Protection Act and the Water Act, and the enforcement of administrative measures of constraint in accordance with the Environmental Protection Act. Furthermore, under the supervision of the Ministry of Agriculture and Forestry, the centres handle tasks related to water resource use and management.

Centres for economic development, transport and the environment

- The environment and natural resources are included in the areas of responsibility of 13 centres for economic development, transport and the environment.
- The Ministry of Employment and the Economy supervises the general administrative work of the centres for economic development, transport and the environment.

Local Environmental Administration

Fin Environmental Protection Act (86/2000):

“Municipal environmental protection committee

The permit and enforcement duties of a municipality laid down in this Act are the responsibility of the municipal environmental protection committee referred to in the Act on Municipal Environmental Administration (64/1986) which exercises its right to defend public environmental interests in decision-making based on this Act. “

Local Environmental Administration

Fin Environmental Protection Act (86/2000):

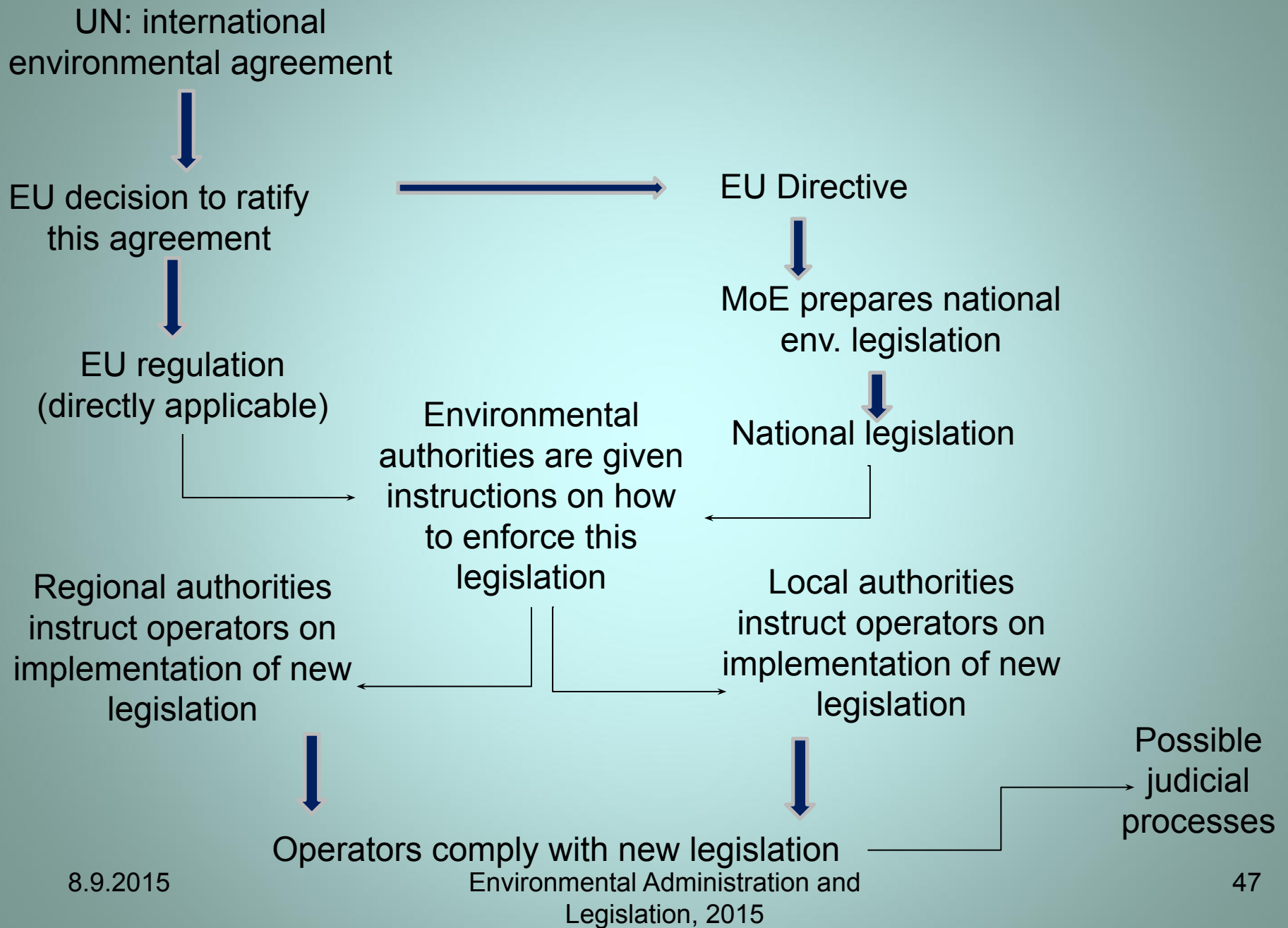
“The municipal environmental protection committee may delegate the authority referred to in this Act to an official as is laid down in the Act on Municipal Environmental Administration. Authority may not, however, be delegated to an official in matters involving the use of administrative compulsion.”

Local environmental administration

- Local authorities have a broad responsibility for the provision of basic services to citizens.
- Local authorities have strong self-government based on local democracy and decision making, and the right to levy taxes.

Local environmental administration

- Local authorities are responsible for land use planning and building supervision.
- Local authorities grant environmental permits, monitor the state of the environment and control functions affecting the state of the environment.
- They promote sustainable development and compile regional Agenda 21 programmes.



Environmental Agencies

European Environmental Agency, US Environmental Protection Agency

EEA

EU specialised agencies

The EU's agencies and decentralised bodies can be categorised into:

- Regulatory agencies and bodies
- Executive agencies
- Financial supervisory bodies
- The European Institute of Innovation and Technology (EIT)

Regulatory agencies and bodies

- A number of specialised and decentralised EU agencies established to support the EU Member States and their citizens.
- The regulatory agencies and bodies include:
 1. **Policy agencies:** bodies governed by European public law; they are distinct from the EU Institutions (Council, Parliament, Commission, etc.) and have their own legal personality. They are set up by an act of secondary legislation in order to accomplish a very specific technical, scientific or managerial task (e.g. **European Environment Agency**)
 2. Common Security and Defence Policy agencies
 3. Police and judicial cooperation in criminal matters agencies

So....

The EEA is a regulatory policy agency, set up in order to accomplish a specific technical, scientific and managerial task in the field of the environment.

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.”

www.eea.europa.eu

- Please visit the EEA webpage for more information and helpful publications
- What is the difference between EEA and environmental consultants?

US EPA

US EPA (www.epa.gov)

- Also, please visit www.epa.gov for useful links and information
- Uses a variety of tools and approaches, like partnerships, educational programs, and grants in environmental protection.

US EPA Regulations^(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.”

Why should this interest you?

The Role of NGO's

What is a NGO?

Wikipedia: “A **non-governmental organisation (NGO)** is a legally constituted organisation created by natural or legal persons that operates independently from any government.”

Environmental TNGO's

Transnational environmental networks, might acquire a variety of benefits in sharing information with other organizations, campaigning towards an issue, and exchanging contact information.

The logo for Greenpeace, featuring the word "GREENPEACE" in a bold, green, sans-serif font with a slightly distressed or hand-painted appearance.

Global governance — the rise of non-state actors

- “The growth of diverse non-state actors and institutional arrangements has begun to change the dynamics and outcomes of global environmental politics.
- If managed carefully, greater involvement of non-state actors can enhance the problem-solving capacity of international institutions, add new governance mechanisms to existing international treaties and provide for a more inclusive and legitimate form of international policymaking.”

Is this a good thing or a bad thing?



Translation to text: The Kainuu Centre for economic development, transport and the environment –SOLD to Talvivaara Ltd.

So... What did you learn today?

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

Questions?
Comments?
Feedback?

