

25 March 2020

Approval process at the Ministry of the Environment for Application Form C for the Trans-European networks' (TEN-T) Connecting Europe Facility (CEF) Transport application

Background

The CEF Transport application can be used in applying for aid for studies, studies with physical interventions or works. If the application concerns a study, the project's compliance with environmental regulations does not need to be assessed. Otherwise, the approval of the environmental authorities will be required, i.e. the applicant must submit form C to the Ministry of the Environment for signature and stamping. Applicants are advised to familiarise themselves with the contents of Form C well in advance when planning an application for aid.

Filling in Application Form C

The applicant is fully responsible for filling in Form C. The applicant must give special attention to the careful and correct completion of the form. Incomplete forms or those in need of correction will be returned for completion. To support the assessment of Form C, the applicant must submit to the Ministry of the Environment a general description of the project, a statement by the competent authority, i.e. the ELY Centre on compliance with the Water Framework Directive and Natura 2000 regulations, and, if necessary, a decision or an opinion on the application of the EIA procedure to the project. Where necessary, the Ministry of the Environment will advise on the need for decisions or opinions by the ELY Centre.

The statement request submitted by the applicant to the ELY Centre should take into account that different authorities at the ELY Centre are responsible for different areas (Water Framework Directive, EIA, Natura 2000). You should contact the ELY Centre's relevant unit, either the environmental and nature protection units, the water and marine resources management units or the EIA contact authority.

The ELY Centre's opinions on the Water Framework Directive and Natura may be included in the same statement. An EIA decision (screening decision) is a separate document in compliance with the EIA Act and EIA Decree. However, an EIA decision can contain the aforementioned information, in which case there is no need to request a separate statement on these. The applicant must reserve enough time for obtaining the needed materials, for example due to the statutory processing times of authorities.

Checking the content of Application Form C

Application Form C and the aforementioned materials necessary for reviewing the application must be submitted to the Ministry of the Environment in accordance with the national deadline, which is often around a month prior to the final submission of applications to the Commission. A more detailed national timetable will be announced on the Finnish Transport Infrastructure Agency's website for each application. The Ministry of the Environment will review each Application Form C in its entirety from the perspective of Finnish legislation, including those sections that do not require a separate signature from the Ministry. Numerous experts from the Ministry of the Environment participate in the review of the form, which is why the review round takes time. The sections to be reviewed are the following:

1. Compliance with environmental legislation (*Environmental Impact Assessment / EIA Directive 2011/92/EU*); EIA

A review is carried out to determine whether the project is compliant with Annex I or Annex II of the EIA Directive or neither of these.

- Annex I to the EIA Directive include projects that are subject to the EIA procedure and these are all included in the Finland's EIA Act's project list. A link to the EIA report statement / reasoned conclusion¹ given by the EIA competent authority or the same document in electronic format must be appended to the application.
- The EIA procedure can be applied on a case-by-case basis to projects listed in Annex II to the EIA Directive if the ELY Centre has made a decision on this. In the case of Annex II projects, an EIA decision issued by the competent authority, i.e. the regional ELY Centre, on the application or non-application of the EIA must be appended to Form C.
 - If the EIA procedure has been applied to the project, in addition to the actual decision, a link to the EIA report statement / reasoned conclusion or the document in question in electronic format needs to be appended to the application.
 - If no individual decision has been made on an Annex II project or the project has changed after the decision has been issued, a decision on the matter will be required from the ELY Centre's EIA contact authority. The statutory deadline for issuing a decision is one month from the time that the ELY Centre has received sufficient information on the project and its environmental impacts (cf. Decree on Environmental Impact Assessment Procedure 277/2017, section 1) If the ELY Centre does not make an EIA decision on the project due to its apparent low environmental impact, the ELY Centre's opinion and its justifications needs to be appended to Form C.

2. Assessment of the effects of certain plans and programmes on the environment (2001/42/EC); SEA

In Finland, the strategic environmental assessments referred to in the SEA Directive are carried out on all plans compliant with the Land Use and Building Act (132/1999), water management plans compliant with the Act on the Organisation of River Basin Management and the Marine Strategy (1299/2004) and the Finnish Marine Strategy as well as plans and programmes that are listed in section 1 of the SEA Decree. Planning is carried out in accordance with the provisions contained in the Land Use and Building Act on the assessment of the impact of the plans, and the results of the assessment are presented in the Plan's report. Provisions on the environmental assessment of other plans and programmes mentioned above and the environmental report to be drawn up during the assessment are included in the SEA Act (200/2005).

¹EIA procedures that have started before 16.5.2017 apply the former EIA Act (468/1994) and contain a statement. Those EIA procedures that have started on 16.5.2017 and after apply the new EIA act (252/2017) and contain a reasoned conclusion.

With regard to the application of the SEA Directive, the applicant must determine the existing valid plans and programmes and the impact assessments carried out in these, including especially the land use plans that are compliant with the Land Use and Building Act and the impact assessments related to them. With regard to land use plans, it is possible that the impact assessments have been carried out on several plan levels, and in different level of detail. If the planning and implementation of the project is guided by a legal master plan or local detailed plan, and the impact assessment has been carried out in connection with these, the possible regional land use plan does not need to be discussed separately in the application. However, the regional land use plan for the project area should be mentioned if the impact assessment has been carried out predominantly in connection with regional land use planning. Depending on the project in question, it may be necessary to also mention other plans and programmes (e.g. a river basin management plan or the Finnish Marine Strategy) that require environmental impact assessment and are linked to the project.

3. Directive establishing a framework for community action in the field of water policy (Water Framework Directive 2000/60/EC)

The application must include an assessment on the implementation of the Water Framework Directive and the impact of the project on surface waters and groundwaters. The Ministry of the Environment will receive a statement from the regional ELY Centre on the possible impacts of the project on the implementation of the Water Framework Directive.

4. Natura 2000 (Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora)

The application must include an assessment on the impacts of projects and plans that are likely to have a significant effect on sites included in the Natura 2000 network. A map of the Natura 2000 sites closest to the project area have to be attached to the application. The Ministry of the Environment will receive a statement from the regional ELY Centre on the Natura assessment / need of an assessment² or an opinion on the project's possible impacts on the Natura Network. If the EIA procedure has been implemented in the scope of the project, the Natura assessment may have been included in this.

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²The ELY Centre may find that the project requires a Natura assessment of needs, and, on this basis, a Natura assessment. The ELY Centre must issue a statement on the Natura assessment within six months.