



Arctic Project Development: Testing the law? Legal challenges of large infrastructure projects the example of the Finnafjord Port

Impact Assessment Regulations from a general point of view

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Background

- **Impact assessment regulations**
 - Environmental Impact Assessment (EIA)
 - **Act No 106/2000 on EIA**
 - Implementation of EU's EIA directive
 - **Act No 105/2006 on SEA**
 - Environmental report and Master Planning (735/2013)
 - Mixed generally positive but negative environmental effects
- **Finnafjord project in North-East Iceland**
 - The project is a deep sea port in the North Atlantic ocean for transshipment crossing the North Pole capturing the Asia-Europe route



Legal Environment

- **The EIA Act applies to the port project**
 - Assessment of the environmental effects of public and private projects which are likely to have significant effects on the environment
 - (2019-2020)
- **Screening of the project would not be necessary**
 - Trading ports, piers for loading and unloading connected to and outside ports which can take vessels of over 1 350 tones (type A)



Legal Environment

- EIA takes place before development consent is given (could be several)
- **EIA consists of**
 - The preparation of the EIA report
 - The necessary consultation
 - Authorities, institutes, the public
 - The competent authority examination of the information in the EIA report (NPA)
 - The integration of the outcome of the EIA into any decision to grant development consent



Legal Environment

- **The developer is responsible for the EIA**
 - Applicant for a authorization for a private project or the public authority which initiates a project
- **During the procedure some NPA decisions can be appealed by the developer to an independent panel**
 - Scoping decision e.g.



Legal Environment

- When the EIA procedure is concluded
 - Development consent is issued
 - Publication of the decision with reasoned conclusion on the significant effects of the project, conditions etc.
 - Marine and air pollution could be significant
 - Those having sufficient interest or affected by the decision and NGOs fulfilling particular criteria can challenge the procedure and the decision
 - Independent panel and or civil court



Conclusions

- The assessment regulation is present
- SEA has taken place – General Master Planning
 - Assessment of location alternatives is not present
- EIA for a large trading port project in Finnafjord has not been concluded
 - Assessment of reasonable location alternatives is necessary