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YM13/39/2006

Informal translation into English of the letter YM13/39/2006 of 20 April 2006

Centro de Derechos Humanos y Ambiente (CEDHA)  
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Cordoba 5000  
Argentina

Viite  
Hänvisning

Your letter, dated 17 March 2006

Asia  
Ärende

Request for environmental information concerning a pulp factory project in Uruguay

*Request for environmental information and processing of the matter*

The Ministry of the Environment received your letter on 20 March 2006. The letter contains a list of matters for which you request information. There are 19 different questions. You have also sent a request equivalent to that sent to the Ministry of the Environment to the Ministry of Trade and Industry of Finland. The Ministry of Trade and Industry has transferred the matter to be resolved by the Ministry of the Environment in the context of its reply. Part of your request for documentation is addressed to the Council of State, for which reason the Ministry of the Environment has worked in co-operation with the Ministry for Foreign Affairs of Finland and the Ministry of Trade and Industry in processing the matter.

In processing the request for information it has been studied whether the Ministry of the Environment or other ministries of the Council of State possess documents which relate to the matters in the following list:

- any information or specifics pertinent to the payment or exemptions from tax of these investments in Uruguay or in Finland;
- any information or specifics concerning demands or conditions imposed by the Finnish State or by any of the private companies on Uruguayan legislation reforms as preconditions for investments;
- information that the Finnish government has regarding environmental, economic and social risks and impacts of the project;
- information that the Finnish government has regarding macroeconomic risks of the project;
- information that the Finnish government has regarding pre-established guarantees of labour and material costs;
- information that the Finnish government has regarding market accessibility and exclusiv-

ity of operations;

For the outstanding matters, under Section 15 of the Act on the Openness of Government Activities (621/1999) your request has been forwarded on 23 March 2006 to Finnvera plc. for processing.

On 13 August 2004, Finland adopted the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Statutes of Finland Treaty Series (SopS) 122/2004). The provisions of the Convention relating to environmental information have been implemented by the Act on the Openness of Government Activities and the regulations given under this Act. However, the scope of the application of the aforementioned Act is general in nature and is not restricted to matters dealing with environmental information. For this reason, the Ministry of the Environment has not considered which of the questions in your request for information relate to environmental information as per the Aarhus Convention, but has instead treated your request under the current general Finnish legislation, which also covers environmental information.

### *Content of the Decision*

In relation to the first matter in your request, one can note that there are no special regulations under Finnish legislation concerning tax exemptions for the investment in question.

Documents containing the information mentioned in relation to the other parts of your request are not in the possession of the Ministry of the Environment or of the other ministries of the Council of State.

### *Grounds for the decision*

The pulp factory project referred to in your request is a project in Uruguay of Metsä-Botnia plc., a private Finnish company. The Finnish State does not participate in financing the project. The Export Credit Agency, Finnvera plc., which is an independent limited company, is processing the grant of an export credit to the project. Moreover, neither the Ministry of the Environment of Finland nor the Finnish environmental authorities have competence in relation to an environmental impact assessment or granting environmental permits, nor is the Finnish State or its authorities under Finnish legislation competent to process matters relating to investments of Finnish companies in other countries. For this reason, the Ministry of the Environment or any other ministry of the Council of State does not prepare, for example, environmental impact assessments of investments nor are such assessments supplied to it.

The Ministry of the Environment would, however, like to note that the Finnish Government and the Uruguayan Government made on 21 March 2002 an agreement to promote investments, which entered into force on 18 June 2004 (Statutes of Finland Treaty Series 84/2004)

The Ministry of the Environment recommends to the party requesting information to turn to the competent Uruguayan authorities, if necessary. The Ministry further notes that the homepages of Metsä-Botnia plc. available at [www.metsabotnia.com](http://www.metsabotnia.com) contain information on the environmental and socioeconomic impact assessment of the project and of the granted environment permit.

Although the Finnish Council of State is not involved in the project nor is it a party to it, the Finnish Ministry of the Environment has offered to the Uruguayan authorities, at their request, training assistance regarding the monitoring of pulp and paper factories and is ready to offer equivalent training also to the Argentinian environmental authorities.

*Language of the decision*

Finally, the Ministry of the Environment notes that as per the Language Act (423/2003) Finland's national languages are Finnish and Swedish. The Ministry of the Environment has dealt with your English language request, but gives this official reply in Finnish. Additionally, the Ministry of the Environment will provide an unofficial English translation as soon as it is prepared.

Minister of the Environment

Jan-Erik Enestam

Counsellor, Legal Affairs

Tuomas Kuokkanen

Annex (informal translation into English)

## INSTRUCTIONS FOR APPEAL

### Appellate authority

This decision can be appealed to the Supreme Administrative Court by presenting a written letter of appeal. The letter of appeal shall be addressed to the appellate authority and must be delivered within the appeal period to the registry of the Supreme Administrative Court.

### Appeal period

An appeal must be delivered within 30 days from the date of service of the decision. In determining the appeal period the day the service is received is not counted. If the last day of the appeal period is a Sunday or holiday, a Saturday, Finnish Independence Day, May Day, Christmas Eve or Midsummer Night's Eve, the appeal period continues during the next working day.

The date of service appears in a certificate of service or an advice of receipt. When served by postal letter, the concerned party is considered as served, unless otherwise shown, on the seventh day from the day the letter was sent. When it is a question about a substitute service, the decision is considered as served, unless otherwise shown, on the third day from the date indicated in a certificate of service or an advice of receipt. An official letter is considered as served to an authority on the day of its arrival.

### Contents of appeal

In the letter of appeal, there must be mentioned

- name and home municipality of the appellant
- decision that is subject to appeal, which points of the decision are subject to appeal, what changes are demanded and the justifications on which a change is required
- postal address and telephone number to which announcements concerning the proceedings can be delivered

If an attorney or a legal representative uses the appellant's right to be heard or if the appeal is drawn up by another person, the name and the home municipality of this must be mentioned in a letter of appeal.

A letter of appeal must be signed by the appellant, his/her attorney or legal representative.

### Annexes to the letter of appeal

The following documents must be annexed to the letter of appeal

- the original or a copy of the decision which is being appealed
- a certificate concerning the service date of the decision or other declaration of the beginning of the appeal period
- a letter of attorney to the appeal
- documents to which the appellant refers to in order to support his/her demands if they have not previously been delivered to the authority.

### Delivery of the letter of appeal

The letter of appeal can be delivered by the appellant or by his/her representative. On one's own responsibility, it can also be delivered by post, through a courier or by electronic mail. A letter of ap-

peal has to be delivered in time so that it arrives on the last day of the appeal period before the end of office hours. The working hours of the registry of the Supreme Appellate Court are 8.00-16.15.

The appellant is charged a legal proceedings fee of 200 euros in the Supreme Administrative Court. The Act on Fees for Services Produced by Courts and Certain Judicial Administrative Authorities (701/1993) regulates certain instances in which a fee is not charged.

The Supreme Administrative Court's

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