



5.6.2017

LUOTTAMUKSELLINEN

Ei julkaista

Uudenmaan ELY-keskus

kirjaamo.uusimaa@ely-keskus.fi

Warsaw, 5 June 2017

**To: Centre for Economic Development, Transport and the
Environment for Uusimaa**

Asemapäällikönkatu 14, P.O.Box 36

FI-00521 Helsinki

FINLAND

MEMORANDUM

PERTAINING TO THE PUBLIC CONSULTATION PROCESS

FOR THE NORDSTREAM EXTENSION PROJECT

ClientEarth Prawnicy dla Ziemi, a foundation registered in Poland, would like to state that the proposed NordStream Extension project (the so-called "NordStream 2" project, hereinafter referred to as the "investment" or the "proposed investment") will have serious adverse implications for the environment of the countries in the Baltic Sea basin, including for such countries as Finland and Poland.

We believe that these serious implications have not been taken into account sufficiently in the EIA report and the Espoo report which are now the subject of public consultations in Finland.

Specifically, we are of the opinion that:

1. Both the EIA report and the Espoo report give an inaccurate assessment of the impact of the proposed investment on Natura 2000 sites located in both the countries of origin and the affected countries. The proposed investment is clearly one that is likely to have a significant impact on the environment, which is evidenced simply by the fact that the project requires an environmental impact assessment in each of the countries in which it is to be undertaken. It is therefore clear that since the investment runs through or very near to Natura 2000 sites, it must be assessed also as to its potential impact on these sites and that such an assessment

must meet the standards provided for in European Union law, specifically in art. 6 of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (hereinafter referred to as the “Habitats Directive”).

It is the established case law of the Court of Justice of the European Union that art. 6 (3) of the Habitats Directive nor any other provision thereof specifies the exact procedure which must be followed in order to ensure an appropriate assessment of the impact of an investment on Natura 2000 sites. The Court has, however, held that such an assessment must be organized in such a manner that the competent national authorities can be certain that a plan or project will not have adverse effects on the integrity of the site concerned, given that, where doubt remains as to the absence of such effects, the competent authority will have to refuse authorization (thus: CJEU in case no. C-304/05 Commission of the European Communities vs. the Italian Republic, paragraph 58, and see, to that effect, Waddenzee, paragraphs 56 and 57, and Castro Verde, paragraph 20).

In the case of the instant investment, there are numerous Natura 2000 sites, spread across a total of 8 countries. The Espoo Report indicates that the Natura 2000 sites located in Poland selected for assessment:

- a. SAC PLH990002, Ostoja na Zatoce pomorskiej
- b. SPA PLB990003, Zatoka Pomorska

are both located 22 kilometers from the planned investment.

At the same time, however, the Espoo Report (pg. 375 and 376) lists these two Natura 2000 sites among those located no more than 6 km from the proposed route of the investment. Irrespective of this discrepancy, however, we believe that there are as yet insufficient grounds to state that the proposed investment will have no impact on the Natura 2000 sites, particularly those in Poland, as is stated in the Espoo Report.

Furthermore, given that there are concerns as to the effect of the investment on the Natura 2000 sites, specifically those that have marine mammals as the designation basis, it is not enough for the Espoo Report simply to have one paragraph (on page 377) stating that there is a limited potential for an impact on the overall functioning of the Natura 2000 system. This assessment is, in our view, at least premature, particularly given that, as is stated on page 376 of the Espoo Report “In writing this Espoo Report (and the Finnish EIA), detailed information about the location and features of munitions on the seabed was not available. The Natura 2000 Appropriate Assessment for the >>Kallbådan Islets and Waters<< Natura site will be carried out in accordance with the requirements of the Habitats Directive after receiving the detailed information on observed munitions (location, characteristics) to be cleared.”

We consider it impossible in these circumstances to issue a decision allowing for the construction of the investment, given that there are doubts concerning its impact on Natura 2000 sites and the information regarding at least one such site is incomplete. It should be noted that only once an administrative authority is certain that an investment shall have no adverse impact on a Natura 2000 site may it grant permission for such an investment – this is confirmed by CJEU case law, exemplified by case no. C-258/11 Peter Sweetman and Others v

An Bord Pleanála, where the CJEU stated that “It is to be noted that, since the authority must refuse to authorize the plan or project being considered where uncertainty remains as to the absence of adverse effects on the integrity of the site, the authorization criterion laid down in the second sentence of Article 6(3) of the Habitats Directive integrates the precautionary principle and makes it possible to prevent in an effective manner adverse effects on the integrity of protected sites as a result of the plans or projects being considered. A less stringent authorization criterion than that in question could not ensure as effectively the fulfilment of the objective of site protection intended under that provision (Waddenvereniging and Vogelbeschermingsvereniging, paragraphs 57 and 58).”

It is our opinion, moreover, that this incomplete documentation concerning Natura 2000 sites makes the public consultation process regarding both the EIA Report and the Espoo Report inadequate and flawed.

It is clear that public participation, both on the basis of (i) Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1–21, hereinafter referred to as the “EIA Directive”) and the (ii) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, done at Aarhus, Denmark on 25 June 1998 (hereinafter referred to as the “Aarhus Convention”) must be ensured at an early stage, however no earlier than after all relevant documentation necessary for the issuance of a decision is available and provided to the public. This is not the case here, as documentation concerning at least one Natura 2000 site is still unavailable.

2. Furthermore, we believe that the EIA Report is inadequate as its analysis concerning the investment’s impact on the climate and air, contained in chapter 11, is limited to:
 - a. “Only direct impacts in Finland from the activities included in the project scope (...)” (p. 278);
 - b. In terms of the climate impact – solely as concerns CO₂ (carbon dioxide) emissions;
 - c. In terms of air quality impacts - solely as concerns nitrogen oxides (NO_x), sulphur dioxide (SO₂) and particulates (PM).

This assessment is in violation of art. 3 of the EIA Directive, which requires an environmental impact assessment to identify, describe and assess in an appropriate manner, in the light of each individual case and in accordance with Articles 4 to 12 of said directive, the direct and indirect effects of a project on the following factors:

- a. human beings, fauna and flora;
- b. soil, water, air, climate and the landscape;
- c. material assets and the cultural heritage;
- d. the interaction between the factors referred to in points a, b and c above.

It is clear that an EIA Report which lacks an analysis of the indirect effects of the proposed investment on the climate and the air is not in accordance with the EIA Directive. Moreover, too little justification has been given as to why the analysis of the investment's impact on the climate and the air is limited only to CO₂, NO_x, SO₂ and PM, to the exclusion of other pollutants, which are, incidentally, included in Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (OJ L 152, 11.6.2008, p. 1–44).

3. Additionally, we consider the environmental impact assessment – not just the Finnish EIA – in this matter to be flawed due to the serious doubts concerning the adequacy of the Russian assessment of the environmental considerations and consequences of the planned investment. As a result, it must be considered that the Espoo consultation procedure – which is based on national environmental impact assessments – cannot be considered adequate. Specifically, this refers to the chosen route of the investment through the Kurgalsky Nature Reserve, in relation to which – according to the Espoo Report – “The project will require temporary construction activities within the Kurgalsky Nature Reserve and result in some long term changes to habitats. However, due to the small areas affected and the fact that the most valuable habitats will not be impacted and the overall integrity and functioning of the reserve will not be affected, the impact ranking on the protected area is evaluated as minor.” We cannot accept that long-term changes to habitats deemed not the “most valuable” but only “valuable” or “less valuable” mean that the impact on the protected area is minor. This is an unacceptable assessment grounded on a criterion that is not to be found in international law and which would not be deemed adequate under EU law, if EU law were applicable in this regard (note: EU law calls for the protection of all habitats for which protection areas are created, not just those branded “most valuable”).

We have serious reservations as to the accuracy and validity of this assessment also because:

- a. it is based on the conclusions of the Russian EIA procedure, during which serious objections were raised concerning whether the chosen route is the least damaging to the environment – we believe that environmental aspects were largely ignored when selecting the route of the investment through the Kurgalsky Nature Reserve;
- b. it is in violation of Russia's obligations under:
 - i. the Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat;
 - ii. the Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea Area.

We appreciate that Russia is not bound by the Espoo Convention and that, nonetheless, it has elected to act as a party of origin under said convention, to the extent allowed by its laws. This does not mean, however, that Russia can act in violation of its international treaty obligations and that the other states involved in the investment, all of whom are EU member states, can disregard the serious flaws of the Russian EIA procedure, accepting its results in its EIA and as the basis for the Espoo Report.

4. Moreover, we consider that approval of the investment, should it be given, shall constitute a violation of the Marine Strategy Framework Directive, which requires member states to:
 - a. take the necessary measures to achieve or maintain good environmental status in the marine environment by the year 2020 at the latest. Good environmental status means the environmental status of marine waters where these provide ecologically diverse and dynamic oceans and seas which are clean, healthy and productive within their intrinsic conditions, and the use of the marine environment is at a level that is sustainable, thus safeguarding the potential for uses and activities by current and future generations, i.e.:
 - i. the structure, functions and processes of the constituent marine ecosystems, together with the associated physiographic, geographic, geological and climatic factors, allow those ecosystems to function fully and to maintain their resilience to human-induced environmental change. Marine species and habitats are protected, human-induced decline of biodiversity is prevented and diverse biological components function in balance;
 - ii. hydro-morphological, physical and chemical properties of the ecosystems, including those properties which result from human activities in the area concerned, support the ecosystems as described above. Anthropogenic inputs of substances and energy, including noise, into the marine environment do not cause pollution effects;
 - b. develop and implement marine strategies in order to:
 - i. protect and preserve the marine environment, prevent its deterioration or, where practicable, restore marine ecosystems in areas where they have been adversely affected;
 - ii. prevent and reduce inputs in the marine environment, with a view to phasing out pollution, so as to ensure that there are no significant impacts on or risks to marine biodiversity, marine ecosystems, human health or legitimate uses of the sea.

The Baltic Sea is a marine region covered by the scope of said directive, therefore it is the responsibility of all EU member states which are parties of origin for the proposed investment – and this includes Finland – to ensure that no actions are undertaken that will make more difficult the attainment or maintenance before 2020 of the good environmental status of the waters of the Baltic Sea.

It is clear to us that the proposed investment will make this task more difficult and is in clear conflict with the obligations arising under the Marine Strategy Framework Directive, including for the reasons specified in this consultation memorandum.

5. Furthermore, we are of the opinion that, irrespective of the baseline analysis included in chapters 7 – 9 of the EIA Report and analysis of alternative routes, the grounds for undertaking the proposed investment are not sufficient, due to the fact that Europe has for

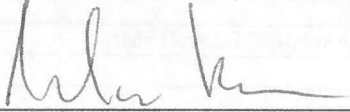
some time been experiencing an oversupply of natural gas. It is therefore not the case, as is stated in the EIA Report, that “access to natural gas is becoming increasingly critical for the EU as global demand rises and its own gas resources deplete. With Nord Stream 2, the EU can secure additional gas resources in the long term in order to ensure global industrial competitiveness and meet domestic demand.” The proposed investment is not justified in economic terms, and, therefore, any economic factors in favor of its construction are outweighed by the environmental detriment brought about by the investment, particularly those issues outlined in pts 1 – 4 above.

6. In conclusion, ClientEarth would like to state its firm opposition to the investment and any decision which brings the investment’s construction closer to completion. The investment is not just a serious strategic and security problem for EU member states and the EU as a whole, but is detrimental to the environment, specifically the unique ecosystems of the Baltic Sea and adjacent lands. The Finnish authorities should not grant the investment an EIA permit and should not allow for its construction on Finland’s territory.

Attached to this memorandum is the certified translation of the document evidencing the authorization of the undersigned individual to represent ClientEarth Prawnicy dla Ziemi.

On behalf of ClientEarth Prawnicy dla Ziemi, a foundation registered in Poland:

Dr Marcin Stoczkiewicz, Chairman of the Management Board



Attachments:

Certified translation of the information regarding ClientEarth Prawnicy dla Ziemi from the register of foundations and associations in Poland.

CENTRAL INFORMATION OFFICE OF THE NATIONAL COURT REGISTER

NATIONAL COURT REGISTER

Status as of 22.05.2017 11:18:28 hrs
National Court Register (KRS) No: 0000364218

The information in compliance with the current excerpt
FROM THE REGISTER OF ASSOCIATIONS, OTHER SOCIAL AND PROFESSIONAL
ORGANISATIONS, FOUNDATIONS AND INDEPENDENT PUBLIC HEALTH CARE
INSTITUTIONS

THE SUBJECT ALSO ENTERED INTO THE ENTERPRISE REGISTER

Date of registration in Court Register	01.09.2010			
Last entry	Number of entry	14	Date of entry	27.04.2017
	File ref No	WA.XII NS-REJ.KRS/20381/17/308		
	Court	DISTRICT COURT FOR THE CAPITAL CITY OF WARSZAWA IN WARSZAWA, XII ECONOMIC DIVISION OF THE NATIONAL COURT REGISTER		

Part 1

Column 1 – Particulars of entity	
1. Legal form	FOUNDATION
2. REGON/NIP Number	REGON: 142564391, NIP: 7010254208
3. Name of the company	FOUNDATION "CLIENTEARTH PRAWNICZY DLA ZIEMI"
4. Former registration data	----
5. Does the subject have the status of the public benefit organisation	NO

Column 2 – Head Office and Address of Entity	
1. Residence	country POLAND province MASOVIAN county/district WARSZAWA municipality WARSZAWA place/town WARSZAWA
2. Address	street ŻURAWIA, No 45, apt ----, town WARSZAWA, code 00-680, post office WARSZAWA, country POLAND
3. E-mail address	----
4. www website	----

Column 3 – Branch offices	
No entries	

Column 4 – Agreement or company articles		
1. Information on concluding the agreement of company or its modifications	1	25.06.2010.
	2	22.12.2011 §5



3	18.06.2013, MODIFIED: §8, §9, §11, §12, §18-§21, ADDED: §10 SUB§ 2, §16 SUB§ 1 POINT F, §22
4	25.10.2013 §5 (MODIFIED)
5	24 MARCH 2016 - §1 SUB§ 1 - MODIFIED

Column 5	
1. The time of the operation/existence of the subject	UNSPECIFIED

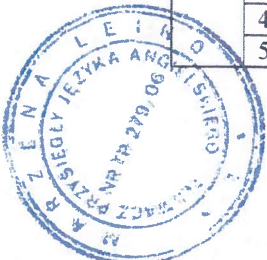
Column 6 – Information on the subject formation mode	
No entries	

Column 7 – Not applicable	
No entries	

Column 8 – Supervising Body	
1. Supervising body	MINISTER OF ENVIRONMENT

Part 2

Column 1 – Representative Body		
1. Name of the body authorised to represent the subject	FOUNDATION MANAGEMENT BOARD	
2. Company representation	EACH MEMBER OF THE BOARD ALONE IS AUTHORISED TO MAKE DECLARATIONS OF WILL ON BEHALF OF THE FOUNDATION	
Subcolumn 1 Personal data of members of representative body		
1	1. Surname or company name	HILL
	2. Given names	KARLA
	3. PESEL/REGON	----
	4. KRS No	****
	5. Function	MEMBER OF THE BOARD
2	1. Surname or company name	WALKER
	2. Given names	EDWARD JOHN
	3. PESEL/REGON	---
	4. KRS No	****
	5. Function	MEMBER OF THE BOARD
3	1. Surname or company name	STOCKIEWICZ
	2. Given names	MARCIN MARIAN
	3. PESEL/REGON	69090704696
	4. KRS No	****
	5. Function	PRESIDENT OF THE BOARD



Column 2 – Supervision Body		
1. Name of the body		BOARD OF TRUSTEES
Subcolumn 1 Personal data of members of representative body		
1	1. Surname or company name	MCINTOSH
	2. Given names	WINSOME
	3. PESEL/REGON	----
2	1. Surname or company name	THORNTON
	2. Given names	JAMES
	3. PESEL/REGON	---
3	1. Surname or company name	EDELMAN
	2. Names	CORNELIA
	3. PESEL/REGON	----

Column 3
No entries

Part 3

Column 1 – Not applicable
No entries

Column 2 – References to submitted documents			
Document kind	Number in box	Submission date	For the period from to
1. Reference to submission of the annual report	1	13.07.2012	01.01.2011 – 31.12.2011
	2	19.08.2013	2010
	3	19.08.2013	2012
	4	10.04.2014	01.01.2013 – 31.12.2013
	5	27.07.2015	01.01.2014 – 31.12.2014
	6	07.06.2016	01.01.2015 – 31.12.2015
3. Reference to submission of the resolution or decision on the approval of annual report	1	*****	01.01.2011 – 31.12.2011
	2	*****	2010
	3	*****	2012
	4	*****	01.01.2013 – 31.12.2013
	5	*****	01.01.2014 – 31.12.2014
	6	*****	01.01.2015 – 31.12.2015



Column 3 – The purpose and objectives of the organisation	
1. The objectives of activities	§5 THE PURPOSES AND OBJECTIVES OF THE ORGANISATION A) ESTABLISHING CONDITIONS FAVOURING THE SHAPING OF NATURAL ENVIRONMENT, ITS RENEWAL, PROTECTION, MAINTENANCE AND RECOVERY INTO APPROPRIATE CONDITION, INCLUDING PROTECTION OF HUMAN HEALTH AND PUBLIC BENEFIT; B) SUPPORT OF EDUCATION, INITIATIVES AND ENVIRONMENT-ORIENTED ATTITUDES; C) ACTIVITIES FOR THE ORGANISATIONS, INSTITUTIONS, BODY CORPORATES, AND INDIVIDUALS DEALING WITH ENVIRONMENT PROTECTION; D) PROPAGATION OF MODERN TECHNOLOGIES AIMING TO PROTECT THE ENVIRONMENT.

Column 4 – Subject of statutory activity of organisation of public benefit
No entries

Column 5	
1. The day ending the first accounting year	31.12.2011

Part 4

Column 1 – Arrears
No entries

Column 2 – Creditors and their claims
No entries

Column 3 - Information on dismissing a bankruptcy petition according to the art 13 of the act dated 28 February 2003 Bankruptcy Law or on security of a debtor's property in bankruptcy proceedings or in the course of restructuring proceeding or upon legal discontinuation of restructuring process.
No entries

Column 4 Information on discontinuance of execution due to the fact that the execution would fail to provide the amount exceeding the execution costs
No entries



Part 5

Column 1 – Curator's data
No entries

Part 6

Column 1 –Liquidation
No entries

Column 2 - Information on dissolution or invalidation of the subject
No entries

Column 3 – Receivership or representative to conduct current affairs
No entries

Column 4 - Information on merger, division
No entries

Column 5 – Bankruptcy proceedings
No entries

Column 6 – Information on composition proceedings
No entries

Column 7 – Information on restructuring or remedy proceedings
No entries

Column 8 – Information on suspension of the economic activities
No entries



date of printing 22.05.2017

website address where the information is available from the register: <https://ems.ms.gov.pl>

The undersigned, Marzena Leino, MA, certified English translator, registered under number TP/279/06, hereby certifies that the foregoing is the true and complete translation of the presented document.



Kirjaamo
Uudenmaan ELY-keskus
PL 36
00521 Helsinki

LAUSUNTO NORD STREAM 2 -LAAJENNUSHANKKEEN YMPÄRISTÖVAIKUTUSTEN ARVIOINTISELOSTUKSESTA

UUDELY/3100/2017

Nord Stream 2-hankkeessa rakennetaan kaksi maakaasuputkea Venäjältä Saksaan Itämeren poikki. Reitti kulkee Venäjällä sijaitsevasta rantautumispaikasta Suomen, Ruotsin ja Tanskan vesien kautta rantautumispaikalle Saksaan. Suomen talousvyöhykkeellä reitti noudattaa jo olemassa olevien Nord Stream -putkilinjojen reittiä. Reitin kokonaispituus on noin 1200 km, josta Suomen talousvyöhykkeellä 378 km. YVA-menettelyssä arvioitavat hankkeen toiminnot sijoittuvat merialueelle ja liitännäistoiminnot maa-alueille. YVA-menettelyn ja hankkeen luvituksen aikataulut on alustavasti suunniteltu niin, että rakentaminen voisi tapahtua vuosina 2018-2019. Suomen kansallisessa ympäristövaikutusten arvioinnissa (YVA) selvittävät vaihtoehdot:

- Toteuttamatta jättäminen nollavaihtoehtona;
- Nord Stream 2 -reitti Suomen talousvyöhykkeellä;
- Reitin alavaihtoehdot ALT E1 ja ALT E2 Porkkalasta etelään sekä ALT W1 ja ALT W2 Suomen talousvyöhykkeen länsiosassa.
- Rakentamisvaihtoehtoina on lisäksi arvioitu kaksi vaihtoehtoista tapaa toteuttaa käyttöönoton valmistelu.

Uudenmaan ELY-keskus on esittänyt pyynnön toimittaa hankkeen ympäristövaikutusten arviointiselostuksesta ja hanketta koskevasta arviointiraportista lausunto 5.6.2017 mennessä.

Helsingin Satama Oy esittää lausuntonaan seuraavaa:

Helsingin Satama Oy toteaa lausuntonaan, että

Ympäristövaikutusten arviointiselostus (YVA-selostus) on pääosin hyvin laadittu ja YVA-selostuksessa arviot vaikutuksista laivaliikenteeseen on esitetty pääosin kattavasti. Kaasuputkihankkeen vaikutukset meriliikenteeseen ja hankkeen mahdollisesti aiheuttamat riskit liikenteelle ilmenevät etupäässä putken rakennusvaiheessa. Helsingin Satama Oy pitää hyvänä, että YVA-selostuksen yhteydessä on laadittu laivaliikennettä koskeva riskienarviointi koko putkilinjan reitiltä ja tunnistettu putkenlaskualusta ohittavan alusliikenteen törmäysriski keskisuureksi riskiksi, jota tulee jatkosuunnittelulla pienentää. Aiemman Nord Stream -hankkeen (NSP) ra-

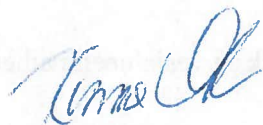
kentämisenäikaisesta putkenlaskualuksen ohittavasta alusliikenteestä on tehty selvitys osana YVA:n selvityksiä. Helsingin Satama katsoo, että selvityksen huomioita hyödyntämällä voidaan vähentää vaara- ja riskitilanteita Nord Stream 2 -hankkeessa (NSP2).

Selvityksessä kaupallisesta alusliikenteestä NSP-hankkeessa on todettu, että putkenlaskualuksen ja kiviaineksen kasausaluksen sijoittuminen toisiinsa nähden lisää tai vähentää osaltaan alusten törmäysriskiä. Helsingin Satama Oy katsoo, että tällaisten tilanteiden ennakointi ja niistä tiedottaminen on keskeistä, etenkin, mikäli Balticconnector -putkilinjan rakennustyöt tulevat toteutumaan samaan aikaan Nord Stream 2 -hankkeen laajennuksen rakentamisen kanssa. Helsingin Satama Oy:n mielestä on tärkeää kiinnittää huomiota näiden kahden hankkeen rakentamisaikaisiin yhteisvaikutuksiin ja riskeihin laivaliikenteelle.

Helsingin Satama Oy katsoo, että mikäli putkenlaskualuksen suoja-aluetta tullaan pienentämään, kuten selostuksessa pidetään harkinnan arvoisena, tulee turva-alueen koosta ja sijoittelusta keskustella viranomaisten (Liikennevirasto) kanssa.

Helsingin Satama Oy huomauttaa, että YVA-selostuksessa ei ole esitetty arviota kaasuputkihankkeen rakentamis- ja käytössäoloajan mahdollisia vaikutuksia hätäankkurointialueisiin ja niiden käyttöön. Putken käyttövaiheessa hätäankkurointia koskevat rajoitukset tulee merkitä selvästi merikarttoihin.

Selostuksessa on mainittu "Helsingin alueen satamakeskittymä" johon selostuksessa on mainittu kuuluvan "Länsisatama, Vuosaari ja useat pienet satamat". Tällä tarkoitettaneen Helsingin Satama Oy:tä, johon kuuluu Länsisatama, Eteläsatama ja Katajanokka sekä Vuosaaren satama. Helsingin Sataman eri satamanosien yhteenlaskettu aluskäyntimäärä vuonna 2016 oli 8 470.



Kimmo Mäki
toimitusjohtaja
Helsingin Satama Oy



Uudenmaan elinkeino-, liikenne- ja ympäristökeskukselle

Viite: Lausuntopyyntö 7.4.2017 ja kuulutus 4.4.2017 Nord Stream 2 maakaasuputkihankkeen ympäristövaikutusten arviointiselostuksesta ja arviointiraportista

UUDELY/3100/2017

Asia: Lausunnon antaminen ympäristövaikutusten arviointiselostuksesta ja koko hanketta koskevasta arviointiraportista

Lausunto

Kalatalouden Keskusliitto esittää lausuntonaan seuraavan.

Ammattikalastajille tehty kysely osoittaa, että suunniteltu putkilinja kulkee yleisesti käytettyjen troolausalueiden halki. Hanke vaikuttaa näin ollen kalastajien elinkeinoon. Hankkeesta johtuva vahinko kalastukselle tulee korvata kalastajille täysimääräisesti.

Rakennusvaiheessa, mukaan lukien siihen kuuluva miinanraivaus, kiviaineksen siirrot ja pohjaineksen läjitys, on huolehdittava siitä, että toteutus tehdään mahdollisimman vähän vahinkoa aiheuttaen.

Valtion tulee yleisen vesialueen omistajana hakea korvauksia vesialueelle aiheutuvasta pysyvistä haitasta.

Helsingissä 5. päivänä kesäkuuta 2017

Vesa Karttunen
toiminnanjohtaja

Jenny Fredrikson
lakimies

UUDENMAAN ELINKEINO-, LIIKENNE JA YMPÄRISTÖKESKUS**Sähköpostin liitetiedosto, yhteensä 3 sivua.****Asia:**

Lausunto Nord Stream -2 maakaasuputkihankkeen ympäristövaikutusten arviointiselostuksesta ja koko hanketta koskevasta arviointiraportista (ns. Espoon raportti). Määräpäivä 5.6.2017.

Lausuman antaja:

, varatuomari, oikeustieteen lisensiaatti Helsingistä, Euroopasta. Oheiseen karttaliitteeseen merkityn alueen omistaja.

Prosessiosoite:**Asiaan osallinen (hakija):**

Venäjän valtionyhtiö PJSC Gazpromin 100 %:sti omistama, mahdollisesti Sveitsiin perustettava yhtiö Nord Stream 2 AG. Hakijasta käytetään jäljempänä nimitystä Gazprom, koska tarkemmat tiedot mahdollisesti perustettavasta yhtiöstä puuttuvat. Selvää on, että hakija on joku Euroopan unionin ulkopuolinen yhtiö.

Gazpromin on, ottaen huomioon jäljempänä lausuttu, selvitettävä tarkoin hakijan identiteetti ja aktiivinen asialegitimaatio.

Lausuma perusteluineen:**Aluksi**

Olen saanut tietää Nord Stream 2 -hankkeesta julkisuuden kautta siten kuin siitä on uutisoitu ympäristövaikutusten arviointimenettelyn yhteydessä. Pyydän, että minun yhteystietoni noin 100

neliökilometrin suuruisen alueen omistajana merkitään jakelulistaan. Olen tullut oheiseen karttaan liitetyn alueen omistajaksi 24.5.2017. Minut on pidettävä ajan tasalla kaikesta, mitä minun omistamaani alueeseen liittyen suunnitellaan.

Vaatimus tässä menettelyssä

Arviointimenettelystä puuttuvat kokonaan suunnitelmat siitä, miten kaasuputkialueen omistajien oikeudet turvataan ja huomioidaan. En suoralta kädeltä tule antamaan lupaa minun alueelleni rakennettavaan kaasuputkeen. Arviointimenettely on pysäytettävä kunnes asia selvitetään minun ja Gazpromin kesken.

Gazprom voi tietysti rakentaa putkensa vaihtoehtoisesti Viron talousvyöhykkeelle tai Suomen valtion minun alueeni pohjoispuolella omistaman alueen kautta. Mikäli se kuitenkin haluaa rakentaa putkensa minun omistamani alueen kautta, sen on tehtävä kanssani vuokrasopimus tai muuten sovittava minun alueeni käytöstä tähän tarkoitukseen.

Myös myöhemmissä lupavaiheissa haluan tämän alueen omistajana tulla kuulluksi.

Arviointimenettely on virheellinen, kun siitä puuttuu alueen omistajien oikeuksien huomioiminen. Hakijan on korjattava virhe viranomaisen asettamassa määräajassa uhalla, että hanke on määrättävä raukeamaan.

Lopuksi

Palaan asiaan kun Gazprom on korjannut hakemuksessaan olevat puutteet.

Helsingissä 2. kesäkuuta 2017

Kunnioittavasti

Liite: Ote Merenkulkulaitoksen julkaisemasta merikortista 7/ 10.3.2007 IV (Lönnberg, WSOY), johon omistamani alueen rajat on piirretty.

