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Attorneys' perspective on the use of Expert Counsellors in SAC

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The use of Expert Counsellors in SAC

- Attorneys acting in the field of environmental law in Finland think that the use of Expert Counsellors in SAC is a good thing in general
 - Cases in environmental law are not purely legal, other areas of expertise is truly needed
 - Technical, chemical and biological knowledge is needed to reach right conclusions
- Attorneys do not see any problems relating to the independence of Court or of the Expert Counsellors
- The method of choosing the Expert Counsellors is not open or not very well known to persons outside the SAC
 - This also applies to cases, which means that parties do not know, why certain Expert Counsellors are chosen to their case in SAC
 - Parties involved do not normally know the Expert Counsellors or their areas of expertise



Case Example; power plant

- Case concerned a very big capacity new power plant and its' environmental permit
- A society for protecting the aquatic environment appealed against the permit to Vaasa Administrative Court (VAC)
- VAC amended the permit and (ie.):
 - Added study requirements on transformation products of one chemical released to aquatic environment after one year of operation
 - Added study requirement of one very rare fish species (migration, breeding areas, breeding success, impacts to it, possible compensations etc etc.)
- Operator appealed to SAC
 - Used internal chemist department, bought outside expertise: both said that it is not possible to study or even find the transformation products in Baltic sea due to low salt content and due to amounts and the way of the chemical used
 - Used external top quality expert to evaluate if required fish studies can be done or not: answer and statement, not possible in any currently known research method
- SAC decision
 - No amendment to VAC decision
 - Two Expert Counsellors; one specified to sediments, lake catchments, phosphorous accumulation, the other general aquatic habitats, planning the use of sea areas etc.





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