

Aarhus Convention implementation report Finland's seventh report 2025

**The following report is submitted on behalf of Finland in
accordance with decisions I/8, II/10, IV/4 and VI/7.**

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Signature: Electronically signed

Date:

Implementation report

Please provide the following details of the origin of this report

Party: Finland

National Focal Point:

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I. Process by which the report has been prepared

Process by which this report was prepared, including the type of authorities that were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account:

1. The report has been prepared at the Ministry of the Environment. In spring 2024, key organisations were requested to provide their comments on Finland's previous implementation report and more generally on the situation concerning the implementation of the Aarhus Convention. The comments received from the organisations were taken into account in the draft for the new report.

2. In autumn 2024, comments on the draft were requested first from various experts of the Ministry of the Environment and then, through an extensive consultation round, from ministries, other authorities, and organisations. The draft was available for viewing on the website of the Ministry of the Environment from 15 October 2024, and comments on the draft were invited from the public. The consultation round included an information and discussion event, which was open to all, on the Convention and the report. Comments on the report were submitted by BirdLife Finland, the Regional State Administrative Agency for Western and Inland Finland, the Finnish Environment Institute (Syke), the Ministry for Foreign Affairs, the Ministry of Education and Culture, the Centres for Economic Development, Transport and the Environment (ELY Centres), the Central Union of Agricultural Producers and Forest Owners (MTK), the Finnish Association for Nature Conservation (FANC), the Confederation of Finnish Industries (EK), the Central Organisation of Finnish Trade Unions (SAK) and the Ministry of Social Affairs and Health. Comments received during the consultation round were taken into account, as appropriate, in the final version of the report.

II. Particular circumstances relevant for understanding the report

Particular circumstances that are relevant for understanding this report, e.g. the decision-making structure, the direct effects of the Convention, or whether financial constraints are a significant obstacle to implementation

3. Finland ratified the Aarhus Convention on 1 September 2004, and the Convention was transposed into the legal system of Finland by Act 767/2004 and Decree 866/2004. On 10 June 2008, Finland approved the amendment to the Convention concerning genetically modified organisms.

4. The provisions of international conventions are not usually applied directly in Finland. This is because the amendments to national legislation required by a convention are made before the entry into force of the convention. This principle also applies to the Aarhus Convention. In decisions of the Supreme Administrative Court, references have, however, been made to the Convention as an instrument guiding the interpretation of legislation.¹

5. In Finland, the regional environmental authorities comprise the Regional State Administrative Agencies and the Centres for Economic Development, Transport and the Environment (ELY Centres). There are six Regional State Administrative Agencies in mainland Finland, with four of these dealing with environmental permit matters. There are 15 ELY Centres, of which 13 deal with environmental matters. Permits under the Environmental Protection Act (527/2014) and the Water Act (587/2011) are processed by Regional State Administrative Agencies, while supervision is carried out by ELY Centres, which also exercise the right to be heard in decision-making under the Environmental Protection Act. The ELY Centres are responsible for the majority of decisions under the Nature Conservation Act (9/2003) that require judicial discretion. The ELY Centres also act as the contact points and competent authorities under the Act on the Environmental Impact Assessment Procedure (252/2017, EIA Act). The Finnish Safety and Chemicals Agency (Tukes) is the competent authority for permit applications under the Mining Act (621/2011) and the Chemicals Safety Act (390/2005). In addition, the municipal environmental protection authorities have competence to make decisions on permits concerning matters of lower significance and, in addition, have supervisory duties. The Finnish Environment Institute (Syke) is a research and development centre operating under the Ministry of the Environment and supports the evaluation and selection of objectives and tools relating to Sustainable Development Goals (SDGs) and the implementation of environmental policy. Syke also has several statutory

¹ See e.g. KHO 2024:70, KHO:2023:62, KHO 2019:97 and KHO 2018:1.

duties, such as official duties concerning transboundary environmental impacts, and duties relating to the use and management of water resources that come under the remit of the Ministry of Agriculture and Forestry. The Ministry of the Environment, in cooperation with the Ministry of Education and Culture, is responsible for matters relating to the cultural environment in the Government. The Finnish Heritage Agency is the expert authority responsible for the protection of cultural heritage and the cultural environment. In addition, the 22 museums with regional responsibility have duties relating to the cultural environment under the Museums Act (314/2019). The museums operate in their respective regions as experts on the cultural environment, in particular the built environment and archaeological cultural heritage.

6. A decision was made under the Programme of Prime Minister Orpo's Government (2023) to launch a reform of regional state administration and to establish a new agency for permitting, guidance and supervisory tasks, and the reform is currently underway. Agencies such as the Regional State Administrative Agencies and the appropriate duties of the environmental mandate of the ELY Centres will be merged into the new national and cross-administrative agency. In future, the new permit, guidance and supervisory authority would manage, in a centralised manner, the official duties laid down in the Environmental Protection Act (527/2014), the Water Act (587/2011), the Waste Act (646/2011), the Act on the Environmental Impact Assessment Procedure (252/2017), the Nature Conservation Act (9/2023), the Act on the Organisation of River Basin Management and the Marine Strategy (1299/2004) and certain other acts concerning the environment, such as the Act on the Environmental Impact Assessment of Public Authorities' Plans and Programmes (200/2005), and, in part, the Land Extraction Act (555/1981) and the Land Use and Building Act (132/1999), from 1 January 2025 onwards titled the Land Use Act. In particular, this applies to the permit, guidance and supervisory tasks and other tasks related to these within the remit of the Centres for Economic Development, Transport and the Environment. However, the reform of the regional state administration will not change the division of competences between the state and municipalities in managing official duties concerning the environment.

7. A group of islands with around 30,000 inhabitants, Åland is a region that has extensive autonomy. Under section 18 of the Act on the Autonomy of Åland (1144/1991), Åland has legislative powers in respect of matters including the protection of nature and the environment, the recreational use of nature, and water law. Åland has legislation including its own act on environmental protection (Landskapslag om miljöskydd, 2008:124) and an act on the environmental impact assessment procedure (Landskapslag om miljökonsekvensbedömning, 2018:31), which also covers plans and programmes. Åland also has its own act on land use and building (Plan- och bygglag för landskapet Åland, 2008:102). The autonomous region also has its own administrative act (Förvaltningslag för landskapet Åland, 2008:9), but the procedures laid down in the act differ very little from Finnish national administrative procedure. In certain other matters, concerning e.g. the court system and procedures, including appeal, Finnish national legislation is applied in Åland. This implementation report only covers national statutes and procedures.

8. Major changes have taken place in environmental regulation in recent years.

9. The new Climate Act (423/2022) entered into force in July 2022. The Climate Act lays down provisions on the national climate targets, including carbon neutrality by 2035, and on the climate policy planning system. Provisions on requests for review were also included in the Act in 2023.

10. The Nature Conservation Act (9/2023) entered into force in June 2023. The reform reviewed the need to amend the Act from perspectives including rights under the Convention.

11. The comprehensive reform of the Land Use and Building Act was launched in spring 2018. The bill for the new Building Act (751/2023) was passed in 2023 and the Act enters into force at the beginning of 2025. The new Act incorporates measures to combat climate change into the building legislation. The reform is still underway concerning the new acts on land use, urban development and urban construction. The new Land Use Act contains the provisions on the national land use objectives, the statutory land use planning system, and maritime spatial planning and, in line with the old Land Use and Construction Act, emphasises environmental matters, engagement of citizens and openness in land use planning. The bill is planned to be submitted to Parliament in spring 2025 and the Act is to enter into force at the beginning of 2026.

12. Under section 6 - Equality of the Constitution of Finland, no one shall, without an acceptable reason, be treated differently from other persons on the ground of conviction, opinion or other reason that concerns his or her person. Provisions on the promotion of equality in public and private activities and on the prohibition of discrimination are laid down in the Non-Discrimination Act (1325/2014). Under the Constitution, the exercise of basic rights is not contingent on Finnish citizenship. This prohibition of discrimination applies to all of the rights included in the Convention in compliance with article 3, paragraph 9 of the Convention. Under

section 2, subsection 3 and section 118 of the Constitution, public officials employed by the authorities are liable for acts in office, that is, they are subject to even stricter and more extensive legal liability for their work and its consequences. It is a well-established practice to deem the liability for acts in office to cover both criminal liability and liability for damages.

III. Legislative, regulatory and other measures implementing the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8

Explain how the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8 have been implemented. In particular, describe:

With respect to article 3, paragraph 2, measures taken to ensure that officials and authorities assist and provide the required guidance:

13. The activities of central government and the municipalities are covered by the foundations of good administration laid down in chapter 2 of the Administrative Procedure Act (434/2003), including the legal principles of administration (section 6) and the requirements concerning the arrangement of services, advice as well as clear and easy-to-understand language (sections 7–9). The authorities also have the general duty to cooperate with each other (section 10). Provisions of chapters 3–5 of the Act are also relevant.

14. Authorities shall, within their competence, provide their customers, as necessary, with advice on dealing with administrative matters and respond to questions and enquiries concerning the use of their services. Advice shall be provided free of charge. If a matter does not fall within the competence of an authority, the authority shall seek to refer the customer to the competent authority. In addition to this general obligation, there are detailed provisions in other provisions of the Administrative Procedure Act and in special acts concerning various procedures under which the authorities must assist and guide the public in the exercise of their rights.

15. Under section 23 of the Administrative Procedure Act, a matter shall be considered without undue delay and, upon the request of a party, the authority shall inform the party about the estimated date of issue of a decision and respond to queries about the progress of consideration. Moreover, chapter 5 of the Act contains provisions for situations where a person to whom an administrative authority is providing services is not competent in the Finnish or Swedish language used by the authority under the Language Act. In such cases, the authority's obligations are met by arranging for translation or interpretation.

16. The procedure of deciding on a matter is in turn governed by the provisions of chapter 6 of the Administrative Procedure Act on examining a matter and consulting the views of parties, which are supplemented by the rather detailed provisions on reviews of matters contained in the Environmental Protection Act and other environmental legislation, under which e.g. information must be provided at the various stages of procedures on opportunities to participate and appeal and on related time limits.

17. Provisions of chapter 7 of the Administrative Procedure Act include the obligation to state the reasons for a decision (section 45), instructions for requesting an administrative review (section 46) and appeal instructions (section 47). Also relevant are the provisions on prohibition of appeal and of ineligibility for appeal (section 48), as well as correction of appeal instructions (section 49). A typographical or material error may be corrected either on the authority's own motion or if requested by a party (chapter 8).

18. Regional State Administrative Agencies and ELY Centres provide advice and services through a variety of contact channels. The public notices concerning applications for environmental and water permits include the contact details of the responsible officer, which makes it easy for those concerned or interested to contact the person.

19. As regards the public seeking information, the Act on the Openness of Government Activities (621/1999, the Openness Act) and the provisions on good information management practice of the Act on Information Management in Public Administration (906/2019, the Public Information Management Act) are of particular significance. The realisation of public access to information is discussed in more detail in this report in the context of article 4. Public access to information is also realised under the provision of section 19 of the Openness Act on the duty of the authorities to provide access to information in pending matters.

With respect to article 3, paragraph 3, measures taken to promote education and environmental awareness:

20. The environmental and education authorities promote environmental education and public awareness of environmental issues. National core curricula for the various levels of education starting from early childhood education and care (EHEC) as well as the national qualification requirements lay the foundation for covering climate and environmental issues in education and training. To support this work, the website of the Finnish National Agency for Education (EDUFI) provides access to support and learning material for climate and environmental education, circular economy, and culturally sustainable education, including the cultural environment perspective, suitable for various subjects and levels of education. Information about the cultural environment is also available on the website of the Ministry of Education and Culture. Environmental information is also available from sources including the websites of Finland's environmental administration, the Finnish Environment Institute (Syke) and the ELY Centres. In 2003, the Ministry of the Environment decentralised its coordination, development and expert duties relating to environmental education and awareness to the ELY Centre for Central Finland.

21. Environmental education development projects have been funded by national grants for environmental education and awareness-raising issued by the environmental administration. Grants from the education administration and the Ministry for Foreign Affairs has also been used to support projects relating to the promotion of environmental awareness.

22. There is a regional cooperation group or network for environmental education, environmental awareness or sustainable development education almost everywhere in Finland. Civil society has played a major role in promoting environmental education. Environmental education and awareness are promoted by a variety of organisations, associations and informal citizens' movements. Funded by the Maj and Tor Nessling Foundation, the Forum for Environmental Information promotes the use of scientific environmental information in decision-making.

23. The Finnish Foundation for Environmental Education (FEE Finland) coordinates cooperation between the various environmental NGOs. FEE Finland also administers and markets programmes including the Green Flag programme for child daycare centres, offers environmental education material open for all, and provides training. The OKKA Foundation for Teaching, Education and Personal Development maintains the Finnish national Sustainable Development Certification of Educational Establishments.

24. In March 2022, the Finnish National Commission on Sustainable Development adopted Finland's national strategy for sustainable development for 2022–2030. One of the areas for change identified as key for Finland and defined in the strategy is education, competence and sustainable lifestyles.

25. A new section 8 on promoting environmental awareness was added to the reformed Nature Conservation Act (9/2023). It lays down provisions on the obligation of the authorities referred to in the Nature Conservation Act to promote, in their activities, environmental education and environmental awareness to safeguard biodiversity. Increasing citizens' knowledge of nature and general environmental awareness is one of the objectives of the Nature Conservation Act laid down in section 1 of the Act.

26. The proposal of a working group, appointed by the Ministry of Education and Culture together with the Ministry of the Environment, for a new national architectural policy programme was completed in 2021. The programme sets out objectives and measures for developing the sustainability of the built environment comprehensively between 2022 and 2035. The programme encourages competence development, learning and research.

27. In February 2023, the Government issued the Government Resolution for the Cultural Heritage Strategy 2023–2030. The strategy aims to serve as a tool for implementing the Council of Europe's Faro Convention and contribute to the achievement of the objectives of the United Nations 2030 Agenda for Sustainable Development. The strategy sets objectives for themes including learning, competence and research relating to cultural heritage. The Ministry of Education and Culture has launched the formulation of the implementation plan concerning the sets of objectives and the outlined measures.

With respect to article 3, paragraph 4, measures taken to ensure that there is appropriate recognition of and support to associations, organisations or groups promoting environmental protection:

28. Under the Constitution (section 20), the public authorities shall endeavour to guarantee for everyone the right to a healthy environment and for everyone the possibility to influence decisions that concern their own living environment. This right also applies to environmental NGOs registered under the Associations Act (503/1989). Based on the Constitution, there had already been provisions on environmental NGOs' right to judicial review in Finnish environmental legislation, at least in the Nature Conservation Act and the Land Use and Building Act (132/1999), before the Aarhus Convention. Today, the right to judicial review of environmental NGOs is included in a comprehensive manner in the various environmental provisions, such as the Nature Conservation Act (9/2023, section 134), the Building Act (751/2023, section 179), the Land Use and Building Act (132/1999), from 1 January 2025 onwards titled the Land Use Act (section 191), the Environmental Protection Act (section 191), the Water Act (chapter 15, section 2), the Waste Act (646/2011, section 138), the Mining Act (621/2011, section 165), the Land Extraction Act (555/1981, section 20a), the Act on the Transport System and Highways (503/2005, section 105), the Railways Act (110/2007, section 92), the Hunting Act (615/1993, section 90), the Gene Technology Act (377/1995, section 44), the Act on River Basin Management and the Marine Strategy (1299/2004, section 18) and the Climate Act (423//2022, section 134).

29. The authorities support NGO activities in many ways. For example, the Ministry of the Environment and the ELY Centres issue discretionary government grants for purposes including environmental and nature protection projects of NGOs.

30. Environmental sustainability has been included in the sustainability programme for the sports community since 2020. Even before that, the sports community had an environmental sustainability network for the exchange of information and best practices concerning environmental and climate issues in the sports community (organisations and clubs). The more systematic provision of environmental issues information and training commenced during the preparation of the sustainability programme. Together with the Ministry of Education and Culture, the Finnish Olympic Committee has organised so-called environmental sustainability clinics for representatives of sports organisations and compiled guidelines for its member organisations on its website. Various organisations have also produced their own guidelines for their member clubs. Since 2022, the Ministry of Education and Culture has, in calls for government grant applications, required that organisations promoting physical activity have up-to-date and regularly updated and monitored environmental sustainability plans.

31. The Government Resolution on the CSO Strategy extends to 2027 and is based on the Programme of Prime Minister Orpo's Government. Under the Government Programme, the strategy aims to lighten the excess regulation concerning organisational and voluntary activities, explore possibilities to develop the fundraising activities of civil society organisations, and improve the interaction between the public authorities and civil society.

With respect to article 3, paragraph 7, measures taken to promote the principles of the Convention internationally; including:

(a) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines, indicating whether the coordination measures are ongoing:

32. The National Focal Point for the Convention disseminates information about the Convention and recommendations adopted under it.

(b) Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided:

33. The Ministry of the Environment communicates about international processes throughout the year, so that stakeholders, the media and citizens are able to connect processes taking place at the international level with national and EU-level decision-making. For example, the Ministry of the Environment has organised public discussion events on the outcomes of negotiations on international climate and biodiversity conventions. The meeting reports of the Finnish delegation are published on the Ministry's website.

34. In communication concerning international processes and meetings, the Ministry of the Environment has utilised both media communication and social media channels. Journalists have been briefed on thematic entities addressed in international forums as well as on negotiation situations so that media coverage of the themes can be as diverse, understandable and comprehensive as possible. The Ministry of the Environment cooperates broadly with the various stakeholders in communication concerning meetings. For example, the Ministry organises discussion events with the University of Helsinki and joint events with the European Commission and cooperates with other ministries and among organisations within its own administrative branch. The main social media channels of the Ministry of the Environment are LinkedIn, Instagram and X (formerly Twitter).

(c) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g., inviting non-governmental organization (NGO) members to participate in the Party's delegation in international environmental negotiations, or involving NGOs in forming the Party's official position for such negotiations), including the stages at which access to information was provided:

35. Representatives of NGOs and other non-state actors, such as the Sámi Parliament, have, where possible, been included in Finnish delegations as expert members, and their travel costs have been compensated for fully or in part. Due to cuts made in appropriations, less support has been available in recent years. NGOs may also participate as invited participants in national preparatory meetings ahead of international meetings.

36. Particular attention has also been paid to the participation of young representatives in recent years. In 2022, the Ministry of the Environment drew up internal guidelines on the participation of youth delegates in international environmental meetings.

37. NGOs are also represented in many preparatory sub-committees operating under the Committee for EU Affairs, such as the sub-committees on the environment, regional policy and forests. The extended composition of the environmental sub-committee includes the Finnish Association for Nature Conservation (FANC), the Finnish Society for Nature and Environment (FSNE), WWF Finland, the Consumers' Union of Finland and several interest groups of businesses and industry. In addition, NGOs are represented in many groups relating to international environmental issues, such as the Biodiversity Working Group and its subgroup, the Working Group on International Biodiversity Issues.

(d) Measures taken to promote the principles of the Convention in the procedures of other international forums:

(e) Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums:

38. Finland has promoted the principles of the Aarhus Convention by, for example, seeking to highlight the importance of the rights and obligations included in the Convention in statements made in international forums, and in the drafting of European Union legislation and positions.

With respect to article 3, paragraph 8, measures taken to ensure that persons exercising their rights under the Convention are not penalised, persecuted or harassed:

39. Under section 6 of the Administrative Procedure Act, an authority shall treat equally those to whom it is providing services in administrative matters and shall exercise its competence only for purposes that are acceptable under the law. The acts of an authority shall also be impartial and proportionate to the objectives sought.

40. In the administrative court process, the opportunity to order a private party to compensate for legal costs of another party or an authority is determined on the basis of provisions laid down in sections 95–96 of the Administrative Judicial Procedure Act. Between private parties, the liability to compensate for legal costs is based on the outcome of the ruling and on an assessment of reasonableness.

41. Directive (EU) 2019/1937 of the European Parliament and of the Council on the protection of persons who report breaches of Union law (Whistleblower Directive) has been implemented nationally by means of the Act

on the Protection of Persons Who Report Breaches of European Union and National Law (1171/2022) and related acts amending the Act (1172/2022 to 1181/2022). The new legislation entered into force at the beginning of 2023.

42. The updated guidelines of the Finnish Foreign Service supporting human rights defenders were published in November 2022. The guidelines were updated in consultation with civil society. The updated guidelines take account of current themes such as digitalisation and the role of human rights defenders in environmental action. The guidelines cover the forms of support provided by Finland in a diverse manner and provide concrete recommendations on how Finland's missions abroad in particular can support human rights defenders in their activities.

IV. Obstacles encountered in the implementation of article 3

43. Not reported.

V. Further information on the practical application of the general provisions of article 3

44. The Finnish Association for Nature Conservation (FANC) criticises the updated guidelines on EU sub-committees, which emphasise that Finland's positions are determined by the composition consisting of public officials, with the extended composition (in which NGOs are included) merely being consulted.

45. In its comments, Fingo expresses concern about NGO opportunities to participate in international forums since support by the Ministry of the Environment on NGO travel expenses has been reduced. On the other hand, Fingo considers that the various information, discussion and preparatory events concerning international forums have been functional and informative.

46. The Central Organisation of Finnish Trade Unions (SAK) comments that, in addition to NGOs, labour market organisations also take part in the work of the Finnish National Commission on Sustainable Development. Civil society and labour market actors were consulted equitably in the preparation of the new national strategy for sustainable development in 2022. Unfortunately, the strategy monitoring work, including the agreed indicators, seeking the broad commitment and inclusion of civil society, has, however, been discontinued during the current Government of Prime Minister Orpo.

VI. Website addresses relevant to the implementation of article 3

47. Suomi.fi portal for online services of public administration: <http://www.suomi.fi/frontpage>
FINLEX databank: <http://www.finlex.fi/>.

Environmental administration: <http://www.ymparisto.fi> .

Ministry of the Environment: <http://www.ym.fi>.

Finnish Environment Institute (Syke): <http://www.syke.fi> .

Centres for Economic Development, Transport and the Environment (ELY Centres): <https://www.ely-keskus.fi/en/web/ely-en> .

Regional State Administrative Agencies: <https://avi.fi/en/frontpage>

Regional environmental education: <https://www.ely-keskus.fi/web/kasvatusyhteistyö>

Finnish National Agency for Education (EDUFI): <https://www.oph.fi/fi/ilmasto-ja-ymparistokasvatus-seka-kiertotalous> <https://www.oph.fi/fi/opettajat-ja-kasvattajat/mita-kulttuurisesti-kestava-kasvatus>

Guidelines of the Finnish Foreign Service to support human rights defenders:

https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/164904/UM_2023_11.pdf?sequence=4&isAllowed=y

VII. Legislative, regulatory and other measures implementing the provisions on access to environmental information in article 4

Explain how each paragraph of article 4 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

48. In Finland, the principle of openness is the primary rule observed in all government activities. This is indicated by section 12, subsection 2 of the Constitution, under which documents and recordings in the possession of the authorities are public, unless their publication has for compelling reasons been specifically restricted by an act. The purpose of the Openness Act is to implement openness in government and to provide private individuals and corporations with an opportunity to monitor the exercise of public authority and the use of public resources, to freely form an opinion, to influence the exercise of public authority, and to protect their rights and interests. In addition, the Public Information Management Act lays down provisions on the implementation of the principle of openness and compliance with good governance.

49. According to the principle of openness laid down in section 1 of the Openness Act, official documents shall be in the public domain, unless specifically provided otherwise in the Act or another act and, under section 9, subsection 1, everyone has the right of access to an official document in the public domain. In accordance with the principle of openness, everyone has the right to receive reliable information about the exercise of public authority and about government activities.

50. The principle of openness also applies to environmental information, and the definitions of ‘authorities’ and ‘official document’ provided in sections 4 and 5 of the Act cover definitions in accordance with article 2 of the Convention. In addition, section 210 of the Environmental Protection Act contains separate provisions on data on emissions and monitoring not being confidential. The provisions of the Act on the Publicity of Administrative Court Proceedings apply to appeals against decisions by administrative authorities.

51. Protection of personal data is implemented, above all, pursuant to the EU General Data Protection Regulation ((EU) 2016/679) and the Finnish Data Protection Act (1050/2018), which further specifies and supplements it.

52. In December 2023, a working group appointed by the Ministry of Justice to prepare the update of the Openness Act submitted its [report](#) proposing the enactment of a new openness act. The working group assessed the adequacy and up-to-dateness of the scope of application of the Openness Act, taking account of the changed structures of administration. In addition, the working group assessed the problem areas in the appropriate realisation and implementation of the principle of openness and measures affecting these. The working group’s proposals aim to clarify and update the provisions of the Openness Act concerning matters including the provisions on the procedure for processing of information requests and the definition of ‘official document’. No decision has been made on any further preparation of the proposals.

53. Finland ratified the Council of Europe Convention on Access to Official Documents in 2015, and the Convention has been in force since 2020.

With respect to article 4, paragraph 1, measures taken to ensure that:

(a) Any person may have access to information without having to state an interest:

54. Under section 13 of the Openness Act, a request for access to an official document shall be sufficiently detailed, so that the authority can determine which document the request concerns. However, the person requesting access need not identify themselves nor provide reasons for the request, unless this is necessary for exercise of the authority’s discretion or for determining if the person requesting access has the right of access to the document.

(b) Copies of the actual documentation containing or comprising the requested information are supplied:

55. Under section 16, subsection 1 of the Openness Act, access to an official document shall be by explaining its contents orally to the requester, by giving the document to be studied, copied or listened to in the offices of the authority, or by issuing a copy or a printout of the document.

(c) The information is supplied in the form requested:

56. Under section 16, subsection 1 of the Openness Act, access to the public contents of the document shall be granted in the manner requested, unless this would unreasonably inconvenience the activity of the authority owing to the volume of the documents, the inherent difficulty of copying or any other comparable reason.

With respect to article 4, paragraph 2, measures taken to ensure that the time limits provided for in this paragraph are respected:

57. Under section 14, subsection 4 of the Openness Act, a matter relating to access shall be considered without delay. Access to a document in the public domain shall be granted as soon as possible, and in any event within two weeks from the date when the authority received the request for the document. If the number of the requested documents is large, if they contain secret parts or if there is any other comparable reason for the consideration and the decision of the matter requiring special measures or otherwise an irregular amount of work, the matter shall be decided and access to the document granted within one month of the receipt of the request for access by the authority.

58. In addition, under section 23 of the Administrative Procedure Act, a matter shall be considered without undue delay. Upon the request of a party, the authority shall inform the party about the estimated date of issue of a decision and respond to queries about the progress of consideration.

With respect to article 4, paragraphs 3 and 4, measures taken to provide for exemptions from requests and to ensure that the public interest test is applied:

59. Section 5 of the Openness Act provides a definition of an ‘official document’. The Act refers to ‘documents’, but openness applies to information in the possession of an authority regardless of the platform on which it has been stored. Section 5, subsection 3 of the Openness Act also lays down separate provisions on documents that are not official documents. For example, certain internal documents of an authority are excluded from the scope of application of the Act.

60. The provisions of sections 6 and 7 of the Openness Act in turn apply to the entry to the public domain of both documents prepared by an authority as well as documents submitted to an authority. Under section 9, subsection 2 of the Openness Act, access to a document which is not yet in the public domain shall be granted at the discretion of the authority. The criteria employed in the exercise of discretion are limited by the provision whereby the provisions in section 17 of the Act shall be taken into account when discretion is exercised. This means that access to information may not be unduly or unlawfully restricted, nor more restricted than what is necessary for the protection of the interests of the person protected. In addition, persons requesting access must be treated on an equal basis. Provisions of section 19 of the Openness Act pertain to the duty of the authorities to provide access to information in pending matters. Under the section, unless otherwise follows from the secrecy provisions, an authority shall keep available the documents which contain information, among others, on plans, accounts and decisions on pending matters of general importance.

61. Apart from very few exceptions, the documents relating to the decision-making of the environmental authorities are public. Section 24 of the Openness Act provides the grounds for keeping official documents secret. In addition, documents may be kept secret under separate provisions. Openness is a general principle, whereby the grounds for secrecy must be interpreted narrowly.

62. A request may, for example, be denied on the basis of section 24, subsection 1, paragraph 20 (trade secrets) of the Openness Act. Further provisions on the definition of a ‘trade secret’ are laid down in the Trade Secrets Act (595/2018). Under section 24, subsection 1 of the Openness Act, also to be kept secret are documents including certain documents relating to security arrangements (paragraph 7) and preparedness (paragraph 8) and documents containing information on endangered animal or plant species (paragraph 14). Under section 210 of the Environmental Protection Act, data on emissions and monitoring as well as environmental quality data is not confidential.

63. In its work, the working group appointed by the Ministry of Justice to prepare the updating of the Openness Act also assessed the provisions on the disclosure of information to be kept secret included in the Openness Act. The working group’s proposals seek to update and, in part, amend these provisions, too. It is proposed that the provisions be made more flexible in ways including an authority being able to, in an individual case, disclose information to be kept secret to another authority or to the public for a particularly important public

interest, provided that the conditions referred to in the provision are fulfilled. The assignment of the working group did not, however, include the review or reform of the grounds for secrecy and related conditions for strict secrecy.

With respect to article 4, paragraph 5, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action:

64. Under section 15, subsection 1 of the Openness Act, if access is requested to a document prepared by another authority or pertaining to a matter under consideration by another authority, the request may be forwarded to be dealt with by the authority that has prepared the document and is responsible for the consideration of the matter as a whole. In addition, under section 21 of the Administrative Procedure Act, if an authority has been erroneously submitted a document requesting consideration of a matter beyond its competence, the authority shall transfer the document without delay to the authority it considers to be competent.

With respect to article 4, paragraph 6, measures taken to ensure that the requirement to separate out and make available information is implemented:

65. Under section 10 of the Openness Act, when only a part of a document is secret, access shall be granted to the public part of the document if this is possible without disclosing the secret part.

With respect to article 4, paragraph 7, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals:

66. Under section 14, subsection 4 of the Openness Act, matters shall be considered without delay. Under the section, if the requested access is refused, the person requesting access shall be informed of the reason for the refusal and in that context also be informed how they may have the matter decided by the authority. A decision of an authority may be appealed to an Administrative Court determined as provided in section 33 of the Openness Act as laid down in the Administrative Judicial Procedure Act. In addition, under section 23 of the Administrative Procedure Act, matters shall be considered without undue delay.

With respect to article 4, paragraph 8, measures taken to ensure that the requirements on charging are met:

67. Provisions on charges for the provision of access to a document are laid down in section 34 of the Openness Act, under which access to public documents is, as a general rule, provided free of charge. Obtaining access to an official document is free of charge where the information is given orally or the document is provided for reading at the premises of the authority or sent by email, for example. However, a fee may be charged if retrieving a document incurs special costs. The authority may also charge a fee, corresponding to the costs incurred, for providing copies and printouts of a document. The aim is for charges not to be unreasonable and for payment practices to be consistent. Fees are charged in compliance with the provisions of the Act on Criteria for Charges Payable to the State (150/1992) or another act, or in compliance with decisions made under the Act on Wellbeing Services Counties (611/2021) or the Municipalities Act (410/2015).

68. As regards the environmental administration, further provisions on charges are laid down in the Ministry of the Environment decree on chargeable performances of the Finnish Environment Institute (206/2024), the Ministry of the Environment decree on charges for certain public administrative duties of Metsähallitus in 2024 and 2025 (96/2024), the government decree on chargeable performances of the Centres for Economic Development, Transport and the Environment, the Employment and Economic Development Offices and the Development and Administrative Services Centre in 2024 (1215/2023), the government decree on fees charged by the Regional State Administrative Agencies in 2024 (1171/2023) and the Ministry of the Environment decree on chargeable performances of the Ministry of the Environment (1043/2021).

VIII. Obstacles encountered in the implementation of article 4

69. Not reported.

IX. Further information on the practical application of the provisions of article 4

70. The Finnish Association for Nature Conservation (FANC) comments that, in permit matters, it is becoming increasingly common for companies to seek to keep reports or evidence secret by relying on trade secrets. The Regional State Administrative Agencies do not, however, always agree to this.

71. In its decision KHO:2024:70, the Supreme Administrative Court took a stand on the conditions for refusing a request for access to information concerning environmental information. Information concerning the precise location and technical details of observation tubes of an artificial groundwater facility and the precise location of water abstraction wells were to be kept secret from the public as information relating to the security arrangements of the facility. In its decision, the Supreme Administrative Court took into consideration that the Access to Environmental Information Directive (2003/4/EC) and the Aarhus Convention allow such refusal of a request for information if disclosure of the information would adversely affect public security.

X. Website addresses relevant to the implementation of article 4

72. Ministry of Justice website on the Openness Act: <https://oikeusministerio.fi/en/brochure-abosut-the-act-on-the-openness-of-government-activities>

XI. Legislative, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information in article 5

Explain how each paragraph of article 5 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

With respect to article 5, paragraph 1, measures taken to ensure that:

(a) Public authorities possess and update environmental information:

73. Drawn up in 2022, the Monitoring Strategy of the State of the Environment 2030 continues the process of assessment, development and renewal of environmental monitoring launched by the Ministry of the Environment in 2003. A coordination group with representatives of key environmental monitoring organisations was appointed to update the strategy. The key objective of the strategy work was to determine the operating models that enable the cost-effective production of reliable environmental information to support decision-making, promote the Sustainable Development Goals (SDGs) and fulfil obligations under international environmental agreements.

74. Section 143 of the Environmental Protection Act lays down provisions on the obligation of the authorities to monitor the state of the environment. Within its territory, the municipality shall see to the necessary monitoring of the state of the environment according to local conditions and using the appropriate methods. The state supervisory authority is responsible for the monitoring of the state of the environment in its area. The ELY Centres, the Finnish Meteorological Institute and the Finnish Environment Institute (Syke) also have statutory duties relating to the monitoring of the state of the environment. Monitoring data shall be published and information on the data provided to the extent deemed necessary. In addition, information on them shall be delivered to the EU as required in EU legislation.

75. Previously issued under a decree, provisions on nature conservation surveillance were included in the new Nature Conservation Act (9/2003), which strengthened the legislative basis of monitoring. Section 18 of the

Act lays down provisions on surveillance, carried out by the various authorities, of habitat types and wild species. Section 2 of the Land Use and Building Decree (895/1999) concerns the monitoring of land use. Section 9 of the Act on the Organisation of River Basin Management and the Marine Strategy (1299/2004) lays down provisions on the monitoring of the status of water bodies. Section 23b of the Land Extraction Act (555/1981) lays down provisions on the information system for the monitoring of land extraction and its impacts. In addition, the information systems mentioned below under (b) are also relevant with regard to (a).

(b) There is an adequate flow of information to public authorities:

76. Provisions on an environmental protection database for providing information on the environment and activities that have an impact on it are laid down in section 222 of the Environmental Protection Act. The environmental protection database contains information relating to permits, notifications and registrations pursuant to the Environmental Protection Act and the Water Act, and information relating to supervision of compliance with the said Acts and many other environmental provisions, as well as information relating to the monitoring of the state of the environment (see sections 222 and 223 of the Environmental Protection Act). One of the uses of the system is to collect and communicate information required by the authorities' duties. The system also promotes access to information by citizens and other parties, including through the Finnish Environment Institute (Syke) and the Finnish Meteorological Institute providing open data on the environmental monitoring data included in the system.

77. The new Built Environment Information System brings together the land use and construction information, including information on building-related permits and statutory land use planning. Provisions on the information to be submitted to the system are laid down in the Building Act and the Act on the Built Environment Information System (431/2023). The information system will be phased in during 2024.

78. The national Pollutant Release and Transfer Register (PRTR) presents information on releases to air and water from industrial and agricultural facilities, and information on waste transfers.

79. A chapter on management of nature conservation information was added to the new Nature Conservation Act. The provisions on the nature conservation information system were updated and, having previously been laid down by decree, were moved to the Act. The information system contains information on, among others, habitat types, species, nature reserves and their protection regulations, and decisions made and derogations granted under the Act. Uljas is a set of geographic information systems of Metsähallitus (the agency governing the use of state-owned land in Finland) containing six different subsystems, including for the establishment of nature reserves and the management of habitat type and species information. Most of the Uljas systems support information management, planning and monitoring needs relating specifically to nature reserves, and, in addition to Metsähallitus, these systems are used by the ELY Centres, the Finnish Environment Institute (Syke) and the Ministry of the Environment.

80. Under section 23b of the Land Extraction Act, an information system (NOTTO) containing the necessary information on the permits and notifications under the Act, and on the monitoring of the status of the extraction areas, must be maintained for the purpose of monitoring land extraction and its impacts.

(c) In emergencies, appropriate information is disseminated immediately and without delay:

81. Under section 32 of the Rescue Act (379/2011), rescue operations cover warning of the population. Under section 27 of the Act, rescue departments are responsible, in their regions, for warning of the population in accidents and dangerous situations, and for the alarm system required for the purpose. Provisions of the Openness Act, the Rescue Act and the Act on Emergency Response Centre Operations (692/2010) apply to disclosure of information. Provisions on the industrial handling and storage of dangerous substances and chemicals are laid down in the Chemicals Safety Act (390/2005) and the Government Decree on the Monitoring of the Handling and Storage of Dangerous Chemicals (685/2015) issued pursuant to the Act. Under section 32 of the Act, operators must inform the public about the safety measures concerning their production facilities and about the operating procedures in case of a major accident. Further provisions on operator duty to provide information and its implementation as well as on the contents of the information provided are laid down in Decree 685/2015.

82. Under section 7 of the Decree of the Ministry of the Interior on External Rescue Plans (1286/2019), an external rescue plan must provide information on how the population will be warned, how the population and facilities in the vicinity will be informed about an accident and its impacts, and what kinds of instructions the population will be provided with. Provisions on the dissemination of information about external rescue plans are laid down in section 8 of the Decree. The Act on Emergency Warnings (466/2012) contains provisions on emergency warnings issued by the authorities to the public in order to warn about a dangerous incident and to issue instructions.

With respect to article 5, paragraph 2, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible:

83. Chapter 5 of the Openness Act contains provisions on the duty of the authorities to promote access to information. Under section 17 of the Act, when performing its duties, an authority shall see to it that access to information on the activities of the authority is not unduly or unlawfully restricted, nor more restricted than what is necessary for the protection of the interests of the person protected, and that persons requesting access are treated on an equal basis. Under section 20 of the Act, the authorities shall promote the openness of their activities and, where necessary for this purpose, produce guides, statistics and other publications, as well as information materials on their services and practices, as well as on the social conditions and developments in their field of competence. The authorities shall publicise their activities and services, as well as the rights and obligations of private individuals and corporations in matters falling within their field of competence. The authorities shall see to it that the documents or the pertinent indexes which are essential to the general public's access to information are available where necessary in libraries or public data networks, or otherwise easily accessible to the members of the public. Under section 34 of the Act, access to public documents is, as a general rule, provided free of charge. Moreover, all government activities are covered by the duty to provide advice laid down in section 8 of the Administrative Procedure Act, whereby authorities shall, within their competence, provide their customers, as necessary, with advice on dealing with administrative matters and respond to questions and enquiries concerning the use of their services free of charge. The environmental administration guidelines on the uniform principles concerning the disclosure of information are also mentioned above in the context of article 4, paragraph 8.

84. A centralised environmental service centre operates at the Pirkanmaa ELY Centre, providing information and services in environmental matters for all, both electronically and on paper, by phone as well as via an online chat service.

With respect to article 5, paragraph 3, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks:

85. In recent years, information systems used in the environmental administration have been developed so that the electronic operating environment can be used more and more extensively in the authorities' decision-making and related communication. Information including data on the state of the environment in Finland, contact details of authorities and information relating to administrative procedures is available on the website of the Finnish environmental administration in the national languages and in English. The website of the Ministry of the Environment provides diverse and current information about national environmental policy and legislative drafting as well as international cooperation, including international environmental conventions. The Finnish Environment Institute (Syke) provides open data and information about matters including surface and groundwater bodies, the Baltic Sea, environmental burden and disturbances, valuable natural environments, ground cover and the built environment. The data search section of the Finnish Nature Information Hub website provides access to open metadata of nature-related datasets. Under the Act on the Provision of Digital Services (306/2019), the digital services – i.e. websites and mobile applications – of the authorities and certain other organisations must comply with the international requirements concerning the accessibility of online content.

86. There is a lot of environmental information in Finland that is openly accessible by all online on servers of the authorities and other organisations. In addition, there is, for example, the Open Data service of the Digital and Population Data Services Agency, a collection of open data of the authorities and other organisations, and applications intended for its use, relating to topics including the environment and nature.

87. Under section 85a of the Environmental Protection Act, the Regional State Administrative Agencies publish the environmental and water permits issued and related information in the electronic environmental permit information service (water and environmental permit information service). The service features a search function. The documents of pending and completed EIA procedures are published on the environmental administration's EIA website at ymparisto.fi/YVA, where searches can be conducted using e.g. descriptors.

With respect to article 5, paragraph 4, measures taken to publish and disseminate national reports on the state of the environment:

88. Access to up-to-date information on biodiversity and the state of habitats in Finland is provided by the Luonnontila.fi online service. Data and reports on the state of the environment by theme is available from the Ymparisto.fi online service. Waterinfo.fi is a source of research-based information on water issues that serves both citizens and experts in different fields. Information for the website is produced by the Finnish Environment Institute (Syke), the ELY Centres, the Finnish Meteorological Institute and the Flood Centre in collaboration with water sector expert organisations. MarineFinland.fi also provides information on topics including the state of the Baltic Sea. Statistics Finland and the Natural Resources Institute Finland (Luke) also publish annual statistics and information on the environment and natural resources. In addition, comprehensive national information on invasive alien species is available from the invasive alien species portal <https://vieraslajit.fi/>.

With respect to article 5, paragraph 5, measures taken to disseminate the information referred to in paragraph 5:

89. Under the Act on the Statutes of Finland (188/2000), statutes are published in the Statutes of Finland series. The series has a separate part (Treaty Series) for the publication of treaties and other corresponding instruments containing international obligations binding on Finland. Acts of Parliament as well as decrees of the President of the Republic and of the Government and ministries are also published in the Statutes of Finland. Decrees of ministries that are of little general interest and regulations (legal rules) issued by other central government authorities are published in the collection of regulations of the ministry or authority in question. Provisions on the collections of regulations are laid down in the Act on the Collections of Regulations of Ministries and other Government Authorities (189/2000). Decrees of ministries and other regulations of central government authorities are made available to the public free of charge on the information network.

90. The Ministry of Justice owns the Finlex online service that provides public access to legislative information free of charge. The Finlex databases contain not only statutes that are in force and those that have been repealed but also information about case law, treaties, government proposals, collections of regulations of the ministries and other legislative information.

With respect to article 5, paragraph 6, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products:

91. In the 1990s, voluntary environmental management systems were introduced concerning environmental protection in industry. The systems also involve duties to provide information. All organisations have the opportunity to apply the international ISO 14001 environmental management system. Also in use is the EU's voluntary Eco-Management and Audit Scheme (EMAS), which is based on the EU's EMAS Regulation (EC) No 1221/2009 and consists of an environmental management system in accordance with the ISO 14001 standard and an EMAS report. Openness and environmental reporting are key elements of the EMAS system, and information in an EMAS report is always validated. In June 2024, there were 4,082 EMAS-registered organisations.

92. The Consumer Ombudsman has issued guidelines on the use of environmentally oriented claims in marketing, which are based on chapter 2 of the Consumer Protection Act (38/1978) and on past rulings of the Market Court and the Consumer Ombudsman.

With respect to article 5, paragraph 7, measures taken to publish and provide information as required in paragraph 7:

93. The environmental administration produces and disseminates information, as discussed above, on platforms including its website.

With respect to article 5, paragraph 8, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public:

94. The authority supervising the safety and reliability of products and services is the Finnish Safety and Chemicals Agency (Tukes). The Tukes website provides extensive information about requirements set for products and services. Tukes maintains the national chemical information resource (KemiDigi). The database provides access to information about chemicals on the market that are classified as dangerous. The information is submitted to KemiDigi by the importer or manufacturer placing the chemical on the market.

95. Efforts are made through various guidance methods to improve the environmental quality of products and consumer access to information. Harmonisation of legislation in particular has been sought in the common market of the EU.

96. Provisions on ecodesign of products are laid down at the EU level in the Ecodesign for Sustainable Products Regulation (EU) 2024/1781 and nationally in the Ecodesign Act (1005/2008). Ecodesign requirements seek to improve energy efficiency by integrating environmental aspects and lifecycle thinking into the product design phase of products. Products that meet the requirements are within the scope of the CE marking.

97. The Energy Labelling Regulation (EU) 2017/1369 lays down provisions on the energy label to be attached to a product. The mandatory energy label aims to inform consumers and steer consumption towards more energy-efficient choices.

98. The Ekosuunnittelu.info website serves as the official channel for providing information about statutes relating to ecodesign and energy labelling requirements.

99. The European Commission has developed the Product Environmental Footprint (PEF) and Organisation Environmental Footprint (OEF) methods and adopted Commission Recommendation (EU) 2021/2279 on use of the Environmental Footprint methods to measure and communicate the life cycle environmental performance of products and organisations.

100. Under EU Regulation (2008/1272/EC) on classification, labelling and packaging of substances and mixtures, chemicals contained in products imported from third countries must be labelled in accordance with the requirements of the Regulation.

101. Various voluntary environmental labels have promoted the market position of products that are the best in terms of environmental performance. For example, the EU Ecolabel and the Nordic Swan Ecolabel are ISO 14024 compliant environmental labels the criteria for which are prepared in cooperation with a variety of actors and verified by an external organisation.

With respect to article 5, paragraph 9, measures taken to establish a nationwide system of pollution inventories or registers:

102. Finland ratified the Protocol on Pollutant Release and Transfer Registers (PRTR) to the Aarhus Convention on 21 April 2009. Introduced in 2021, Finland's national Pollutant Release and Transfer Register (FINPRTR) publishes information on releases to air and water from industrial and agricultural facilities located in Finland, and information on waste transfers. Finland also reports emissions data to the European Pollutant Release and Transfer Register (E-PRTR) maintained by the European Environment Agency (EEA).

XII. Obstacles encountered in the implementation of article 5

103. Finland did not previously have a national register meeting the criteria of the PRTR Protocol. Instead, the data was accessible in the EEA register. In 2021, Finland introduced the national FINPRTR register, which meets the requirements of the PRTR Protocol concerning reporting of information.

XIII. Further information on the practical application of the provisions of article 5

104. The Finnish Association for Nature Conservation (FANC) comments that access to information about environmental issues has been improved significantly by digitalisation. This trend has also reached the majority of the municipalities, although information gaps still occur in small municipalities for reasons including inadequate publication of public notices online. FINPRTR has also developed in a positive direction.

XIV. Website addresses relevant to the implementation of article 5

105.

Monitoring Strategy of the State of the Environment 2030:

<https://julkaisut.valtioneuvosto.fi/handle/10024/164455>

Data on the state of the environment: https://www.ymparisto.fi/en-US/Maps_and_statistics/The_state_of_the_environment_indicators

The state of Finnish nature: <https://luonnontila.fi/en/>

Finnish Nature Information Hub: <https://luontotieto.syke.fi/en/>

Open environmental information of the Finnish Environment Institute (Syke): <https://www.syke.fi/en-US>

Water-related information: <https://www.vesi.fi/en/>

Environmental permit information service: <https://ylupa.avi.fi/fi-FI>

Built Environment Information System: <https://ryhti.syke.fi/en/>

National PRTR register: <https://www.prtr.fi/>

Natural Resources Institute Finland (Luke): <http://www.luke.fi>

Finnish Safety and Chemicals Agency (Tukes): <http://www.Tukes.fi/en>

Ecodesign and design for energy efficiency: <http://Ekosuunnittelu.info>

Corporate social responsibility reporting: <https://tem.fi/en/csr-reporting>

XV. Legislative, regulatory and other measures implementing the provisions on public participation in decisions on specific activities in article 6

Explain how each paragraph of article 6 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9:

106. The provisions of article 6 as well as the participation of ‘the public’ and ‘the public concerned’ under article 6 have been taken into account in the Act (252/2017) and the Decree (277/2017) on the Environmental Impact Assessment (EIA) Procedure as well as in certain special acts, such as the Environmental Protection Act (526/2014) and Decree (713/2014) and other sector-specific permit acts and their supplementary decrees. Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment and Directive 2010/75/EU on industrial emissions as well as their national implementation regulation play a key role as regards article 6 of the Convention.

107. The Act on Integration of Certain Environmental Permit Procedures (764/2019) enabled the permit applicant to submit electronic applications for multiple permits at the same time and their processing in a one-stop service. The Programme of Prime Minister Orpo’s Government includes a decision to reform regional state administration and set up a new permitting, guidance and supervisory agency. In the legislative project on the one-stop service underway in the Ministry of the Environment, provisions will be prepared that will enable permit applications under several acts to be processed together by the new authority.

108. Certain permit applications under the Environmental Protection Act and the Water Act relating to investments supporting the green transition are temporarily prioritised in all stages of the permit procedures in 2023–2026 under the Act on the Processing of Environmental Protection and Water Matters in the Regional State Administrative Agencies (898/2009). The priority treatment applies to projects promoting renewable energy, industrial electrification projects that replace the use of fossil fuels or raw materials; manufacture and utilisation of hydrogen; capture, utilisation and storage of carbon dioxide; and battery factories and manufacture, recovery and reuse of battery materials. The applicant must demonstrate with sufficient evidence that the activities take account of the principle of do no significant harm (DNSH). Underlying this is Regulation (EU) 2020/852 of the European Parliament and of the Council on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088.

With respect to article 6, paragraph 1, measures taken to ensure that:

(a) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention:

109. Finnish legislation enables the general public to participate in decision-making relating to activities and projects listed in annex I to the Aarhus Convention. The said list has been implemented in Finland especially by the Act and Decree on the Environmental Impact Assessment (EIA) Procedure as well as the Environmental Protection Act and Decree. Acts including the Water Act (587/2011), the Building Act (751/2023), the Chemicals Safety Act (390/2004), the Nuclear Energy Act (990/1987), the Land Extraction Act (555/1981), the Act on the Transport System and Highways (503/2005), the Railways Act (110/2007), the Aviation Act (864/2014), the Mining Act (621/2011), the Act on the Expropriation of Immovable Property and Special Rights (603/1977), and the Act on Expropriation Permit for Certain Projects with Environmental Impacts (768/2004) also contain relevant provisions, depending on the project under annex I in question.

(b) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment:

110. Finnish legislation enables the public to also participate in decision-making relating to activities and projects not listed in annex I to the Aarhus Convention. For example, the list of activities subject to a permit (the so-called list of installations) under the Environmental Protection Act is more extensive than the list in annex I to the Convention. Likewise, under section 3 of the EIA Act, the environmental impact assessment procedure applies, in addition to projects listed in Annex 1 to the Act, also to other projects and changes to them that are likely to have significant environmental impacts, if so decided specifically by an authority.

With respect to article 6, paragraph 2, measures taken to ensure that the public concerned is informed early in any environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in paragraph 2:

111. Provisions on informing the public as well as the public concerned and the contents of the information at the various stages of the decision-making procedures under the scope of article 6 are laid down in sector-specific acts, such as the Environmental Protection Act and the EIA Act, together with their supplementary decrees. In addition, section 62a of the Administrative Procedure Act (434/2003), which entered into force on 1 January 2020, is a general provision concerning public notices based on the premise whereby the notice and the documents on which public notice is given are to be published on the public information network on the authority's website. Special acts may contain provisions that deviate from or supplement this. Amendments concerning electronic service have also been made to acts including the Environmental Protection Act, the EIA Act and the Water Act.

112. Section 44 of the Environmental Protection Act provides that the permit authority shall announce the permit application, including the related documents, by public notice posted for at least 30 days, as laid down in section 62a of the Administrative Procedure Act. Provisions on the contents of the public notice are laid down in section 11 of the Environmental Protection Decree. The public notice shall be provided separately for information purposes to those parties concerned who are particularly affected by the matter. Section 45 of the Environmental Protection Act also lays down provisions on promoting access to information by means of electronic communication.

113. Under section 13 of the EIA Act and section 62a of the Administrative Procedure Act, public notice must be given on a decision to apply the EIA procedure. Provisions are laid down in sections 17 and 20 of the EIA Act and section 5 of the EIA Decree on the public notice concerning an environmental impact assessment programme and report becoming pending and the content of the notice, and in sections 3–4 of the Decree on the contents of the documents that the public notice concerns. These cover the information referred to in article 6, paragraph 2. Under the Act, public notice of a matter becoming pending must be published on the internet and at least in one newspaper in general circulation within the area of impact of the project. Provisions on how information is to be provided are laid down in other sector-specific acts. For example, chapter 11, section 10 of the Water Act and section 40 of the Mining Act lay down provisions on provision of information concerning permit applications and the manner and contents of information provision. Access to information based on the Mining Act was improved in 2023 (Act Amending the Mining Act 505/2023) by the introduction of annual public events. More specific provisions were also laid down on the provision of information to the Sámi Parliament.

114. Following a 2021 amendment to the EIA Act (556/2021), in international EIA procedures concerning the assessment of transboundary environmental impacts, more extensive translated documentation must be submitted to the other state participating in the assessment procedure. The official duties concerning transboundary environmental impacts were transferred from the Ministry of the Environment to the Finnish Environment Institute (Syke) from the beginning of 2023.

With respect to article 6, paragraph 3, measures taken to ensure that the time frames of the public participation procedures respect the requirements of paragraph 3,

With respect to article 6, paragraph 4, measures taken to ensure that there is early public participation:

115. The requirements of article 6, paragraphs 3 and 4 are taken into account in the EIA Act, the Environmental Protection Act and Decree, the Building Act and certain other special acts. General administrative regulations alone require that the public authorities must consult the parties concerned and others significantly affected by the matter already before deciding on the matter and notify of the opportunity to submit an opinion and of the time limits for consultation (chapter 6 of the Administrative Procedure Act). To avoid the purpose of the consultation to be jeopardised, the time limit may not be unreasonably brief.

116. For example, under section 43 of the Environmental Protection Act, it is required for a permit or other decision-making procedure concerning the environment that, before deciding on the matter, the permit authority shall reserve for the parties concerned as well as other parties the opportunity to lodge an objection to the matter and express their opinions on the application documents. The time limits for participation must be notified when announcing the permit application by public notice. The permit documents and the public notice must be posted for 30 days. Sections 17 and 20 of the EIA Act lay down the time limits for consultations, i.e. at least 30 and no more than 60 days from the publication of the public notice. Under the Act, the environmental impacts of a project shall be examined at the earliest possible stage of planning when the options are still open, taking into account the other processes to prepare the project.

With respect to article 6, paragraph 5, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit:

117. In the EIA and environmental permit processes, the applicant/the person responsible for the project provides their estimate of the area impacted by the project. The permit applications must contain information on the parties concerned. The authority may extend this group.

With respect to article 6, paragraph 6, measures taken to ensure that:

- (a) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;***

(b) In particular, the competent authorities give to the public concerned the information listed in this paragraph:

118. Public notice is published on information referred to in article 6, paragraph 6 and the information is, as a general rule, publicly available as described above in the answer concerning article 6, paragraph 2. Information is increasingly available online. For example, the premise of the Environmental Protection Act is that all key documents concerning decision-making are published on the information network, with provisions on the publication and non-disclosure of personal data taken into account.

With respect to article 6, paragraph 7, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity:

119. Under section 34 of the Administrative Procedure Act, before a matter is decided, each party shall be provided with an opportunity to express an opinion on the matter and to submit an explanation of claims and of evidence which may influence the decision. If the decision made on a matter could have a significant effect on the living environment, work or other conditions of persons other than the parties, the authority shall provide such persons with an opportunity to obtain information on the bases and objectives of the consideration of the matter and to express their opinion on the matter. In addition, provisions on the opportunities of the public to participate are laid down in the EIA Act, the Environmental Protection Act and other sector-specific special acts. For example, section 43 of the Environmental Protection Act provides the parties concerned and other parties with the opportunity to lodge an objection to the matter and to express their opinions. The opportunity provided under sections 17 and 20 of the EIA Act to express an opinion also applies to the public.

With respect to article 6, paragraph 8, measures taken to ensure that in a decision due account is taken of the outcome of the public participation:

120. The Administrative Procedure Act lays down provisions on the duty to state the reasons for a decision (sections 44–45), in addition to which further provisions on the matter are laid down in special acts. For example, under sections 48 and 83 of the Environmental Protection Act, the permit authority shall investigate the conditions for granting the environmental permit and shall take into account the statements issued and the objections and opinions submitted on the matter and provide responses to the specified demands set out. In addition, under section 15 of the Environmental Protection Decree, the permit decision must contain information including how the official opinions, objections and other opinions have been taken into account. Section 26 of the EIA Act lays down provisions on the obligation to take the assessment, including the consultation results, into account in the permit.

With respect to article 6, paragraph 9, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures:

121. Decisions by the authorities must be notified without delay. Chapters 9–10 of the Administrative Procedure Act contain provisions on the service of decisions. Provisions on informing the public are also laid down in special legislation, such as section 85 of the Environmental Protection Act, under which the decision on the permit shall be published by public notice in accordance with section 62a of the Administrative Procedure Act.

With respect to article 6, paragraph 10, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied, making the necessary changes:

122. Under section 29 of the Environmental Protection Act, a permit is required for any change in an activity that increases emissions or their impacts, or for any other substantial change in an activity requiring an environmental permit. In such cases, the permit procedure complies, as regards changes with significant adverse impacts made to the so-called Directive installations (i.e. activities and projects included in the scope of application of the Industrial Emissions Directive listed in annex I to the Convention), with the provisions (section 29) described in 3–9 above and, as regards changes to other activities and projects, mainly with the provisions (section 96) described in 3–9 above. The EIA Act applies to projects and changes to them that are likely to have significant environmental impacts (section 3).

With respect to article 6, paragraph 11, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment:

123. Provisions concerning consulting the public are included in the Gene Technology Act (377/1995) and EU legislation discussed in section XXXIII.

XVI. Obstacles encountered in the implementation of article 6

124. Not reported.

XVII. Further information on the practical application of the provisions of article 6

125. The Central Organisation of Finnish Trade Unions (SAK) comments that the switch from permits to notifications or registrations impedes access to participation and requests for review. According to SAK, the impacts of the legislative amendments on citizens' access to participation and requests for review should be evaluated.

126. SAK regards the combination of public notices relating to the EIA procedure and statutory land use planning, as well as the joint consideration of permits to speed up construction projects, as a good reform but hoped for more time to be allowed for comments due to the large scope of the matters.

127. According to SAK, the new Mining Act that entered into force in 2023 improves the environmental safety of mines. It also increases the access of municipal residents and landowners to local influence on mining activity. In addition to the mining permit under the Mining Act, mining activity also in practice requires other permits, such as the environmental permit. For example, the reform of the Nature Conservation Act involved the laying down of an exploration ban in national parks and strict nature reserves, and the adoption of an entirely new Act on the Environmental Damage Fund, the purpose of which is to create a Fund for situations where, for example, a mining operator or another operator engaged in an activity subject to an environmental permit goes bankrupt or can otherwise no longer be reached.

128. The Finnish Association for Nature Conservation (FANC) comments that the greatest shortcomings in access to participation by the public still lie in the Forest Act, with clear-cutting being an example of this. The problem is particularly significant since forests account for a large proportion of the surface area of the country.

129. The Central Union of Agricultural Producers and Forest Owners (MTK) comments that informing, in the context of land use and statutory land use planning, 'the public' and 'the public concerned' has been found to be poor and difficult to achieve. MTK refers to the report on customer experiences in land use change projects published by the Ministry of the Environment as part of the reform of the Land Use and Building Act in 2019, the results of which showed that many respondents were dissatisfied with the progress and smoothness of the change projects. The dissatisfaction was mainly due to insufficient or poorly timed participation and interaction processes, access to influence being perceived to exist in name only, and the perceived lack of transparency in planning and decision-making, which have been reflected in feelings of injustice. According to this report and the experience of MTK, participation and provision of information in matters relating to land use and, in particular, in statutory land use planning is at a poor level, and the level of information provision required by the Act currently simply does not reach 'the public' or 'the public concerned'.

130. The ELY Centres jointly comment that many green transition projects that are already being prepared or about to be launched are large in scale and deviating from the usual in terms of their impacts. For this reason, the role of consultation of citizens and organisations under the Aarhus Convention during land use planning, EIA procedures and permit processing is emphasised increasingly. In this respect, Finnish legislation is well up to date. A timely dialogue also plays a major role for the social acceptability of projects and reduces complaints submitted concerning permits.

XVIII. Website addresses relevant to the implementation of article 6

131. Further information about environmental impact assessment and the completed and pending EIA procedures including their documents: https://www.ymparisto.fi/en-US/Forms_permits_and_environmental_impact_assessment/Environmental_impact_assessment

Permit information service: <http://www.avi.fi/web/avi/ymparisto-lupa-tietopalvelu>

Report on customer experiences in land use change projects (2019):
<https://julkaisut.valtioneuvosto.fi/handle/10024/161940>

XIX. Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to article 7

List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment, pursuant to article 7. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9:

132. The Protocol on Strategic Environmental Assessment to the UNECE Convention on Environmental Impact Assessment in a Transboundary Context and the EU Directive on the assessment of the effects of certain plans and programmes on the environment (2001/42/EC) govern the assessment of the environmental impacts of plans and programmes and also contain obligations concerning the participation of the public. The Protocol and the Directive have been transposed into national legislation by several different statutes, with the main ones being the Act on the Assessment of the Effects of Certain Plans and Programmes on the Environment (200/2005, the SEA Act) and the SEA Decree (347/2005). The SEA Act and Decree contain not only provisions on the plans and programmes that require environmental assessments and related consultation of the public, but also a general provision concerning the identification and assessment of the environmental effects of plans and programmes in the preparation of plans and programmes, which had already previously been included in national legislation. Under section 3 of the SEA Act, the general assessment obligation applies broadly to a variety of plans and programmes of the authorities.

133. The Land Use and Building Act (132/1999, from 1 January 2025 onwards titled the Land Use Act) and Decree (895/1999) contain the provisions required by the SEA Protocol and Directive on the contents and procedures of environmental impact assessments of plans as regards statutory land use planning. Assessments are planned case-specifically and, when a plan is being drawn up, a scheme covering participation and interaction procedures and assessment of the plan's impact must be drawn up in good time, as required by the purpose and the significance of the plan (section 63).

134. Section 35 of the Nature Conservation Act requires an impact assessment if a project or plan, either individually or in combination with other projects and plans, is likely to cause a significant deterioration in nature values of a site included in, or proposed by the Government to be included in, the Natura 2000 network for the conservation of which the site has been included or is intended to be included in the Natura 2000 network. The assessment obligation also applies to any project or plan outside the site that is likely to have significant adverse impacts extending to the site.

135. The consultation of the public included in the drawing up of a plan or programme is also required extensively under other legislation, regardless of whether any environmental impact assessment takes place. The regulation is largely based on EU legislation. The Environmental Protection Act lays down provisions on the preparation of an air quality protection plan and a short-term action plan (section 147), the national air pollution control programme (section 149c), the procedure for preparation of noise maps and noise abatement action plans (section 152) and other national plans and programmes on environmental protection referred to in the regulations of the European Union (section 204). Section 89 of the Waste Act lays down provisions on the procedure for the preparation of waste plans. Section 13 of the Climate Act (609/2015) lays down provisions on the preparation of climate policy plans, including the participation of the public. Several consultations, seminars and workshops for stakeholders have been organised during the preparation of the medium-term plans for climate policy.

136. The reformed Nature Conservation Act (9/2023) lays down more specific provisions on the interaction followed in nature conservation planning. The manner of provision of information to the general public about

plans and programmes should be as active and easy to understand as possible, taking account of the opportunities of the various groups of citizens to participate. Where possible, the provision of information should make use of diverse methods, such as consultation events, digital systems, social media or other information tools based on case-specific discretion.

XX. Opportunities for public participation in the preparation of policies relating to the environment provided pursuant to article 7

137. The general assessment obligation under section 3 of the SEA Act mentioned in section XIX above also applies to policies.

138. Central government has used approaches including internet-based solutions such as the online consultation site (otakantaa.fi) for consultations relating to policies and strategies.

139. The National Audit Office of Finland (NAOF) is an independent auditor operating in affiliation with Parliament, which audits central government finances and the management of property, evaluates fiscal policy and monitors political party and election campaign funding. In its publications and opinions, the NAOF has also drawn attention to transparency and access to influence in the formulation of political strategies, such as the National Energy and Climate Strategy of Finland as well as the Finnish Bioeconomy Strategy, and has identified both good practices and aspects in need of development.

XXI. Obstacles encountered in the implementation of article 7

140. Not reported.

XXII. Further information on the practical application of the provisions of article 7

141. The Finnish Association for Nature Conservation (FANC) comments that positive development has taken place through the more frequent use of the lausuntopalvelu.fi service for submitting comments. The majority of requests made by the ministries and agencies such as the Finnish Environment Institute (Syke) for comments are published in the service. This makes the participation of citizens and organisations significantly easier. The service is not, however, yet used by all ministries, with the biggest problem being the Ministry of Agriculture and Forestry. In its comments of 11 November 2024, FANC regards the process to protect old-growth and primary forests relating to the implementation of the EU's Biodiversity Strategy and the related preparation of the government resolution on the national criteria as a bad example concerning open preparation work.

142. According to the opinion of the Central Organisation of Finnish Trade Unions (SAK), there is still room for improvement in the equal inclusion of stakeholders. The inclusion of trade organisations has been low in, for example, the preparation of the National Climate and Energy Strategy 2030 and the preparation of the national sector-specific climate roadmaps.

XXIII. Website addresses relevant to the implementation of article 7

143. SEA guidelines for the environmental authority:

http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/79245/OH1_2017.pdf?sequence=3

XXIV. Efforts made to promote public participation during the preparation of regulations and rules that may have a significant effect on the environment pursuant to article 8

Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment, pursuant to article 8. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9:

144. Everyone has the right of access to information about matters prepared by the authorities and the right to participate in and influence the development of society and their own living environment. The Ministry of Justice maintains electronic democracy services that the public and stakeholders can use to participate in the preparation of matters and to influence decision-making online. The authorities and decision-makers can use the services to obtain the views of the public and stakeholders on matters being prepared. The democracy services have been compiled on the *demokratia.fi* website, where background material and information sources concerning civic engagement and democracy can be found.

145. Issued by the Government, the Guide to Consultation in Statute Drafting defines policies for the consultation of stakeholders and their participation in the law drafting process. The current Guide to Consultation consists of the Government Resolution on the Guide to Consultation in Statute Drafting issued on 4 February 2016 and recommendations relating to its contents for consultation methods, tools and examples of best practices. The Guide to Consultation in Statute Drafting applies to the drafting of acts, decrees and regulations including legal provisions. In addition, consultation must comply with the provisions on the openness of the law drafting procedure and consultation laid down in the Constitution, the Act on the Openness of Government Activities, the Administrative Procedure Act and the Language Act.

146. A cross-administrative working group appointed by the Ministry of Justice prepared a draft for a new guide to consultation in statute drafting during its term that ended on 29 February 2024. The Ministry of Justice re-appointed the working group on 13 May 2024 and supplemented its duties from the previous assignment. The working group was to assess under which conditions technological development and increasingly efficient communication opportunities, other changes in the operating environment and the development of the legislative drafting process would enable the shortening of the current period of time for comments of the consultation procedure, also taking account of the differences between the nature and special characteristics (such as election year) of legislative drafting projects. The working group proposed that the minimum period of time provided in the guidelines for the consultation procedure be kept unchanged and the conditions for any period for comments shorter than the main rule be determined along the lines stated by the Chancellor of Justice in his opinions on government proposals. In addition, the working group proposed other means of speeding up the finalisation of legislative proposals. The Ministry of Justice reappointed the working group in October 2024 and supplemented its duties from the previous assignments so that the working group is to concretise the practical situations and conditions under which it is possible to deviate from the periods for comments. In addition, the working group may further assess and propose means of speeding up legislative drafting in other ways, particularly as regards election years.

147. The National Democracy Programme 2025 encompassed several measures promoting the civil society and inclusiveness in the 2019–2023 parliamentary term. The Democracy Programme functioned as an umbrella for democracy-related projects carried out by different ministries. A new democracy programme is being prepared under the leadership of the Ministry of Justice.

148. The Government acts in close cooperation with representatives of civil society and various population groups. The Advisory Board on Civil Society (KANE), the Advisory Board for Ethnic Relations (ETNO) and the Advisory Board for Language Affairs operate in conjunction with the Ministry of Justice. The Advisory Boards are tasked with promoting cooperation between civil society and the administration and making initiatives for the promotion of participation and influence of the various population groups. The Government appoints the Advisory Boards for four years at a time.

XXV. Obstacles encountered in the implementation of article 8

149. In several decisions (such as OKV/1772/10/2023, etc.) in 2023 and 2024, the Chancellor of Justice drew the attention of the Government and ministries to ensuring sufficient consultation periods in legislative drafting. The six-week consultation period specified in the Guide to Consultation in Statute Drafting is not legally absolutely binding and, instead, allows the ministry to exercise discretion. The ministry does, however, have the obligation to justify any consultation period shorter than this.

150. The perception of members of the public of their access to influence is not necessarily good. In an OECD study (OECD 2021. Drivers of Trust in Public Institutions in Finland, OECD Publishing, Paris), 30% of the respondents felt that the Finnish political system allows them to have a say in decisions. In a study of public perceptions on the drafting process of the Finnish Climate Act amendment, 37% of the respondents found they could participate sufficiently in the climate policy (Albrecht E, Pietilä I, Saarela SR. 2022. Public perceptions on the procedural values and proposed outcomes of the Finnish Climate Act Amendment. Front Clim, doi.org/10.3389/fclim.2021.657241).

XXVI. Further information on the practical application of the provisions of article 8

151. According to the comments provided by the Finnish Association for Nature Conservation (FANC), the situation concerning environmental NGOs being invited to the administration's working groups has clearly worsened under the current Government, particularly in the administrative branch of the Ministry of Agriculture and Forestry. At the same time, the work has increasingly become consultation-only: stakeholders are increasingly included in steering groups, but actual decisions are made in working groups within the administration. Environmental NGOs no longer receive requests for comments in the same way as they used to, not even on topics where they have undisputed special expertise. The latest example is the wind turbine guides concerning the White-Tailed Eagle and sensitive bird species for which comments were requested in the spring.

152. The Central Organisation of Finnish Trade Unions (SAK) comments that information on the launch of key consultation processes is no longer necessarily received directly from the ministries. It is also increasingly common for a very short period to be allowed for comments in written consultations, which hampers the realisation of article 8.

XXVII. Website addresses relevant to the implementation of article 8

153. Guide to Consultation in Statute Drafting: <http://kuulemisopas.finlex.fi/>

The democracy website of the Ministry of Justice: <https://www.demokratia.fi/en/home/>

XXVIII. Legislative, regulatory and other measures implementing the provisions on access to justice in article 9

Explain how each paragraph of article 9 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

154. In Finland, the administrative procedure does not involve a general administrative review stage, such as reconsideration by the authority that made the decision, or review by a higher administrative authority. Sector-specific legislation may, however, contain an administrative review procedure where, before any appeal procedure, a request for a review of a decision must first be made to the authority that made the decision by those not satisfied with the decision. In environmental legislation, the administrative review procedure is employed in some matters that come under the Environmental Protection Act or the Water Act, for example in conjunction with the approval of an emissions monitoring and control plan (sections 192–194 of the Environmental Protection Act). Provisions on the procedure for requesting an administrative review are laid down in chapter 7a of the Administrative Procedure Act (434/2003).

155. In Finland, the general act concerning the request for review procedure in administrative matters is the Administrative Judicial Procedure Act (808/2019), which entered into force on 1 January 2020. The Act contains general provisions on eligibility for appeal, right of appeal and request for review procedures. Sector-specific special legislation requiring administrative decisions, hereinafter ‘sector-specific permit acts’, lay down more specific provisions on right of appeal for reasons including to extend the right of appeal beyond the provisions of a general act. As regards the request for review procedure, the sector-specific permit acts refer to the general provisions of the above-mentioned Act.

156. Appeal against administrative decisions related to the environment usually takes place by submitting a request for administrative judicial review to the regional administrative court. As regards environmental and water permits, however, appeal is made to the Administrative Court of Vaasa under the relevant sector-specific permit acts. Provisions on appeal against decisions made by municipal authorities by virtue of their self-governing status are laid down in the Municipalities Act (410/2015). Some of the decisions made under e.g. the Building Act and the Waste Act are also within the scope of appeal against decisions of municipal authorities.

157. An appeal against a decision of a municipal authority differs from an administrative appeal with regard, in particular, to right of appeal, appeal criteria and the scope of the appeal authority’s competence in terms of examination of the appeal. Any member of the municipality may usually appeal against a decision of a municipal authority regardless of how the decision concerns them. The group of those with the right to request for administrative judicial review is more restricted.

158. As a general rule, a decision of an administrative court may be appealed to the Supreme Administrative Court if the Supreme Administrative Court grants leave to appeal. Upon its entry into force in 2020, the Administrative Judicial Procedure Act confirmed that the leave to appeal system is in force with regard to all administrative matters, unless otherwise provided by special acts for very exceptional reasons. Provisions on the environmental administration have already in part been updated so that, from 1 January 2020, the leave to appeal system covers, in accordance with the general act, also those groups of matters where the system was not used before.

With respect to article 9, paragraph 1, measures taken to ensure that:

(a) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law:

159. Under section 33 of the Openness Act, a decision of an authority on a request for access to information is subject to appeal to an administrative court as laid down in the Administrative Judicial Procedure Act. Under the Openness Act, an ‘authority’ also means corporations, institutions, foundations and private individuals appointed for the performance of a public task on the basis of an act, a decree or a provision or order issued by virtue of an act or a decree, when they exercise public authority. A decision of an administrative court may be appealed to the Supreme Administrative Court only if the Supreme Administrative Court grants leave to appeal.

(b) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law:

160. Access to the contents of a document shall be granted by an official or employee who has been so designated by the authority or to whom the task otherwise belongs by virtue of his/her office or duties. Under section 14, subsection 3 of the Openness Act, if an official refuses to grant access to information, the official must inform the person requesting access of the reason for the refusal; inform the person that he or she may have the matter decided by the authority; and ask a person who has filed a written request for access whether he or she wishes to have the matter forwarded to that authority; and inform the person of the charges payable in the consideration of the request. The purpose of the provision is to allow those requesting access to information a review procedure that is expeditious and free of charge.

161. If it emerges that a decision is clearly based on erroneous or insufficient evidence or on manifestly incorrect application of the law, or if a procedural error has occurred in the decision-making, the authority may annul its erroneous decision and make a new decision as laid down in section 50 of the Administrative Procedure Act.

(c) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused:

162. If a public official refuses to provide the information requested, they must inform the person requesting access of the reason for the refusal as well as the details referred to in section 14, subsection 3 of the Openness Act. Where the person requesting the information subsequently wishes to refer the matter to be decided by the authority, the authority makes an administrative decision on the matter. An administrative decision must be issued in writing in accordance with section 43 of the Administrative Procedure Act. Under section 45 of the Administrative Procedure Act, the authority shall state the reasons for its decision and indicate the circumstances and evidence that influenced the decision and specify the provisions applied.

163. A decision by an administrative court on an appeal against an administrative decision is final, unless leave to appeal is granted by the Supreme Administrative Court. The decision is binding on the authorities and reasons for it must be given as provided in section 86 of the Administrative Judicial Procedure Act.

With respect to article 9, paragraph 2, measures taken to ensure that, within the framework of national legislation, members of the public concerned meeting the criteria set out in paragraph 2 have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6:

164. In Finland, access to a review procedure required by article 9, paragraph 2 of the Convention has been arranged, as regards any decision, act or omission subject to the provisions of article 6 of the Convention, through provisions included in several different statutes. This largely constitutes implementation regulation of EU legislation. An activity or project subject to the provisions of article 6 may typically fall within the scope of application of several different statutes in Finland and may, consequently, also require a permit decision under several different statutes.

165. The activities and projects are mainly of a type involving emissions, whereby they are subject to a permit under the Environmental Protection Act (527/2014). The Environmental Protection Act contains comprehensive provisions on the right of appeal and the right to initiate proceedings. Section 191 of the Environmental Protection Act lays down provisions on the right of appeal concerning decisions made under the Act. In addition, section 186 lays down provisions on the right to initiate proceedings relating to certain matters. The right to initiate proceedings may pertain to matters including the rectification of a violation or negligence specified further in the Environmental Protection Act (section 175) or the suspension of operations polluting the environment (section 181). In addition to the parties concerned, those including registered environmental NGOs in whose operating area the environmental impacts in question arise, and the Sámi Parliament, have the right of appeal and the right to initiate proceedings.

166. Certain activities and projects, such as the construction of water supply facilities, dams and bridges, are subject to a permit under the Water Act (587/2011). The Water Act contains comprehensive provisions on the right of appeal and the right to initiate proceedings (chapter 15, section 2 and chapter 14, section 4) that largely correspond to the provisions of the Environmental Protection Act.

167. Some of the activities and projects may also require a permit under the Mining Act (621/2011). The Mining Act also contains comprehensive provisions on the right of appeal and the right to initiate proceedings (sections 165 and 159) that largely correspond to the provisions of the Environmental Protection Act.

168. Permit, licence and decision procedures required by, and provisions on the right of appeal and the right to initiate proceedings contained by, other statutes are also relevant to certain activities and projects (some road projects, nuclear facilities, long-distance railway tracks, oil, gas and chemical pipelines, electrical power lines, and solar and wind power plants). These statutes include the Act on the Transport System and Highways (503/2005), the Building Act (751/2023), the Land Use Act (132/1999), the Municipalities Act (410/2015),

the Act on Expropriation Permit for Certain Projects with Environmental Impacts (768/2004) and the Nuclear Energy Act (1990/1986).

With respect to article 9, paragraph 3, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment:

169. In Finland, provisions on requests for review referred to in article 9, paragraph 3 of the Convention are laid down by provisions included in several different statutes. For example, the Environmental Protection Act requires, as a general rule, an environmental permit for activities and projects other than those subject to the provisions of article 6 of the Convention (activities included in the so-called national list of installations). In addition, the Environmental Protection Act lays down provisions on matters including decisions on the treatment of contaminated soil and groundwater (section 136).

170. As already mentioned above in conjunction with article 9, paragraph 2 of the Convention, section 186 of the Environmental Protection Act lays down provisions on the right to initiate proceedings relating to certain matters. The right to initiate proceedings may pertain to the rectification of a violation or negligence specified further in the Environmental Protection Act (section 175) or the suspension of operations polluting the environment (section 181). In addition, the right to initiate proceedings may pertain to the establishment of the level of contamination and assessment of the need for the treatment of contaminated soil or groundwater as well as the obligation to take such treatment measures (sections 135 and 137) or the prevention of pollution in situations involving an activity that is not subject to a permit, notification or registration under the Environmental Protection Act (section 180).

171. Under the Environmental Protection Act, in addition to the parties concerned, those including registered environmental NGOs in whose operating area the environmental impacts in question arise, and the Sami Parliament, have the right of appeal and the right to initiate proceedings.

172. In addition to the Environmental Protection Act, several other statutes also lay down provisions on permit, licence and decision procedures as well as related rights of appeal and rights to initiate proceedings concerning activities and projects subject to the provisions of article 6 of the Convention. Such provisions are laid down in acts including the Water Act (chapter 15, section 2 and chapter 14, section 4), the Nature Conservation Act (sections 134 and 128), the Building Act (section 179), the Land Use and Building Act, (from 1 January 2025 onwards titled the Land Use Act, section 191), the Waste Act (sections 134 and 138), the Mining Act (sections 159 and 165), the Land Extraction Act (section 20a) and the Gene Technology Act (sections 36c and 44).

173. In addition, several national plans and programmes in Finland concerning the environment involve access to requests for review and, as a general rule, a related right of appeal has also been laid down for environmental NGOs. The most recent example of this is the Climate Act, to which a provision on requests for review (section 21b) was added in 2023. Access to requests for review applies to Government decisions on the adoption of climate policy plans referred to in sections 9–12 of the Climate Act and revisions of the climate policy plans referred to in section 17. In addition to the parties concerned, those including anyone whose right, obligation or interest may be affected in a specific way by impacts of climate change or its mitigation or adaptation to it, a registered association representing the interests of the above-mentioned persons, and national registered associations or foundations the purpose of which is the promotion of nature conservation, health protection or environmental protection, have the right of appeal. The objective of the added provision on requests for appeal was to promote the realisation of protection under the law in decision-making concerning climate policy.

174. Chapter 8a of the Administrative Procedure Act lays down provisions on administrative complaints: Anyone may file, with the authority that oversees the respective activities, an administrative complaint concerning the unlawful conduct of an authority, a person employed by an authority or another entity performing a public administrative duty, or about their failure to fulfil an obligation. For example, a complaint may be filed with a Regional State Administrative Agency in matters including the activities of a municipality. Having considered a complaint, the supervisory authority may issue administrative guidance to the party to whose activities the complaint pertains. No appeal may, however, be made against decisions on administrative complaint matters.

175. Under sections 108 and 109 of the Constitution, the Chancellor of Justice of the Government and the Parliamentary Ombudsman shall oversee that the courts of law, the other authorities and the civil servants, public employees and other persons, when the latter are performing a public task, obey the law and fulfil their obligations. In the performance of their duties, these highest supervisors of legality monitor the implementation of basic rights and liberties and human rights. Complaints may be filed with the highest supervisors of legality by anyone who regards that a supervised person or entity has acted unlawfully or failed to fulfil an obligation. No appeal may, however, be made against decisions on complaint matters.

With respect to article 9, paragraph 4, measures taken to ensure that:

(a) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;

(b) Such procedures otherwise meet the requirements of this paragraph:

176. The activities of central government and municipal authorities are governed by provisions including the legal principles of administration (incl. equal treatment and impartiality) of section 6 of the Administrative Procedure Act and the general requirements in the consideration of a matter laid down in chapter 5 of the Act. The administrative court process is governed by the provision laid down in section 21 of the Constitution whereby everyone has the right to have their case dealt with appropriately and without undue delay by a legally competent court or other authority.

177. Section 122 of the Administrative Judicial Procedure Act pertains to the impacts of appeal on the enforceability of administrative decisions and decisions made by an administrative court. The starting point is that appeal defers the enforcement of a decision. Appeal to the Supreme Administrative Court shall nevertheless not prevent enforcement of a decision in a matter in which leave to appeal is required. Enforcement may nevertheless not be undertaken if it renders the appeal useless.

178. In municipal matters, the primary rule is that a decision may be enforced regardless of any appeal against it. However, in conjunction with their appeal, the appellant may always request the administrative court to prohibit or suspend the enforcement of a decision.

179. There are no provisions on the duration of the administrative court process. Certain groups of matters must by law be considered urgently. An example of an appeal relating to the environment that must be considered urgently is an appeal against a decision to approve a general plan or road plan that is regarded as societally significant (Act on the Transport System and Highways, section 105). Requests for an administrative review must also be considered urgently under section 49e of the Administrative Procedure Act. By virtue of the Act on Compensation for the Excessive Length of Judicial Proceedings (362/2009), a party may receive compensation out of State funds for the excessive length of judicial proceedings.

180. The administrative court process may not give rise to unreasonable costs. Consequently, it is not mandatory to use an attorney in judicial proceedings concerning environmental matters in administrative courts. The fees payable by the appellant in judicial proceedings in administrative courts are as follows, depending on the appellate court (effective from 2022): administrative courts EUR 270, Supreme Administrative Court EUR 530. No fee is payable if a decision of a lower court is amended in favour of the appellant by an administrative court.

181. Under section 1 of the Legal Aid Act (257/2002), legal aid covers the provision of legal advice, the necessary measures and representation before a court of law and another authority, and the waiver of certain expenses related to the consideration of the matter. Under section 2, subsection 3 of the Act, legal aid is not provided to a company or a corporation. Consequently, environmental NGOs are not entitled to legal aid. Legal aid is usually not used in environmental matters, as the costs of administrative judicial procedures are relatively low.

With respect to article 9, paragraph 5, measures taken to ensure that information is provided to the public on access to administrative and judicial review:

182. Under section 14 of the Openness Act, in matters concerning requests for access to information, such information must be given by an official to the person requesting access.

183. Under section 47 of the Administrative Procedure Act, a decision on which a judicial review may be requested shall be accompanied with instructions for requesting a judicial review (i.e. appeal instructions). They shall indicate the appellate authority; the authority to which the appeal document is to be submitted; and the time allowed for appeal and the date from which it is calculated. The appeal instructions shall explain the requirements concerning the contents and annexes of the appeal document and its delivery as well as the charges for the consideration of appeals. Provisions on instructions for requesting an administrative review and for requesting a judicial review are also laid down in section 141 of the Municipalities Act.

184. Correspondingly, under section 88 of the Administrative Judicial Procedure Act, appeal instructions shall be appended to a decision of an administrative court if the decision is eligible for review by appeal.

185. General information about legal remedies is available on the oikeus.fi website maintained by the Ministry of Justice.

XXIX. Obstacles encountered in the implementation of article 9

186. Not reported.

XXX. Further information on the practical application of the provisions of article 9

Provide further information on the practical application of the provisions on access to justice pursuant to article 9, e.g., are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?

187. Information on matters considered by courts of law is available at the registries and on the websites of the administrative courts. Many administrative courts publish their annual report online, including the number of cases received and decided and the average processing times by group of matters. The Supreme Administrative Court also publishes an annual report containing statistical data. In 2023, proceedings in the Supreme Administrative Court were initiated on 174 matters relating to the environment, with leave to appeal granted in 21 matters (in 2022: 165/39).

188. The Supreme Administrative Court referred to article 9 of the Convention in its decision KHO 2023:62, which pertained to an appeal concerning a decision made by the Government on 27 October 2022 on the Annual Climate Report submitted under the Climate Act to Parliament. According to the appellants, the Government had not taken the climate measures required. The Supreme Administrative Court found that assessing the legality of the Government's decision-making procedure could be examined by the Court if neglecting to make a decision at that stage would lead to a result in violation of the Climate Act, or if the actions of the Government in reality would demonstrate that it had no intention of making the appropriate decisions in order to reach the goals and fulfil the obligations required by law with a sufficiently rapid schedule. According to the Court, the situation did not, however, yet constitute a situation where the Government would have acted in violation of the Climate Act.

189. The Finnish Environment Institute (Syke) comments that there are lots of water bodies in Finland, and the river basin management plans under the Water Framework Directive are important for a clean, healthy and sustainable environment for people in Finland. The public may participate in the drawing up of river basin management plans, and there is a provision on appeal in the Act on the Organisation of River Basin Management and the Marine Strategy. In practice, citizens have not requested for reviews of plans, regardless of plans having not resulted in the achievement of the objectives of the Water Framework Directive. Achieving the objectives of the Water Framework Directive or the Marine Strategy Framework Directive is not included in the Programme of Prime Minister Orpo's Government. The Government is going to amend the regulation relating to permits for projects under environmental and water legislation at the beginning of 2025. Not all citizens have received information about the potential impacts of the regulatory amendments on their local water body.

190. In its comments, the Finnish Association for Nature Conservation (FANC) considers that amendments to EIA regulation and certain other acts have improved NGO access to requesting review concerning projects that have undergone the EIA procedure. The reform of the Nature Conservation Act also resulted in a minor improvement to rights. FANC is of the view that there are, however, still gaps as regards the right of appeal of environmental NGOs in many acts of law concerning aspects such as plans. The examples mentioned by FANC are the Land Use and Building Act (132/1999, incl. street and park plans), the Nature Conservation Act (9/2023, incl. the National Biodiversity Action Plan, management and use plans), the Forest Act (1093/1996), the Fishing Act (379/2015), the Act on Managing the Risks Caused by Alien Species (1709/2015), the Outdoor Recreation Act (606/1973), the Off-Road Traffic Act (1710/1995) and the Act on Private Roads (560/2018).

191. The Central Organisation of Finnish Trade Unions (SAK) comments that it is important in administrative reforms to keep in mind the duty of the ELY Centre to safeguard the public interest in environmental matters, including access to requests for review concerning environmental permit decisions. The legal system and the Constitution unambiguously lay down the safeguarding of the public interest as the duty of the State, and this duty must not be removed from State government supervisory authorities. In doing so, responsibility in safeguarding of the public interest has, regarding official decisions, been transferred increasingly to citizens and NGOs. This is problematic. In addition to eroding citizens' and NGOs' trust in the authorities and permit procedures, this also results in an increase in the number of appeals outside of agencies. Furthermore, monitoring of legality by NGOs may also be made more difficult by increases in fees charged for requests for review. The matter remains topical due to the current Government of Prime Minister Orpo merging the supervisory duties of Regional State Administrative Agencies and ELY Centres.

XXXI. Website addresses relevant to the implementation of article 9

192. Annual report of the Supreme Administrative Court:
<https://www.kho.fi/fi/index/ajankohtaista/vuosikertomukset.html>

Information about legal remedies: Oikeus.fi

XXXII. General comments on the Convention's objective

If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being:

193. Section 20 of the Constitution of Finland lays down a provision equalling the objective of the Convention. Under the section, the public authorities shall endeavour to guarantee for everyone the right to a healthy environment and for everyone the possibility to influence decisions that concern their own living environment.

194. In its comments, the Confederation of Finnish Industries (EK) considers that, alongside matters relating to the implementation of the Convention, the implementation report submitted under the Convention should seek to examine the impacts of the current extent of the public's right of participation on the speed at which progress is made particularly in investments in the green transition. EK finds that the Convention has been implemented effectively in Finland and the public's rights of access to information, participation in decision-making and requests for review and initiation of proceedings have been guaranteed in accordance with the Convention in many different ways in national environmental regulation. The Ministry of the Environment should also explore ways of making access to participation smoother in Finland and the EU, so that Finland and the EU will be able to meet their ambitious climate neutrality targets. EK is of the view that the implementation report provides a comprehensive list of opportunities for access to influence by the public, but it hardly covers the way in which the Convention and its rights of access contribute towards the right of present and future generations to live in an environment of an adequately high quality, with a controlled structural change to a carbon-neutral economy being regarded by EK as a prerequisite for this. The transition to a carbon-neutral economy calls for a re-evaluation of the ways of doing things by all sectors of society.

195. The Finnish Association for Nature Conservation (FANC) and the Central Organisation of Finnish Trade Unions (SAK) in turn comment that the Programme of the current Government of Prime Minister Orpo contains many entries that cause concern with regard to the environmental rights of the public, such as the streamlining of permit procedures. The status of the preparation of the reforms is not known to the organisations.

XXXIII. Legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to article 6 bis and Annex I bis

With respect to paragraph 1 of article 6 bis and paragraph 1 of annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis:

196. Under section 36b of the Gene Technology Act, the Board for Gene Technology shall consult the public in regard to a planned deliberate release into the environment for any other purpose than for placing on the market, complying with the provisions on public notice laid down in sections 62a and 62b of the Administrative Procedure Act (434/2003), unless otherwise provided in the Gene Technology Act. In practice, this means field trials for research purposes. The Board publishes on its website information that it has received an above-mentioned application. The public notice must communicate about the right of access of the public to documents regarding the deliberate release for any other purpose than for placing on the market; at which agency and how the access to the documents is arranged; possibility to obtain a copy of the application document; to which authority written opinions are to be addressed; and the time limit for consulting. The time limit for consulting is 30 days, and the public has the right of access to the application documents concerning the field trial and to copies of them as well as the right to submit written comments on them. The application documents are available for viewing on the website of the Board. However, the consultation may be waived in the case of an urgent medical procedure, research or treatment with the purpose of safeguarding the life or health of a person or if such consultation is likely to endanger the privacy protection of the person who is subject to the procedure.

197. As regards placing on the market of GMO products, the consultation of the public takes place at the EU level in accordance with Directive 2001/18/EC or Regulation (EC) No 1829/2003 (genetically modified food and feed), see paragraph 1 of article 6 bis and paragraph 3 of annex I bis below.

198. Provisions on chargeable performances under the Gene Technology Act are laid down in section 7 of Government Decree 1255/2018.

With respect to paragraph 1 of article 6 bis and paragraph 2 of annex I bis, any exceptions provided for in the Party's regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception:

199. Under section 36b of the Gene Technology Act, consultation may, however, be waived in the case of an urgent medical procedure, research or treatment with the purpose of safeguarding the life or health of a person or if such consultation is likely to endanger the privacy protection of the person who is subject to the procedure.

With respect to paragraph 1 of article 6 bis and paragraph 3 of annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorisation for the deliberate release or placing on the market of such genetically modified organisms, as well as the assessment report where available:

200. The Board for Gene Technology publishes information on all field trial applications received as provided in section 36b of the Gene Technology Act.

201. As regards product applications (GM feed and food) under EU Regulation (EC) No 1829/2003, it is the duty of the Finnish Food Authority as the national contact point for GMO applications to ensure that the authorisation application summaries drawn up by the applicants and the opinions of the European Food Safety Authority (EFSA) on the applications are accessible to the public. The website of the Finnish Food Authority provides a link to the EFSA website with the summaries of the latest authorisation applications and the EFSA opinions on the applications. In force from 27 March 2021, Regulation (EU) 2019/1381 amending Regulation (EC) No 178/2002 on general food law will increase the transparency of the scientific activities of the EFSA. Applicants for the renewal of an authorisation shall notify the EFSA of the studies they intend to perform for the application. Following such notification, the EFSA shall launch a public consultation of stakeholders and the public on the studies intended to be performed with a view to supporting the application in order to identify whether other relevant scientific data or studies are available on the subject matter concerned by the notification. The EFSA publishes all its scientific outputs, including results of consultations performed during the risk assessment process, on its own initiative and without delay. The EFSA also publishes scientific data, studies and other information supporting applications. The information is made public once the application has been considered valid. The information is published on the EFSA website in an easily accessible manner. Once the opinions of the EFSA are completed, members of the public may make comments on them to the Commission in their native language for 30 days.

202. Consultations relating to product applications (such as GM cut flowers) under Directive 2001/18/EC are ensured by the Commission. Before the approval of a GMO, the public is allowed 30 days to make comments to the Commission on the application summary and the EFSA opinion under the Directive. Further information is available on the website of the Joint Research Centre (JRC) of the Commission. In addition to information on product applications, the website also contains summaries of all the field trial applications submitted in EU Member States.

With respect to paragraph 1 of article 6 bis and paragraph 4 of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential:

203. Section 32 and section 32a, subsections 5 and 6 of the Gene Technology Act lays down provisions on which information is not considered as confidential. The Gene Technology Act only applies to activity in accordance with Directives 2009/41/EC and 2001/18/EC. Directive 2001/18/EC in turn does not apply to the deliberate release into the environment of genetically modified food and feed, which is regulated in the EU by Regulation (EU) No 1829/2003.

With respect to paragraph 1 of article 6 bis and paragraph 5 of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example:

- (a) *The nature of possible decisions;*
- (b) *The public authority responsible for making the decision;*
- (c) *Public participation arrangements laid down pursuant to paragraph 1 of annex I bis;*
- (d) *An indication of the public authority from which relevant information can be obtained;*
- (e) *An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments:*

204. The Gene Technology Act lays down provisions on decision-making and availability of information concerning field trials and on consultation of the public as presented above. All the necessary information is available to the public online. Correspondingly, provisions on the decision-making process concerning products are laid down in EU legislation, and information is easily available online.

205. The provisions of the Gene Technology Act on the specification and confirmation of information as confidential were amended in 2021 so that the Board for Gene Technology may confirm the secrecy of information that may adversely affect the operator's interests. The Board confirms the information to be kept secret at the request of the operator. The amendments were made due to the amendments of the General Food Law (GFL) Regulation (178/2002) of the EU. The amendments of the GFL Regulation and Directive 2001/18/EC took into account not only the Aarhus Convention but also the General Data Protection Regulation (GDPR) of the EU.

With respect to paragraph 1 of article 6 bis and paragraph 6 of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit,

in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market:

206. The procedure is in writing. Comments may be submitted e.g. by post, email or via the Commission website. In some cases, information events are also organised about field trials where the public may make oral questions and comments.

With respect to paragraph 1 of article 6 bis and paragraph 7 of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis:

207. The duty to state the reason for an administrative decision (section 45 of the Administrative Procedure Act) and public access to the results of consultation procedures promote due account to comments in decision-making.

208. Public comments made on field trial applications are filed with the applications in the national gene technology register and are available to the public.

209. In the EU product authorisation procedure, the Commission sends the comments received for analysis either to the competent authority or the EFSA to establish whether they have an impact on the EFSA opinion. Comments made by the public are also filed with the applications.

With respect to paragraph 1 of article 6 bis and paragraph 8 of annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based:

210. Decisions concerning the deliberate release into the environment of genetically modified organisms are, under Directive 2001/18/EC, made in Finland by the Board for Gene Technology, whose decisions are available e.g. on the website of the Board. The Finnish Food Authority is the national competent authority under the GM Food and Feed Regulation ((EU) No 1829/2003) and the GMO Traceability and Labelling Regulation ((EU) No 1831/2003). Provisions on the national arrangements resulting from the implementation of the GM Food and Feed Regulation are laid down in Government Decree 910/2004, which includes provisions on information provision and consultation in section 7.

With respect to paragraph 2 of article 6 bis, how the requirements made in accordance with the provisions of annex I bis are complementary to and mutually supportive of the Party's national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity:

211. The Board for Gene Technology operating in conjunction with the Ministry of Social Affairs and Health is the Finnish competent authority in duties laid down in the Gene Technology Act as well as the Cartagena Protocol on Biosafety. The Ministry of the Environment, which is responsible for contacts with the Secretariat of the Cartagena Protocol, has a representative in the Board for Gene Technology.

XXXIV. Obstacles encountered in the implementation of article 6 bis and annex I bis

212. The time limit (60 days) provided for consulting the public under section 36b of the Gene Technology Act was shortened in 2021 to 30 days, as the longer time limit proved to be challenging in contexts such as authorisation processes for clinical trials. In the context of compassionate use under a special permit, the long authorisation process may result in a delay in medical treatment, which, in certain situations, may pose a risk to human life or health.

XXXV. Further information on the practical application of the provisions of article 6 bis and annex I bis

Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

213. Not reported.

XXXVI. Website addresses relevant to the implementation of article 6 bis

214. Board for Gene Technology: <http://geenitekniikanlautakunta.fi/en/frontpage>

Suomi.fi portal: <https://www.suomi.fi/services/public-consultation-on-field-trials-with-genetically-modified-organisms-gmos-the-board-for-gene-technology/c19ed688-c57e-4f4f-914b-3ba4783c2df1>

European Food Safety Authority (EFSA): <http://www.efsa.europa.eu/en/topics/topic/gmo>

Finnish Food Authority: <https://www.ruokavirasto.fi/en/companies/food-sector/production/common-requirements-for-composition/genetically-modified-food/>

XXXVII. XXXVII. Follow-up on issues of compliance

215. The Compliance Committee has not considered matters concerning Finland.

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Följande personer har undertecknat denna handling elektroniskt /

This document has been signed electronically by the following persons: