

**AARHUS CONVENTION
THIRD IMPLEMENTATION REPORT**
The following report is submitted on behalf of **FINLAND**
in accordance with decision I/8 and II/10

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Date:	27 November, 2010

DETAILS ON THE ORIGIN OF THIS REPORT

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I. PROCESS BY WHICH THE REPORT HAS BEEN PREPARED

1. The report was drawn up at the Ministry of the Environment on the basis of the Second National Implementation Report (2008) of the Aarhus Convention. It was sent in early October 2010 for a restricted round for comments (mainly non-governmental organisations, NGOs), requesting views to be taken into account in the report being worked out in 2010. On November 11, 2010, an updated report draft was sent for an extensive round for comments, requesting comments from the Ministry of Justice, the Ministry of Defence, the Ministry of Transport and Communications, the Ministry of Agriculture and Forestry, the Ministry of Social Affairs and Health, the Ministry for Foreign Affairs, the Prime Minister's Office, the Ministry of Education and Culture, the Ministry of Finance, the Ministry of Employment and the Economy, the Finnish Environment Institute, the Centres for Economic Development, Transport and the Environment (15 Centres), the Regional State Administrative Agencies (six Agencies), several environmental organisations and other organisations representing, among others, the environmental, economy and employee sectors, to be taken into account in the 2011 report.
2. At the same time, the report draft was laid open to public comments on the website of the environmental administration.
3. An effort was made to take account of the input submitted during the round for comments as far as possible. The views submitted by the Finnish Association for Nature Conservation were not included in the report in all respects, as some of the comments related to issues falling outside the scope of implementation of the Aarhus Convention. The Finnish Association for Nature Conservation stated that there are still problems in Finnish legislation in various sectors, where citizens' access to information, participation in decision-making and access to justice are not realised yet and that the Finnish legal instruments could still be developed.
4. Prior to the finalisation and translation of the report, an occasion for public consultation on the report was arranged by the Ministry of the Environment on December 1, 2010.
5. Regional state administration was reformed on January 1, 2010. The tasks of the Regional Environment Centres were transferred to the Centres for Economic Development, Transport and the Environment (ELY) under the Ministry of Employment and the Economy and the tasks of the environmental permit authorities to the Regional State Administrative Agencies (AVI) under the Ministry of Finance. The Act on Environmental Administration (55/1995) was repealed by the Act on implementing legislation on the renewal of regional state administration (903/2009) issued on November 20, 2009. Previously, the Act included administrative regulations on Regional Environment Centres, environmental permit authorities and the Finnish Environment Institute. On account of the repealing of that Act, a separate new Act on the Finnish Environment Institute was issued on December 11, 2009 (1069/2009). Moreover, an Act on Regional State Administrative Agencies (896/2009) and an Act on Centres for Economic Development, Transport and the Environment (897/2009) were issued on November 20, 2009.
6. There are six regional state administrative agencies in mainland Finland, four of which handle environmental permit matters. These agencies promote the realisation of basic rights and legal protection, access to basic services, environmental protection, sustainable use of the environment, internal security, as well as healthy and safe living and working environment in the districts.
7. There are fifteen Centres for Economic Development, Transport and the Environment, thirteen of which handle environmental matters. The tasks of the former Employment and Economic Development Centres, Regional Environment Centres, Road Regions, the Departments

of Transport and Culture and Education of State Provincial Offices and the Finnish Maritime Administration have been incorporated therein. Attention is paid to safeguarding the independence of the tasks relating to the supervision of environmental matters in the Regional State Administrative Agencies as well as in the Centres for Economic Development, Transport and the Environment. With the reform of regional State administration, the processing and monitoring of permits in matters under the Environmental Protection Act have been differentiated in government agencies since 2010. Permits under the Environmental Protection Act and the Water Act are handled by the Regional State Administrative Agencies, and monitoring is the task of the Centres for Economic Development, Transport and the Environment. Moreover, the local environmental protection authority has permit powers in minor issues and is also entrusted with supervisory tasks.

8. On November 11, 2009, Finland and Sweden concluded a new Frontier Rivers Agreement (Convention Series 90-91/2010) which entered into force on October 1, 2010 and replaced the earlier Agreement concluded in 1971. Under the new Agreement, the legislation and permit authorities involved in water permit issues in the Tornionjoki watershed are determined by the national judicial system of each country. Since October 1, 2010, the Finnish-Swedish Frontier River Commission no longer serves as a permit authority. One of the main objectives of the reform of the Agreement was to create preconditions for appeal in water issues from permit decisions relating to projects implemented in the Tornionjoki watershed. The Agreement safeguards for residents of the region wide rights of participation also in water permit matters handled on the other side of the frontier.

II. PARTICULAR CIRCUMSTANCES RELEVANT FOR UNDERSTANDING THE REPORT

9. Under Section 94 of the Finnish Constitution (731/1999), the Parliament approves such conventions and other international obligations that contain provisions in the field of legislation or are otherwise high in significance or require Parliament's approval for some other reason. On the basis of this provision, the Council of State forwarded the Aarhus Convention for the approval of Parliament by government proposal to the Parliament HE 165/2003. After Parliament had approved the Convention, the President of the Republic ratified it on September 1, 2004. On June 10, 2008, Finland approved an amendment to the Convention relating to genetically modified organisms.

10. Even though the existing legislation mainly fulfilled the regulations of the Aarhus Convention, certain legislative amendments had to be made in connection with the ratification procedure. The Council of State forwarded these proposals for amendment of legislation to Parliament in connection with the proposal for ratification of the Aarhus Convention. Parliament approved the following legislation on the basis of the Government proposal: the Act on amending the Act on Nuclear Energy (990/1987, amendment 769/2004) and the Act on the expropriation permit in certain projects affecting the use of the environment (768/2004). Furthermore, the Aarhus Convention itself was enforced by Act (767/2004) and presidential Decree (866/2004).

11. In Finland, there is usually no need to implement convention provisions directly, since the provisions of an international convention are implemented separately in the legislation. This principle also applies to the Aarhus Convention.

III. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE GENERAL PROVISIONS IN PARAGRAPHS 2, 3, 4, 7 AND 8 OF ARTICLE 3

Article 3, paragraph 2

12. All fundamental principles of good administration provided for in Chapter 2 of the Administrative Procedure Act (434/2003), including the legal principles of administration detailed in Section 6, the arranging of service set out in Section 7, the obligation to provide advice laid out in Section 8 and the requirement set out in Section 9 of said Act for appropriate, clear and comprehensible language, have a bearing on the operations of State and municipal authorities. The general provision for an obligation to inter-authority co-operation set out in Section 10 of said Act is also relevant to this question.

13. The provisions in Chapter 3 of the Administrative Procedure Act relate to the standing as a party and the right to be heard, and those in Chapter 4 relate to the delivery of documents to an authority and the pending effect of a matter in an authority. The provisions in Chapter 5 of the Administrative Procedure Act are also relevant, particularly those relating to the disqualification of officials. Pursuant to Section 23, paragraph 1 of the Administrative Procedure Act, a matter shall be considered without undue delay. Consideration without delay is safeguarded by the provision in Section 23, paragraph 2 of said Act, providing that upon request, the authority shall supply the party with an estimated time of issue of a decision and respond to queries as to the progress of the consideration of the matter. Also, Chapter 5 of the Act contains provisions for situations where a person does not know the language, Finnish or Swedish, used in the authority in accordance with the Language Act. The obligations of the authority are then fulfilled by interpretation and translation.

14. On the other hand, the provisions of Chapter 6 of the Administrative Procedure Act regarding clarification of the matter and hearing of a party have a bearing on a decision in a matter; these provisions mainly complement the detailed provisions included in the Environmental Protection Act (86/2000) and other environmental legislation. The provisions of Chapter 6 of said Act for presenting oral demands and information (Section 37), a viewing procedure (section 38), carrying out an inspection (Section 39) and oral testimony (Section 40) may also be relevant in a given decision matter.

15. Among the provisions of Chapter 7 of the Administrative Procedure Act, specifically those relating generally to the obligation to state reasons (Section 45), the instructions for seeking rectification (Section 46) and the content of appeal instructions and appending thereof to the decision (Section 47) have special applicability. The provisions relating to notice of an appeal prohibition and non-appealability (Section 48) as well as the provisions for the correction of appeal instructions (Section 49) are also relevant.

16. Important procedural provisions in practice also include the provisions in Chapter 8 of the Administrative Procedure Act on the correction of a decision. Section 50 of the Administrative Procedure Act provides for the correction of a material error and Section 51 for the correction of other errors (typographical and arithmetical errors and other corresponding errors). The provisions of Sections 52 and 53 of the Act for their part relate to the pending effect and consideration of a correction matter.

17. Pursuant to Section 50, paragraph 1 of the Administrative Procedure Act, if a decision is based on clearly erroneous or insufficient information or an obviously incorrect application of legislation, or if a procedural error has occurred in the decision-making, the authority may annul its erroneous decision and decide on the matter anew. However, the correction of a decision to the detriment of a party requires the consent of said party. The consent of a party is not required in cases where the error in the decision is obvious and has arisen from the conduct of that party, such as said party having submitted erroneous information during the processing of the matter.

18. Under the Act, a correction matter becomes pending on the authority's initiative or on the demand of the party. In both cases, the initiative shall be taken within five years of the date of the

decision. The correction of a material error requires a new consideration of the matter and the making of a new decision. Such a decision is usually a new appealable administrative decision. A typographical error is corrected by making a new instrument. Furthermore, the correction of the error shall be marked on the archive copy of the decision stored by, or into the information system used by the authority. A new instrument shall be issued to the party free of charge. The correction of a typographical error or equivalent usually does not produce a new appealable decision.

19. The provisions of the Act on the Openness of Government Activities, hereafter the Act on Openness (621/1999) for good information management are of special importance in view of information retrieval by the public (website: <http://www.om.fi/en/Etusivu/Perussaannoksia/Julkisuuslaki>). Pursuant to Section 18, paragraph 4 of the Act on Openness, the responsibilities of the authorities include the requirement to "plan and realise their document and information administration and the information management systems and computer systems they maintain in a manner allowing for the effortless realisation of access to the documents". The right of public access to information is also implemented by means of the provisions in Section 19, paragraph 2 of the Act on Openness on the duty of the authorities to provide upon request, either orally or by other convenient means, information on the stage of consideration, alternatives under consideration and impact assessments relating to pending matters, as well as on the opportunities of private individuals and corporations to exercise an influence on the matters. The Act on the publicity of a trial in an administrative court enacted on October 1, 2007 (381/2007) is applied to the processing of appeals from decisions by administrative authorities in administrative courts.

20. Information on the Aarhus Convention and its obligations has been disseminated to the environmental authorities during the training and conference sessions for the environmental administration, and discussions have been held on the implementation of the principles of the Convention in the performance negotiations between the Ministry of the Environment and the regional administration.

Article 3, paragraph 3

21. Under the Act on Openness, the authorities shall see to it that documents and information systems as well as the information contained therein are duly accessible, for example in databases and libraries. Courts and other judicial organs are included among the authorities stated in the Act. The Act also includes provisions on the duty of the authorities to produce and disseminate information.

22. The environmental authorities promote environmental education and public awareness in environmental matters. Information concerning the environment can be accessed from the website of Finland's Environmental Administration (<http://www.ymparisto.fi>) and from the websites of the Centres for Economic Development, Transport and the Environment (for example, information on pending environmental impact projects is available on the websites of the Centres for Economic Development, Transport and the Environment). Already in 2003, the Ministry of the Environment regionalised the coordinating and developing tasks as well as the specialist knowledge relating to environmental education and awareness to the Regional Environment Centre of Central Finland. In connection with the reform of regional administration, the task was assigned to the Centre for Economic Development, Transport and the Environment of Central Finland by Decree (910/2009, Section 12). The coordinating task covers all sectors and levels of administration.

23. Finland has up-to-date national strategies and programmes in place for promoting environmental education and awareness, that is, education and training for sustainable development. Functional co-operation structures at the national as well as at the regional level

have been set up for the implementation and monitoring thereof. The Centre for Economic Development, Transport and the Environment of Central Finland is currently working out a document "Arranging Co-operation in Environmental Education and Sustainable Development Training in Finland 2011-2017". The document will concretize ways of co-operation within and between 1) the state central government, 2) regional government, 3) local government, 4) organisations, 5) NG organisations and associations, 6) business and 7) the media.

24. Projects for promoting environmental education have been financed by environmental education and information grants issued by the Ministry of the Environment on a national basis. A national co-operation group operates under the auspices of the educational and environmental administration. Financial co-operation is coordinated by a cross-sectoral working group. Regional co-operation in environmental education is organised in broad-based regional working groups; such groups have been set up since 1995. Most provinces have their local environmental education strategies or programmes and websites in place. The new legislation on regional administration also obliges the Centres for Economic Development, Transport and the Environment, the State Administrative Agencies and the Regional Councils to work in close co-operation for environmental education and awareness. The Finnish Association for Environmental Education (SYKSE) coordinates the co-operation between various environmental organisations. The Association also manages the Green Flag scheme and markets it to day care institutions and schools. The Finnish Foundation for Educational and Pedagogic Development (the OKKA Foundation) maintains national certification of educational institutions for sustainable development. Nature and Environmental schools support environmental education work in schools in a substantial way. Youth Centres (11 Centres), financed by the Ministry of Education and Culture, also carry out significant environmental education work as part of their basic activities.

25. Pursuant to the Directive on Public Access to Environmental Information (2003/4/EC), increased public access of environmental information and the dissemination of such information contribute to a greater awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment. The targets of the Directive have been promoted by implementing the INSPIRE Directive (2007/2/EC) nationally and by instituting support services as required by the said implementation. The Directive has been implemented by the Act on Infrastructure (421/2009), which entered into force on June 17, 2009. A geographic information window website (www.paikkatietoikkuna.fi) maintained by the National Land Survey pertains to such implementation; the website disseminates supporting information on the implementation and provides geographic information material and services textually and by means of map images. The new regulations worked out by the Ministry of the Environment on the openness, delivery and pricing of the set of data collected by the environmental administration took effect on January 1, 2008. The purpose of the regulations is to facilitate adherence to uniform principles within the different agencies of the environmental administration when delivering documentation.

26. Environmental education as a part of education promoting sustainable development is included in the fundamental guidance documents of education and research as well as at the core of curricula. Consolidating environmental education at all school levels is a target set in the current Government Programme. The target is being realised by co-operation between the administrative sectors and by networking of actors. In 2008, a broadly based contact group for education to promote sustainable development, led by the Ministry of Education and Culture and working on a voluntary basis, was set up. The group involves experts in environmental education.

27. The National Sustainable Development Strategy 'Towards sustainable choices. A nationally and globally sustainable Finland' approved in 2006 as a Government resolution also states the importance of education (<http://www.ymparisto.fi/download.asp?contentid=53983&lan=fi>).

28. The national strategy is underpinned by the strategy for education and training to promote sustainable development approved in 2006, and its implementation plan for 2006-2014 (http://www.oph.fi/download/110201_kekestrategia.pdf). The dimension of environmental education is also included on the website for sustainable development (<http://www.edu.fi/teemat/keke/>) of the National Board of Education. General information on sustainable development in the sector of the Ministry of Education can be obtained from the website http://www.minedu.fi/OPM/Kansainvaliset_asiat/kestaevae_kehitys/?lang=fi.

29. Moreover, the website <http://www.oikeus.fi/> maintained by the Ministry of Justice provides information on legal remedies in the environmental field. The Supreme Administrative Court also has its own website (<http://www.kho.fi/>). Furthermore, general information on legal practice is available at the FINLEX data bank (<http://www.finlex.fi/fi/>).

30. The Finnish Association for Nature Conservation arranged a seminar "Environmental Rights of Citizens" together with the Nature Conservation Society of Uusimaa and the Finnish ECA Reform Campaign with the support of the Ministry of Foreign Affairs in September 2005. A guide "Citizens' environmental rights in the EU" was published in connection with the seminar; the guide is available electronically at <http://www.sll.fi/luontojaymparisto/kansainvalinentoiminta/raisa>.

31. The websites of the agencies of the Transport Administration (The Finnish Transport Agency, the Transport Safety Agency and the Finnish Meteorological Institute) also publish information on environmental matters. The Finnish Road Administration has an environmental programme Toward an Eco-Efficient Traffic System extending to 2010. Its baseline consists of the guidelines of the Ministry of Transport and Communications in environmental matters and the Guidelines for road management and development 2015 (http://www.tiehallinto.fi/servlet/page?_pageid=71&_dad=julia&_schema=PORTAL30&menu=8573&_pageid=71&kieli=fi&linkki=15135&julkaisu=5614). Monitoring survey of the environmental programme of the Ministry of Transport and Communications, "Environmental Guidelines for the Transport Sector Until 2010", up to 2006 is published at <http://www.lvm.fi/web/fi/haku/results/?query=ymp%C3%A4rist%C3%B6hjelma>.

32. The Ministry of the Environment has been preparing a leaflet on the Aarhus Convention, which is to be published in 2011 in both official languages (Finnish and Swedish). The leaflet is also intended to serve the regional environmental administration and other sectors of administration as reorganised in early 2010.

Article 3, paragraph 4

33. Under the Finnish Constitution, the public administration must endeavour to safeguard every person the right to a healthy environment and an opportunity to participate in decision-making relating to his or her living environment. Furthermore, the following legislation include separate provisions on access to justice by NGOs: Environmental Protection Act (86/2000), Land Use and Building Act (132/1999), Nature Conservation Act (1096/1996), Water Act (264/1961; amended by Acts 88/2000 and 1391/2009 in this respect), Nuclear Energy Act, Highways Act (503/2005), Railway Act (110/2007), Genetic Engineering Act (377/1995, amendment 847/2010) and the Act on the expropriation permit in certain projects affecting the use of the environment (768/2004, amendment 111/2007).

Article 3, paragraph 7

Article 3, paragraph 7 (a)

34. The guidelines approved at the second meeting of the parties to the Aarhus Convention at Almaty in 2005 (Decision II/4) on promoting the principles of the Convention in international organisations was widely distributed to officials representing Finland at various international environmental conferences, as well as to their superiors and the political leaders of the Ministry of the Environment. In that connection, the leaflet about the Convention, “Your Right to a Healthy Environment”, prepared by the ECE Aarhus Secretariat was also distributed.

Article 3, paragraph 7 (b)

35. The Ministry of the Environment introduced a ground-breaking experiment in October 2010 at disseminating up-to-date information, as far as possible, via its website on the 10th meeting of the Conference of the Parties to the Convention on Biological Diversity, where globally significant decisions to protect natural biodiversity were made. The purpose of the blog was to disseminate information on pending conclusions and outcomes, and in preparation for the conference, negotiations as well as individual and unexpected questions of fact that emerged along the way. Entries were made by the Minister and experts at the Ministry. Citizens had the opportunity to post their comments relating to the news on the blog.

36. Experience from the blog will be made use of in preparing the strategies and measures of the Ministry of the Environment for utilising social media.

Article 3, paragraph 7 (c)

37. The Ministry of the Environment and the Ministry for Foreign Affairs have jointly aligned their policies regarding the participation of NGOs in international conferences and have arranged discussions on the subject with representatives of NGOs. Representatives of NGOs have been included, as far as possible, as expert members in Finnish delegations, and their travel expenses have been reimbursed fully or in part. NGOs may also participate as invited delegates in national preparatory conferences for international conventions. NGOs have been asked to coordinate their opinions as to what their proposed representation will be in different conferences.

38. Environmental organisations are also represented in sub-committees under the committee for the national preparation of EU matters, such as the sub-committee on the environment, the sub-committee on regional policy and the sub-committee on forest policy. Furthermore, environmental organisations are represented in many groups preparing international environmental issues, such as the Advisory Board for International Forest Policy.

39. In September 2010, the Ministry of the Environment proposed a representative of the Finnish Association for Nature Conservation to serve in the extended makeup of the national Committee for EU Affairs. In accordance with the principle of sustainable development, the environmental view should be put forward when broad-ranging matters relating to EU policy are discussed on the Committee.

40. The Ministry of the Environment has also catered for naming an NGO contact person in the delegation for the 2010 Climate Change Conference (Cancún).

Article 3, paragraph 7 (d)

41. Finland has promoted the implementation of the principles of the Aarhus Convention in international negotiations and decision-making processes and in the preparation of EU legislation.

Article 3, paragraph 7 (e)

42. No specific information in this point.

Article 3, paragraph 8

43. Under the provisions of Section 6 of the Finnish Constitution regarding equality, no one shall, without an acceptable reason, be treated differently from other persons on the ground of conviction, opinion or any other reason that concerns his or her person. Furthermore, under Section 6 of the Administrative Procedure Act relating to legal principles of administration, an authority shall treat the customers of the administration on an equal basis and exercise its competence only for purposes that are acceptable under the law. The acts of the authority shall be impartial and proportionate to their objective.

44. In an administrative court process, the possibility to order a private party to compensate another party or an authority for his or her legal costs is determined on the basis of the provisions of Section 74 of the Administrative Judicial Procedure Act (586/1996). Between private parties, the liability to compensate for legal costs is based on the final result of the decision and on consideration of discretion.

IV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 3

45. No specific information under this heading.

V. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE GENERAL PROVISIONS OF ARTICLE 3

46. For example, the personnel of the former Environmental Permit Agencies, currently the Regional State Administrative Agencies, complies with the provision of paragraph 2 of the article by responding to questions and queries concerning the use of service. The personnel applying the law have designated areas of responsibility in the rules of procedure and thus, depending on the nature of the matter, the primary obligation to provide advice can be assigned to the relevant responsible persons. The public notices on applications for environmental and water resources engineering permits include the name of the presenting official for the matter with his or her contact information, which makes it easier for a party or an interested citizen to contact the person with primary responsibility for providing advice. The personnel of a Regional State Administrative Agency provides advice to clients and the public at offices, by telephone and in writing. Queries by e-mail and answering them are commonplace at these agencies.

47. Documents relating to decision-making at a Regional State Administrative Agency are open to the public, with very few exceptions. Application documents are accessible to the public at the Agency and generally also for approximately one month with local authorities within the impact area of the project. The obligation to provide information to parties laid down in the environmental legislation is stricter than that laid down in the Administrative Procedure Act. Information about a project to which a permit application relates is primarily provided by special service to the parties, and at the same time the parties receive a summary of the plan, including the impacts assessed by the applicant. The decisions are accessible on the Internet, reported in a format for use by the public. Open access to the documents can still be developed, so that all public application documents would be accessible on the Internet when the parties have the opportunity to make complaints and claims concerning the application. In such a case, interested parties would have access to the information they need much more easily, which might lessen the need for giving advice over the telephone.

48. Information on the Regional State Administrative Agencies can be obtained at

<http://www.avi.fi/fi/Sivut/etusivu.aspx> and at the website of the Ministry of Employment and the Economy. The websites of State Administrative Agencies handling environmental permits publish information on pending and concluded application matters. A communication is drawn up on significant decisions, serving the parties concerned, the public, the press and other media. Reported decisions can be accessed by the public through the Internet. Media interested in decision-making relating to the environment generally obtain information from the presenting official.

49. Also the Centres for Economic Development, Transport and the Environment give information and guidance in matters falling within their jurisdiction. Information on these Centres is provided on the website <http://www.ely-keskus.fi>. For example, in environmental impact assessment tasks handled by the Centres, public participation is of crucial importance.

VI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 3

50. The joint address of the public administration web service, [http:// www.suomi.fi/](http://www.suomi.fi/), includes general information on the activities of the Finnish public administration. The FINLEX data bank contains the Finnish legislation and international conventions binding on Finland, <http://www.finlex.fi/fi/sopimukset/>. Further information can be obtained from the website of the Ministry of Justice, <http://www.om.fi/23955.htm>. Environmental administration: <http://www.ymparisto.fi/>. Centres for Economic Development, Transport and the Environment: <http://www.ely-keskus.fi>. Regional State administrative agencies: <http://www.avi.fi> .

VII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO ENVIRONMENTAL INFORMATION IN ARTICLE 4

51. Pursuant to Section 9, paragraph 1 of the Act on Openness, each person is entitled to receive information on a public document. The definitions of an “authority” and an ”official document” in Sections 4 and 5 of the Act correspond to the definitions in article 2 of the Convention. Furthermore, in accordance with Section 109 of the Environmental Protection Act, emissions and control information and environmental quality information is not subject to confidentiality. The Act on the publicity of a trial in an administrative court issued on October 1, 2007 (381/2007) is applied to the processing of appeals from decisions by administrative authorities in administrative courts.

52. Under the Finnish Constitution and the openness principle stated in Section 3 of the Act on Openness, the use of the right to access to information or the right to access to justice is not tied to Finnish nationality. Hence, the right to access to information, public participation in decision-making, and access to justice is possessed by every person within Finnish jurisdiction without any connection to nationality. Pursuant to Section 33 of the Act on Openness, a decision under that Act can be applied as provided in the Administrative Legal Procedure Act (586/1996).

Article 4, paragraph 1

Article 4, paragraph 1 (a)

53. Under Section 13 of the Act on Openness, a request for a document shall be identified to a sufficient degree in order for the authority to be able to determine to what document the request relates. On the other hand, the person making the request is under no obligation to furnish personal

identification or provide any substantiation for his or her request, unless this is necessary to exercise the discretion of the authority provided for in the legislation or to determine whether the person making the request is entitled to access the document.

Article 4, paragraph 1 (b)

54. Under Section 16, paragraph 1 of the Act on Openness, information on the content of an official document is to be provided orally or at sight or for copying or for listening to at the authority or by furnishing of a copy or print thereof.

Article 4, paragraph 1 (c)

55. Under Section 16, paragraph 1 of the Act on Openness, information on the public content of a document shall be supplied in the form requested, unless compliance with the request causes undue detriment to official action on account of the difficulty of copying the document or some other comparable reason.

Article 4, paragraph 2

56. Pursuant to Section 14, paragraph 4 of the Act on Openness, a matter shall be considered without delay. Information on a public document shall be supplied as soon as possible, at any rate within two weeks at the latest. If there is a large amount of documents or they include confidential parts or if the handling of the matter, for reasons comparable to these, requires a greater input of work than normal, the matter shall be resolved and information on the public document supplied within one month of the request at the latest.

57. Furthermore, under Section 23 of the Administrative Procedure Act, the matter shall be considered without undue delay. The authority shall present the party concerned, at his or her request, with an estimate of the time of issuance of the decision and respond to queries concerning the progress of the handling of the processing.

Article 4, paragraphs 3 and 4

58. Section 5 of the Act on Openness defines an official document. In accordance with the definition, internal documents of authorities are not official documents provided for in the Act. If again information is requested on a document that is not in the possession of the authority, the Act on Openness has as its starting-point, in accordance with the service principle of administration, that the matter is transferred to a competent authority (Act on Openness, Section 15).

59. The provisions of Sections 6 and 7 of the Act on Openness again relate to the laying open to public inspection of documents drawn up by authorities as well as documents submitted to authorities. Pursuant to Section 9, paragraph 2 of the Act on Openness, providing information on a document that is not yet public is at the discretion of the authority. The grounds for discretion have been limited by a provision according to which the provisions of Section 17 shall be taken into account in the discretion. Hence the provision of information shall not be limited without due course, as laid out in the legislation, more than what is necessary in view of the interests of a person to be protected. Moreover, persons requesting information shall be treated equally. The provisions of Section 19 of the Act on Openness relate to the obligation of the authorities to provide information on pending matters. Pursuant to said legislation, the authorities shall, unless otherwise required by confidentiality provisions, provide access to documents containing information on e.g. pending plans, reports and decisions relating to significant issues.

Article 4, paragraphs 3 and 4 (a)

60. At least paragraphs 1 - 6, 9, 10, 14, 15, 17, 19, 20 and 26 of Section 24 of the Act on Openness are suitable as grounds provided for in article 4, paragraph 4 of the Convention for exemptions from requests. Furthermore, confidentiality of documents may be based on separate regulation.

Article 4, paragraphs 3 and 4 (b)

61. The purpose of the Act on Openness is to implement openness and good practice in information management in the operations of authorities and to provide individuals and associations with an opportunity to supervise the use of public authority and public resources, to form their opinion freely and to influence the use of public authority as well as safeguard their rights and interests.

62. Pursuant to Section 24, paragraph 20 of the Act on Openness, confidential documents include documents that contain information on a private business or professional secret, as well as documents containing information on any other corresponding fact relating to the business activity of a private person, if providing information on them would cause the entrepreneur financial loss, and the information concerned is not information significant for protecting the health of consumers or the health of the environment or to safeguard the rights of persons suffering disadvantage from the activity or information relating to the obligations of the entrepreneur and the discharge of such obligations.

63. Pursuant to Section 17, paragraph 2 of the Act on Openness it shall be taken into account in implementing the regulations relating to the confidentiality of documents whether the requirement to keep the document confidential is independent of case-specific effects arising from the issuance of the document or whether the openness is determined on the basis of adverse effects arising from the issuance of the document or whether openness presupposes that there are no obvious adverse effects from providing the information.

Article 4, paragraph 5

64. Pursuant to Section 15, paragraph 1 of the Act on Openness, when a document drawn up by another authority is requested from a given authority, the authority in question may transfer the matter relating to access to information to be resolved by the authority that drew up the document or who is responsible for the consideration of the matter in its entirety.

Article 4, paragraph 6

65. Under Section 10 of the Act on Openness, when only part of a document is subject to confidentiality, information shall be given on the public part of the document, if this is possible without the confidential part becoming public.

Article 4, paragraph 7

66. Under Section 14, paragraph 4 of the Act on Openness, matters shall be considered without delay. Under this Section, any refusal to give information shall be substantiated and the person requesting the information shall also be notified as to how the matter can be referred to an authority for decision. A decision by an authority can be appealed to an administrative court determined in accordance with Section 33 of the Act on Openness as provided for in the Administrative Judicial Procedure Act.

Article 4, paragraph 8

67. Charges to be collected in connection with providing information are provided for in Section 34 of the Act on Openness (621/1999; amended 495/2005). The purpose of this provision is that the charges will not be exorbitant and that the payment practices are congruent.

68. In the field of environmental protection, more detailed provisions on charges are issued in the Decree of the Ministry of the Environment on charges collected by the Finnish Environment Institute (1141/2009) and in the Government Decree on charges collected by the Centres for Economic Development, Transport and the Environment as well as Employment and Economic Development Offices (1097/2009), which includes the charges for the area of responsibility of the environment and natural resources, i.e. the charges of the former regional Environment Centres, with the exception of environmental permits. The Government Decree on charges collected by the Regional State Administrative Agencies (1145/2009) includes the charges for environmental permits.

69. The response given above in article 3, paragraph 3 explains the new regulation on the openness and delivery of, as well as the charges on the collection of, data possessed by the environmental administration, said regulation having entered into force on January 1, 2008. A separate Government Decree (1158/2009) has been issued on charges collectible for the performances under the Gene Technology Act. The environmental organisations consider it to be a good practice that the environmental authorities have increasingly made documents available on the Internet for free.

VIII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 4

70. No specific information under this heading.

IX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 4

71. No specific information under this heading.

X. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 4

72. No specific information under this heading.

XI. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON THE COLLECTION AND DISSEMINATION OF ENVIRONMENTAL INFORMATION IN ARTICLE 5

Article 5, paragraph 1

Article 5, paragraph 1 (a)

73. The environmental authorities shall possess up-to-date environmental information required for their tasks. The highest national responsibility for monitoring environmental information lies with the Ministry of the Environment, determining the targets and strategies for environmental monitoring and following the materialisation thereof in co-operation with other Ministries, and coordinating the different sectors of national monitoring. Other Ministries steer their monitoring programmes which are under their own responsibility. Pursuant to the Act on Centres for Economic Development, Transport and the Environment (897/2009), the tasks of the said Centres include environmental protection, land use planning, steering of building, management of the

cultural environment, protection of biodiversity and sustainable use of nature, as well as management of water resources. Their tasks further include safeguarding public interest in environmental and water resource matters, producing and disseminating environmental information and improving environmental awareness, preventing and mitigating environmental damage and hazards, handling governmental water resource permits and contracts governed by private law and attending to the implementation of environmental work, water supply works and water construction work.

74. Also local authorities are entrusted with the task of collecting and disseminating environmental information (Act on Municipal Environmental Administration 64/1986, Section 6, items 3 and 6 in particular). Such information can be found for example from the municipal websites.

Article 5, paragraph 1 (b)

75. Pursuant to Section 27 of the Environmental Protection Act, the Centres for Economic Development, Transport and the Environment and the Finnish Environment Institute maintain an environmental protection database including, among other things, the necessary statutory information on permits and notifications. Chapter 10 of the Act contains more detailed provisions on the duty to notify and on the making entries in the database. Licence for operations subject to an environmental permit entails an obligation to furnish information for example on environmental loads to a Compliance Monitoring Data System VAHTI maintained by the authorities.

Article 5, paragraph 1 (c)

76. The definition of rescue operations in Section 43 of the Rescue Act (468/2003) includes warning the population as one operation. In accordance with Section 5 of the Government Decree on rescue operations (787/2003), the regional rescue services see to it that there is an alarm system in the region for warning the population. The Act on Openness, the Rescue Act and the Act on the Operation of Emergency Response Centres (692/2010) shall apply to issuing information. Provisions for the industrial treatment and storing of hazardous substances and chemicals are given in the Decree on Industrial Handling and Storage of Dangerous Chemicals (59/1999), issued by virtue of the Chemicals Act (744/1989) and the Act on Explosive Substances (263/1953). In accordance with Section 26 of the Decree, an operator shall display a safety report relating to the production plant and the appertaining list of hazardous chemicals for public inspection. Section 29 of the Decree provides for the obligation of the operator to provide information.

77. Under Section 4 of the Decree on Prevention of Major Accidents Involving Hazardous Substances by the Ministry of the Interior (541/2008), the external emergency plan of a production plant as defined in Section 15 of the Decree on Industrial Handling and Storage of Dangerous Chemicals (59/1999) shall include information on how the public is warned, how the public is given detailed information on the incident and what instructions are issued to the public. Pursuant to Section 6, Rescue Services shall inform all persons and public institutions whom the major accident may impact of any external emergency plans.

Article 5, paragraph 2

78. Chapter 5 of the Act on Openness and Chapter 1 of the Decree (1030/1999) contain provisions for good practice in information management and the implementation thereof. Pursuant to Section 34 of said Act, access to information referred to in Chapter 2 is free of charge.

Article 5, paragraph 3

79. A decision by the Ministry concerning environmental information on tasks required by Directive 2003/4/EC for safeguarding the availability, active and systematic dissemination and quality of environmental information was issued on February 9, 2005.

80. Pursuant to said decision, the Centres for Economic Development, Transport and the Environment and the Finnish Environment Institute shall, independently or together with other organisations, maintain a customer service point responsible for information service (advice and information contact point) and to appoint a person or persons responsible for information service and communication. The task of the advice and information contact point is to:

- receive information requests and provided requested information and documents,
- assist the client in specifying the requested environmental information or document,
- forward the information request to the relevant official for reply,
- provide premises and means for perusing the information on site,
- refer the client to the authority being in possession of the environmental information, and
- inform the public about the right to obtain environmental information.

81. The information service can also be handled by an electronic transaction system. Electronic customer service can be delivered by means of a joint advice and information contact point of the environmental administration or part thereof.

82. To safeguard a high level of service, the Centres for Economic Development, Transport and the Environment and the Finnish Environment Institute shall:

- maintain an up-to-date service directory on the tasks, staff and contact information of the organisation,
- draw up and keep available descriptions of the information systems and documentation of the organisation and of the publicly available information on them,
- draw up and keep available instructions on where and how environmental information can be obtained from the information systems and documentation,
- keep available a list of charges and the grounds for them,
- keep available instructions for appeal, and
- organize training on the openness of information, on procedures for issuing, handling and protecting environmental information and on active and systematic dissemination of environmental information.

83. The website of the Finnish environmental administration provides data on the state of the Finnish environment in electronic form. The website also provides environmental legislation and operational programmes and plans relating to the environment in electronic form. Furthermore, the FINLEX data bank, maintained by the Ministry of Justice, contains Finnish legislation from the Statutes of Finland in electronic form. The environmental conventions made by Finland are also available on the Finnish legislation website FINLEX. Links to these conventions are also provided on the website of the environmental administration. Moreover, the website of the Ministry of Justice contains useful information on the implementation of the Aarhus Convention.

84. The Finnish Environment Institute also maintains an environmental and site information service (<http://www2.ymparisto.fi/scripts/oiva.asp>) on the website of the environmental administration, providing information on water resources, the state of surface water, groundwater, biological species, pollutant loads and use of areas as well as site information relating to the environment, stored in the information systems of the environmental administration. The service is open to everyone free of charge.

Article 5, paragraph 4

85. Extensive reports on the state of the environment have been published in Finland, and in 2000, "Suomen Luonto CD-Facta: kertomus ympäristön tilasta" [Finnish Nature CD-Facts: report on the state of the environment] was published. Likewise, items concerning the state of the environment are annually published in the reviews of the Ympäristö [Environment] magazine.

86. Reports on the state of the environment will also be published regularly from a regional point of view. Since 2008, regional reviews will be prepared every four years. Moreover, Statistics Finland publishes environmental statistics annually. A report on the indicators of Finland's sustainable development has been published since 2000.

Article 5, paragraph 5

87. This provision in the Convention is in compliance with the Act on the Statutes of Finland (188/2000). Pursuant to this Act, statutes are published in the Statutes of Finland. The Statutes of Finland has a separate part (Treaty Series) for the publication of treaties and other corresponding instruments containing the international obligations binding on Finland. Acts as well as Decrees by the President, Government and Ministries are also published in the Statute Book. Ministerial Decrees of lesser importance are published in Ministerial Norm Collections. Regulations of other authorities, which denote the legal requirements issued by the authorities, are published in the Norm Collections of the relevant authority, in addition to which or instead of which the regulations may also be published in the Statutes of Finland. The Regulations are provided for in the Act on the Norm Collections of Ministries and other State Authorities (189/2000). Ministerial Decrees and other Regulations by other State authorities, published in the Norm Collections, are available to the public on the Internet free of charge. Furthermore, pursuant to the Act on Environmental Administration, it is the task of the environmental administration to produce and disseminate information relating to the environment.

Article 5, paragraph 6

88. In the 1990s voluntary environmental control methods were introduced concerning the industrial protection of the environment. These systems also involve informative tasks. Since 1996, all organisations have the opportunity to implement the global ISO 14001 environmental system. Moreover, the voluntary EU environmental management and auditing system EMAS has been in use, the new EU Regulation ((EC) No. 1221/2009) being effective since January 2010.

Article 5, paragraph 7

89. The environmental administration produces and disseminates information referred to under paragraphs 1 – 3 in this article.

Article 5, paragraph 8

90. The Nordic environmental mark, i.e. the swan logo, was established in 1989 by the Nordic Council of Ministers. Its goal is to instruct consumers in choosing from among the relevant range of products those that place the smallest impact on the environment. At the same time, it strives to promote product development in a direction which is positive to the environment. The ecolabel of the European Union, the "euro flower", is based on the new Regulation of the European Parliament and Council (EC) No. 66/2010 on the system of granting a Community ecolabel. The goals of the system are similar to the Nordic label system.

91. The purpose of the European energy labels is to inform consumers about the energy efficiency of appliances. The labels based on Council Directive No. 92/75/EEC were approved on September 22, 1992. The Directive approved by the Commission on April 16, 1997 contains more detailed provisions on the energy labels on dishwashers. The label is compulsory for refrigerators, washing machines, tumble dryers and dishwashers. The Commission's Directive has been implemented in Finland by the Act on the Energy Efficiency of Appliances (1241/1997). In addition to the official labels, environmental labels may also be contained in other products. Such labels include "luomu" [organic], the EU origin label and the "fair trade" label.

Article 5, paragraph 9

92. Pursuant to Section 27 of the Environmental Protection Act, the Centres for Economic Development, Transport and the Environment and the Finnish Environment Institute maintain an environmental protection database containing the necessary statutory information on permits and notifications, reports and monitoring related to the permits, on facts to be recorded in the Waste database in accordance with the Waste Act (1072/1993) and on the monitoring and source of the state of the environment pertaining to the implementation of the Act.

93. Finland ratified the Protocol on Pollutant Release and Transfer Registers (PRTR) on April 21, 2009. The Centres for Economic Development, Transport and the Environment collect annually emission and load information about the activities under their supervision to the VAHTI database wherefrom the information will be further submitted to the PRTR register.

XII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 5

94. No specific information under this heading.

XIII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 5

95. The Regional State Administrative Agencies enter information on matters handled by the Agency into the AHJO system, which is an information system containing a record and a decision register. The Regional State Administrative Agencies also receive environmental information from other databases of the environmental administration, the land register system and from certain other databases. An opinion is requested from the Centre for Economic Development, Transport and the Environment in almost all application matters.

96. Significant information with regard to the environment is often contained in various monitoring results relating to the environment or to nature, and the applicant is obliged to furnish these results together with the application documents. In case of a hazard, the operator is under an obligation to inform the public and the supervisory authorities.

XIV. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 5

97. Website of the Finnish environmental administration: <http://www.environment.fi/>
Finnish legislation on the Internet: <http://www.finlex.fi/>
Website of the Ministry of Justice: <http://www.om.fi/>
Website of Statistics Finland: http://www.stat.fi/tk/tt/ymparisto_en.html
Further information on Finland's environmental indicators can be obtained from the website of the environmental administration: <http://www.ymparisto.fi/default.asp?node=12282&lan=EN>:

Further information on the environmental management and auditing system EMAS can be obtained from the website of the environmental administration:

<http://www.ymparisto.fi/default.asp?contentid=70623&lan=EN>

Further information on ecolabels can be obtained from the website of the environmental administration: <http://www.ymparisto.fi/default.asp?node=7318&lan=EN>.

XV. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON PUBLIC PARTICIPATION IN DECISIONS ON SPECIFIC ACTIVITIES IN ARTICLE 6

Article 6, paragraph 1

98. The provisions of paragraph 1 of the article have been taken into account in the Environmental Impact Assessment (EIA) Act (468/1994), the Environmental Protection Act and Decree (169/2000), the Land Use and Building Act and in certain other special legislation.

Article 6, paragraph 1(a)

99. The list of proposed activities has been implemented in Finland particularly by the EIA Act and Decree (713/2006) and the Environmental Protection Act and Decree. In addition to the environmental protection legislation, other statutes are also suitable for inclusion in the list of proposed activities. The provisions in Chapters 2, 4, 9 and 17 of the Water Act cover part of the proposed activities listed in the annex to the Aarhus Convention. Furthermore, there is a separate provision for the expropriation permits required by certain projects with environmental impacts in a separate Act.

Article 6, paragraph 1(b)

100. The Finnish legislation also makes it possible for the public to participate in proposed activities not listed in annex 1 to the Aarhus Convention. For example, the list of proposed activities in the Environmental Protection Decree is more extensive than the list in annex 1 to the Convention. The environmental impact assessment procedure can also be applied at discretion to activities smaller than those listed.

Article 6, paragraph 2

101. Section 37 of the Environmental Protection Act and Section 16 of the Environmental Protection Decree correspond to the provisions of paragraph 2 in the article. It is required by the permit and decision-making procedure relating to the environment that before matter is decided, an opportunity is reserved for the parties involved and other persons to submit their statement regarding the application documents. Section 38 of the Environmental Protection Act and Chapter 16, Section 7 of the Water Act include more detailed provisions on publicising a permit application and on how the publicising shall take place. Furthermore, Section 8a of the Act on Environmental Impact Assessment Procedure provides for public participation in an environmental impact assessment programme.

Article 6, paragraphs 3 to 5

102. The provisions in paragraphs 3 – 5 have been taken into account in the EIA Act, the Environmental Protection Act and Decree, the Land Use and Building Act and in certain other special legislation. In EIA and environmental permit processes an applicant/person responsible for the project gives his or her estimate of the area in which the impact is felt. The permit applications shall contain information on the parties concerned.

Article 6, paragraphs 6 and 7

103. By virtue of Section 34 of the Administrative Procedure Act and special legislation, a party shall be reserved an opportunity to express an opinion on the matter and to submit an explanation on the demands and information which may have an effect on its decision. At least the time required by law shall be reserved for submitting opinions.

Article 6, paragraphs 8 to 10

104. For legislation on environmental protection, Sections 41, 54 and 58 of the Environmental Protection Act correspond to the provisions of paragraphs 2 – 9 in the article. Furthermore, said paragraphs in the article do not otherwise require legislative measures, even though the provisions on the possibility of an authority to reconsider the prerequisites for continuing activity subject to licence are not very extensive, except in the Environmental Protection Act and the Water Act.

Article 6, paragraph 11

105. The provisions on hearing the public are incorporated into the Gene Technology Act (377/1995). Pursuant to Section 36b of the Gene Technology Act, the Board for Gene Technology must consult the public on research and development experiments and field experiments. If GMO products are placed on the market, the European Commission is responsible for consulting the public in accordance with the Directive for release of GMOs into the environment (2001/18/EC) or the Community Regulation relating to genetically modified food and feeds (EC No. 1829/2003).

106. The Finnish and EU legislation cover the amendments approved at the second meeting of the parties to the Aarhus Convention in 2005, specifying the public hearing procedure in deciding on the release of genetically modified organisms into the environment (Decision II/1). Finland approved the amendment to the Convention on June 10, 2008.

XVI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6

107. No specific information under this heading.

XVII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6

108. No specific information under this heading.

XVIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6

109. Further information on environmental impact assessment and unofficial translations of the Environmental Impact Assessment Act and Decree are available on the website of the environmental administration:
<http://www.ymparisto.fi/default.asp?contentid=365245&lan=EN&clan=fi> . Further information on the Board for Gene Technology: <http://www.geenitekniikanlautakunta.fi>

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

110. The Directive on the assessment of the effects of certain plans and programmes on the environment (2001/42/EC) regulates the environmental impact assessment of plans and

programmes and also incorporates certain obligations relating to citizen participation. The directive has been incorporated into national legislation by several statutes, the most significant being the Act on the Assessment of the Impacts of the Authorities' Plans, Programmes and Policies on the Environment (200/2005). This "SOVA" Act incorporates the provisions required in the Directive for the EIA of certain plans and programmes and the related consultation with the public.

111. Furthermore, the SOVA Act includes a general provision (Section 3), already previously included in the national legislation, for investigating and assessing the environmental impact of plans and programmes in the preparation of said plans and programmes. The general obligation for assessment in accordance with Section 3 of the SOVA Act applies broadly to various plans and programmes of the authorities. In accordance with this provision, the environmental impact must be investigated and assessed to a sufficient degree in preparing plans and programmes the implementation of which may have a significant environmental impact. The assessment shall be an integral part of the preparation of the plan or programme, and it involves the investigation of alternatives and their impact to a sufficient degree as well as co-operation and participation between the different parties. On the strength of said Section, the Ministry of the Environment has issued directions for the EIA of plans and programmes. The directions separately discuss how citizen participation can be organised as part of implementing an environmental impact assessment.

112. Public consultation as part of drawing up a plan or programme can also be required in other legislation. For example, the provisions of the Waste Act are observed in the preparation of the national waste plan. The basic statute for drawing up a national waste plan is laid out in Section 40 of the Waste Act. The amendment to the Waste Act (815/2005) introduced a new Section 40a into the Waste Act. Pursuant to said Section, when a new national waste plan is being drawn up, the parties whose interests or rights the matter affects, as well as the national organisations and foundations referred to in Section 59, shall be reserved the right to voice their opinion on the draft plan. The draft shall be published in electronic form, and the public shall be given sufficient time to submit opinions.

XX. OPPORTUNITIES FOR PUBLIC PARTICIPATION IN THE PREPARATION OF POLICIES RELATING TO THE ENVIRONMENT PROVIDED PURSUANT TO ARTICLE 7

113. The state administration has used an Internet-based website "otakantaa.fi" for public participation in policies and strategies.

XXI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 7

114. No specific information under this heading.

XXII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 7

115. No specific information under this heading.

XXIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 7

116. Instructions on the EIA of plans and programmes can be obtained from the website of the Finnish environmental administration:

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

117. In August 2006, the working group appointed by Prime Minister Matti Vanhanen completed a "programme for better regulation", comprising the statutory-political principles and strategies for developing the judicial system and the principles to be adhered to in the preparation process for legislation, taking special account of the competitiveness of enterprises and the safeguarding of citizens' activities, as well as methods for the continuous assessment of the quality and functionality of current legislation. The principles are also applicable to the preparation of provisions of a lower order. The programme for better regulation requires, among other things, that the participation of interest groups and their possibility to influence the preparation of statutes are safeguarded. The programme also otherwise stresses careful law drafting and the assessment of alternatives and impacts.

118. The Programme of Prime Minister Matti Vanhanen's second Government (2007-) (from June 2010 onwards, Prime Minister Mari Kiviniemi's Government) has undertaken to implement the measures set out in the programme for better regulation to improve the quality of legislation. In spring 2007, the working group appointed by the Ministry of Justice drew up new, uniform instructions for assessing the impact of statutes. The instructions cover the assessment of any economic impact, the impact on the authorities, the environmental impact and other social impacts (Ministry of Justice, working group report 2007:5).

119. To complement the instructions, the working group has proposed an electronic data bank for impact assessments, which would include further information on e.g. the methods and sources of information of impact assessments and examples of impact assessments. The working group has also proposed enhancing the means for supporting and monitoring impact assessments and providing impact assessment education to support the implementation of the new instructions.

120. On February 4, 2010, the Council of State approved a decision in principle for promoting democracy in Finland (Ministry of Justice, reports and opinions 17/2010). The resolution sets out a national strategy for public authorities in relation to promoting citizens' opportunities to participate and influence decisions. The resolution comprises 32 sets of measures, for the implementation of which a separate action plan has been worked out. Furthermore, on March 11, 2010, on the submission of the Ministry of Justice, the Council of State issued instructions on consultation in the preparation of statutes (Ministry of Justice, reports and instructions 18/2010).

XXV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 8

121. No specific information under this heading.

XXVI. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 8

122. No specific information under this heading.

XXVII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 8

123. No specific information under this heading.

XXVIII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO JUSTICE IN ARTICLE 9

124. As for article 9 of the Convention, it may be generally stated that the Aarhus Convention is implemented in Finland similarly to other current legislation, and the provisions in the Convention are also used as grounds for decisions in court practice. At any rate the need for direct implementation is small, since the provisions of the Convention have been extensively taken into account in other legislation.

125. The Finnish judicial system of legal remedies is such that the appellate court can not only overturn a decision by an authority, but also has the power to change it. This is thus contrary to cassation practice.

126. In an appeal procedure and in the review of a matter, the provisions of the Administrative Procedure Act on disqualification are applied to the disqualification of the person making the decision, the said provisions not as such preventing the same persons from participating in the review of the matter. However, pursuant to the Act a ground for disqualification may nevertheless arise in a review situation if trust in the neutrality of the person is jeopardised for a special reason comparable in severity to the grounds for disqualification otherwise prescribed in the Administrative Procedure Act.

Article 9, paragraph 1

Article 9, paragraph 1 (a)

127. Pursuant to Section 33 of the Act on Openness, a decision by an authority, as referred to in the Act, may be appealed against as prescribed in the Administrative Judicial Procedure Act. The possibility of appeal pertains to decisions made by authorities as well as to decisions made by a private-law corporation or other actor entrusted, by virtue of legislation, with a public task involving the use of public power. Administrative decisions by which a claim submitted by a party has been rejected do not have a *res judicata* effect. For this reason, a new request cannot be dismissed without consideration or decision. A request made by a party may have considerably better chances of success in a review, for example for the reason that the party can provide better substantiation for his or her request.

128. If a decision is clearly based on erroneous or insufficient information or on obviously incorrect application of the law, or if a procedural error has occurred in the decision-making, the authority may annul its erroneous decision and decide the matter anew in accordance with Section 50 of the Administrative Procedures Act.

Article 9, paragraph 1 (b)

129. Pursuant to Section 74, paragraph 1 of the Administrative Judicial Procedure Act, a party shall be liable to compensate the other party for legal costs in full or in part, if especially in view of the resolution of the matter it is unreasonable to make the latter bear his or her own costs. In accordance with paragraph 2, when assessing the liability of a public authority, special account shall be taken of whether the proceedings have arisen as a result of the error of the authority. Pursuant to paragraph 3, a private individual shall not be held liable for the costs of a public authority, unless the private individual has made a manifestly unfounded claim.

Article 9, paragraph 1 (c)

130. An official refusing a request for a document or information shall state the reason for the refusal to the person making the request as prescribed in Section 14, paragraph 3 of the Act on Openness. Thereafter the matter can be brought for reconsideration by an authority. If the authority again rejects the request, this decision shall be substantiated as prescribed in Section 45 of the Administrative Procedures Act, in other words, it shall be stated which facts and findings have influenced the decision of the authority, and the legal statutes applied shall be cited.

Article 9, paragraph 2

131. The Finnish legislation already largely complies with the requirements set out in this paragraph. New statutes were approved in connection with the ratification process in fields where the requirements were not met. An amendment (769/2004, Decree for enforcement 868/2004) was made in the Nuclear Energy Act. Furthermore, an Act on expropriation permits required by certain projects with environmental impacts (768/2004, Decree for enforcement 867/2004) was approved.

132. Pursuant to the Environmental Protection Act, an appeal against a decision made by a permit authority or supervisory authority is sought with Vaasa Administrative Court. From Vaasa Administrative Court, an appeal may be made to the Supreme Administrative Court. Pursuant to Section 97 of the Environmental Protection Act, the right of appeal pertains to the parties, the municipality where the activity takes place and the municipalities subjected to its impact, the Centre for Economic Development, Transport and the Environment, the environmental protection authority located in the area of impact and other authorities supervising the public interest. A registered corporation or foundation whose purpose is to promote the protection of the environment or health, nature conservation, or the suitability of the living environment also has the right of appeal, in whose area of activity the environmental impacts occur. A comparable right of appeal is defined in the Water Act.

133. Pursuant to Section 61 of the Nature Conservation Act, the right of appeal belongs to those whose rights or interests may be affected by the matter. In matters other than compensation, the local authority also has the right of appeal and, with certain exceptions, any registered local or regional association whose purpose is to promote nature conservation or environmental protection. A government decision on approving a nature conservation plan can also be appealed against by any such national corporation or any national corporation safeguarding the interest of landowners. In the Land Use and Building Act (132/1999, amendment 1141/2006), appeals from planning are based on a municipal appeal (Section 92 of the Finnish Local Government Act 365/1995), which has been extended to apply to the right of appeal possessed by registered local or regional associations in matters falling within their sphere of activity in their area of operation. The associations also have a right of appeal from exemption decisions and decisions on planning needs pursuant to the Land Use and Building Act.

134. Pursuant to Section 20 of the Land Resources Act (555/1981, amendment 468/2005), redress from a decision by a permit authority on a statutorily granted extraction permit is sought by filing an appeal with an Administrative Court. The provisions of the Local Government Act apply to the right of appeal and redress. Furthermore, the Centre for Economic Development, Transport and the Environment and a registered local association or foundation operating in the area of impact whose purpose is to promote the protection of the environment or health, nature conservation, or the suitability of the living environment have a right of appeal.

Article 9, paragraph 3

135. Pursuant to said Section of the Environmental Protection Act, the right of persons and organisations to institute proceedings may relate to the clarification of the need for purifying soil

and groundwater and the extent of pollution and to the obligation to undertake such purification measures (Sections 77 and 79). The right to institute proceedings also applies to the rectification of an offence or neglect specified in the Environmental Protection Act (Section 84), the issuing of an order necessary to prevent pollution (Section 85) and the cessation of activity spoiling the environment (Section 86). Section 57 of the Nature Conservation Act prescribes a right to institute proceedings against violation of the law. The Waste Act also provides for the right to institute proceedings. The right of persons and organisations to institute proceedings is secondary to the authorities' right to institute proceedings. Furthermore, Chapter 21, Sections 3 and 3a-e of the Water Act contain the administrative compulsion provisions of the said Act.

136. Under Sections 108 and 109 of the Constitution, it is the task of the Chancellor of Justice and the Parliamentary Ombudsman to supervise that the courts and other authorities, officials in public corporations and other persons engaged in public tasks comply with the law and fulfil their obligations. In their duties, the highest supervisors of legality supervise the realisation of basic rights and human rights. The duties of the Chancellor of Justice are laid out in detail by law (193/2000). The duties of the Parliamentary Ombudsman are laid out in detail in the Act on the Parliamentary Ombudsman (197/2002). Any person who considers that a supervised authority has acted in defiance of the law or neglected his or her duties may submit an extraordinary appeal to the highest supervisors of legality.

137. Furthermore, in accordance to the Administrative Procedure Act, Section 50 (581/2010), when a decision is based on clearly erroneous or insufficient information or obviously incorrect application of legislation, or if a procedural error has occurred in the decision-making, the authority may annul its erroneous decision and decide the matter anew.

Article 9, paragraph 4

138. Legal assistance in accordance with the Legal Aid Act (257/2002), Section 1, includes provision of legal advice, the necessary measures and representation before a court of law and any other authority and the waiver of certain expenses for the consideration of the matter. Granting legal aid relieves the recipient, in part or in full, from liability for the fees and reimbursements for an attorney, the fees and reimbursements arising from interpretation and translation services and handling charges, document charges and the reimbursement of miscellaneous expenses in the authority in charge of the main matter, and corresponding charges collected by other authorities. In accordance with Section 2, paragraph 3 of the Act, legal aid shall not be given to a company or a corporation. Pursuant to Section 3, legal aid is granted for free or against a deductible, depending on the economic status of the applicant. The economic status of the applicant is assessed by the monthly funds or means available to the applicant. The calculation is based on the monthly income, necessary expenses, wealth and maintenance liability of the applicant, his or her spouse, or his or her domestic partner.

Article 9, paragraph 5

139. Pursuant to Section 14, paragraph 3 of the Act on Openness, if an official refuses to provide requested information, he or she must state the reason for refusal to the person making the request. Furthermore, he or she shall inform the person making the request of the fact that the matter can be brought for decision by an authority, and shall provide information on the charges collected for the handling.

XXIX. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 9

140. No specific information under this heading.

XXX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 9

141. Appeal in environmental matters is monitored by the Ministry of Justice as part of the performance management of administrative courts. In connection with the performance management, a large amount of statistical data on administrative courts is created, and this information is published for example in various reports and surveys produced by the Ministry of Justice. A description of the information on administrative courts published in the Statistical Yearbook can be found at <http://www.tilastokeskus.fi/til/oik.html>. The statistics of the actual courts are available free of charge at <http://statfin.stat.fi/statweb/start.asp?LA=en&lp=home>.

142. Administrative courts publish a joint annual report, stating among other things the number of matters filed and decided by category and the average processing times. The annual report of the administrative courts is also published on the Internet (the 2009 annual report can be found at the website of the Supreme Administrative Court, among other places).

143. Of the matters filed with the Supreme Administrative Court in 2009, 530 from a total of 4,379 related to construction (12.1%) and 390 otherwise to the environment (8.9%). Hence, cases falling within the sphere of implementation of the Aarhus Convention accounted for approximately one-fifth of matters filed with the Supreme Administrative court.

144. Since the beginning of March 2007, a system of appeal permits has been introduced in matters relating to construction, restricting continued further appeals to the Supreme Administrative Court in certain permit cases, and prevents an appeal on detailed planning on appeal grounds that have been decided on in connection with handling an appeal relating to more generalised planning. The experience gained on the practical effects of this system is still meagre.

145. In 2009, 22,635 appeals were filed at administrative courts, 2,573 of them pertaining to construction and the environment (11.4% of appeals filed). In 2009, the average processing time in administrative courts in matters relating to construction was 10.4 months and in matters otherwise relating to the environment 13.6 months.

XXXI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 9

146. Cf. above.

XXXII. GENERAL COMMENTS ON THE CONVENTION'S OBJECTIVE

147. Section 20 of the Finnish Constitution contains a provision corresponding to the objective of the Convention. In accordance therewith, the public administration must endeavour to safeguard for every person the right to a healthy environment and an opportunity to participate in decision-making relating to his or her living environment.

XXXIII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON GENETICALLY MODIFIED ORGANISMS PURSUANT TO ARTICLE 6 bis AND ANNEX I bis

Article 6 bis, paragraph 1

Article 6 bis, paragraph 1, paragraph 1 of annex I bis

148. Section 36 b of the Gene Technology Act (377/1995) provides for public participation in decision-making on the deliberate release into the environment for other purposes than placing on the market (field experiment) of genetically modified organisms (an English version of the Gene Technology Act can be accessed at <http://www.finlex.fi/en/laki/kaannokset/1995/19950377>). Public participation involving the placing of GMO products on the market takes place at the EU level in accordance with Directive 2001/18/EU or Regulation EC/1829/2003.

Article 6 bis, paragraph 1, paragraph 2 of annex I bis

149. No exception to the public participation procedure is provided for in the Finnish Gene Technology Act.

Article 6 bis, paragraph 1, paragraph 3 of annex I bis

150. The Board for Gene Technology provides a forum for public participation for all field experiment applications received. Information on a projected field experiment is published in the Official Bulletin and on the website of the Board for Gene Technology (GTLK). The public participation procedure takes 60 days, and the public is entitled to acquaint themselves with the application documents for the field experiment and to obtain copies thereof, and to submit written opinions on the applications. The application documents are open to public inspection on the Board's website and at the library of the Ministry of Social Affairs and Health. Requests for copies and written comments will be addressed to the Board for Gene Technology.

151. For product applications in accordance with Regulation EC/1829/2003 (GM food and feed), it is the task of the Finnish Food Safety Authority (Evira) as the Finnish contact authority for GMO applications to see to it that abstracts of the permit applications drafted by an applicant and EFSA's opinions on the applications are made available to the public. Information on new applications is provided on Evira's website under the heading 'Applications' under 'Latest applications', and information on the completion of EFSA's opinions is provided at 'Products to be commented on' and on the front page of Evira's website at EFSA-Focal Point – Current from EFSA. For all applications, an abstract and an assessment report on the application can be accessed at EFSA's website:

http://registerofquestions.efsa.europa.eu/roqFrontend/questionsListLoader?panel=GMO&question_type=2 . When EFSA's opinion is completed, the public can submit their comments in their native tongue to the Commission within 30 days into an electronic mailbox administered by the Commission for this purpose at:

http://ec.europa.eu/food/food/biotechnology/authorisation/public_comments_en.htm . During this consultation period, the relevant application is provided with the text 'OPEN CONSULTATION'. When the time period has expired, the mailbox is provided with a closing date. Comments made by the public are published later at the aforementioned Commission address.

152. The public participation process for product applications in accordance with directive 2001/18/EU (for example, GM cut flowers) is the responsibility of the Commission. Further information can be accessed at the website of the Joint Research Centre (JRC): <http://gmoinfo.jrc.ec.europa.eu/default.aspx> .

Article 6 bis, paragraph 1, paragraph 4 of annex I bis

153. Section 32 of the Gene Technology Act provides that the information listed in paragraph 4 of annex I bis is not considered confidential.

Article 6 bis, paragraph 1, paragraph 5 of annex I bis

154. In public participation proceedings relating to field experiments, the procedure is carried out in writing. The public may submit comments to the Board for Gene Technology by mail or e-mail. Additionally, in some cases informative meetings on field experiments are arranged, where citizens may present questions and comments. Comments to be presented to the Commission in product approval procedures may be forwarded via the Commission website, by e-mail or mail.

Article 6 bis, paragraph 1, paragraph 6 of annex I bis

155. Cf. paragraph 150.

Article 6 bis, paragraph 1, paragraph 7 of annex I bis

156. Comments gleaned from the public participation events arranged concerning field experiments are handled in connection with processing the permit application. Pursuant to Section 18 of the Gene Technology Act, the Board for Gene Technology shall issue a permit for release into the environment if the risk assessment in accordance with Section 8 has not revealed any hazard to the health of humans or animals or to the environment, and if the technical documents have been drafted in accordance with Section 17 of the Gene Technology Act. Therefore, the public's comments can affect the granting of the permit only if it is revealed on the basis of them that said conditions are not met. The public's comments are also taken into account in deciding on the conditions for the permit, alongside expert opinions. The grounds for the decision are available to the public.

157. In EU product approval, the Commission will analyze all comments received from the public and consult EFSA in regard to them in order to determine whether they have any bearing upon EFSA's opinion.

Article 6 bis, paragraph 1, paragraph 8 of annex I bis

158. Under Directive 2001/18/EC, in Finland decisions concerning deliberate release of GM organisms into the environment are made by the Board for Gene Technology. The minutes of the meetings of the Board can be accessed at the website www.geenitekniikanlautakunta.fi. This authority also provides information directly on request either in writing or by telephone.

Article 6 bis, paragraph 2

159. The Board for Gene Technology, operating in connection with the Ministry of Social Affairs and Health is the Finnish competent authority in tasks laid out in the Gene Technology Act and 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 on the Board for Gene Technology.

XXXIV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF THE PROVISIONS OF ARTICLE 6bis AND ANNEX I bis

160. No significant obstacles have been encountered in the implementation, but the accuracy of publishing the cultivation site data has been discussed at the national and EU level on account of vandalism of field experiments.

XXXV. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6bis AND ANNEX I bis

161. Public comments on field experiment applications are stored in the national gene technology register in connection with the applications and they are available to the public. No actual statistical analyses have been made on them. In a product approval procedure at the EU level, public comments are also stored in connection with the applications.

**XXXVI. WEBSITE ADDRESSES RELEVANT TO THE
IMPLEMENTATION OF ARTICLE 6bis**

162. Further information: <http://www.geenitekniikanlautakunta.fi/fi>,
<http://gmoinfo.jrc.ec.europa.eu/default.aspx> and
http://ec.europa.eu/food/dyna/gm_register/index_en.cfm.
