

**SECOND AARHUS CONVENTION
IMPLEMENTATION REPORT
Finland**

**FORMAT FOR AARHUS CONVENTION IMPLEMENTATION REPORT
CERTIFICATION SHEET**

**The following report is submitted on behalf of Finland in accordance with decisions I/8 and II/10
Names of officers responsible for submitting the national report:**

Tuomas Kuokkanen and Eija Lumme
Counsellor
Ministry of the Environment

Signature:

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IMPLEMENTATION REPORT

Please provide the following details on the origin of this report

Party: Suomi - Finland

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Provide brief information on the process by which this report has been prepared, including information on which types of public authorities were consulted or contributed to its preparation, on how the public was consulted and how the outcome of the public consultation was taken into account and on the material which was used as a basis for preparing the report.

Answer:

This report was prepared by the Ministry of the Environment on the basis of **the first Finnish implementation report (2005)**, a government bill (**HE 165/2003 vp**) concerning ratification of the Convention and the Finnish Parliament's response to this bill (**EV 105/2004 vp**) through a transparent and consultative process involving the public. The 2005 report was submitted for **comments regarding items for consideration in the 2007 report on 17 September 2007** to: the Ministry of Justice, the Ministry of Defence, the Ministry of Trade and Industry, the Ministry of Transport and Communications, the Ministry of Agriculture and Forestry, the Ministry of Social Affairs, the Ministry for Foreign Affairs, the Prime Minister's Office, **the Ministry of Education, the Ministry of Finance and the Ministry of Labour**. In addition, the report was submitted for comments to **regional environment centres (13), regional environmental permit authorities (3)** and several nongovernmental organizations (NGOs), representing, for instance, the environmental, business, agricultural and labour sectors.

The outcome of the **round of comments** was taken into account as much as possible. **The views presented by the Finnish Association for Nature Conservation were not included in the report in all respects.** The Finnish Association for Nature Conservation **stated that there are still extensive problems in the legislation of the different sectors in Finland, whereby public access to information, participation in decision-making and access to justice are not yet realized and that, as such, there was a need for further development of the Finnish legislation.**

The second draft Aarhus Convention report was posted on the website of Finland's environmental administration for a public viewing period of two weeks. All commenting parties were informed of the posting. In addition, prior to final drawing up and translation into English of the report, an opportunity was provided at the Ministry of the Environment on 26 November 2007 for the commenting parties to comment on the draft report.

Report any particular circumstances that are relevant for understanding the report, e.g. whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have a direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

Answer:

According to the Constitution (sect. 94), the approval of Parliament is required for such treaties and other international obligations that contain provisions of a legislative nature. Pursuant to this provision, a government bill (165/2003) for the ratification of the Aarhus Convention was submitted to Parliament in December 2003. The final decision to ratify the Convention was taken by the President after the approval of Parliament.

In Finland, the implementation of an international convention is a prerequisite for its ratification. Therefore, the necessary amendments to legislation have to be approved prior to the ratification of the convention. Even though the prevailing legislation fulfilled most of the requirements of the Aarhus Convention, a need for certain amendments to the legislation was, nonetheless, identified. These legislative amendments were submitted to Parliament for its approval in the same government bill (165/2003) as the proposal to ratify the Aarhus Convention. After the approval by Parliament, two amendments were made to the legislation: an amendment to the Nuclear Energy Act (779/2004) and a new Act on Expropriation Permits Required by Certain Projects with Environmental Impacts (768/2004). In addition, the provisions of the Aarhus Convention were transposed into Finnish legislation by presidential decree (866/2004).

As provisions of an international convention are implemented in the substantive legislation before the ratification of such convention, there is usually no need to apply directly the provisions of the convention. This is also the case with regard to the Aarhus Convention.

Article 3

List legislative, regulatory and other measures that implement the general provisions in paragraphs 2, 3, 4, 7 and 8 of article 3.

Explain how these paragraphs have been implemented. In particular, describe:

*(a) With respect to **paragraph 2**, measures taken to ensure that officials and authorities assist and provide the required guidance;*

- (b) With respect to **paragraph 3**, measures taken to promote education and environmental awareness;*
- (c) With respect to **paragraph 4**, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection;*
- (d) With respect to **paragraph 7**, measures taken to promote the principles of the Convention internationally;*
- (e) With respect to **paragraph 8**, measures taken to ensure that persons exercising their rights under the Convention are not be penalized, persecuted or harassed.*

Answer:

(a) paragraph 2

The activities of state and municipal licensing authorities are governed by all of the principles of good administration laid down in chapter 2 of the Administrative Procedure Act (434/2004), including the detailed definitions of the legal principles of administration (sect. 6), the service principle and appropriateness of service (sect. 7), obligation for the provision of advice (sect. 8) and for the use of appropriate, clear and comprehensible language (sect. 9). Section 10 of the Administrative Procedure Act regarding inter-authority co-operation is also applied to these activities.

The provisions of chapters 3 and 4 of the Administrative Procedure Act apply to the status as a party and the right to be heard, and the delivery of documents to an authority and the commencement of administrative proceedings on the matter. The provisions of chapter 5 of the Administrative Procedure Act, particularly those concerning the disqualification of officials, are also applied. The Administrative Procedure Act provides that a matter must be considered without undue delay (sect. 23, subsect. 1). The Act also states that, upon request, the authority must supply the party with an estimated time of issue of a decision and respond to queries regarding the progress of the consideration of the matter (sect. 23, subsect. 2). Chapter 5 of the Act also includes provisions on parties engaging with the administrative authorities that do not know Finnish or Swedish, the official languages of Finnish authorities in accordance with the Language Act. In such a case, the authorities' duties are carried out through provision of translation and interpretation.

The handling of matters is, on the other hand, governed by the provisions of chapter 6 of the Administrative Procedure Act on the clarification of matters and the hearing of parties, which largely supplement the detailed provisions of the Environmental Protection Act and other environmental laws concerning the official handling of matters. The provisions of chapter 6 of the Act on presenting oral demands and information (sect. 37), on the carrying out of a viewing (sect. 38), carrying out an inspection (sect. 39) and the provision of an oral testimony (sect. 40), may also be of importance in the resolution of individual matters.

The most applicable of the provisions of chapter 7 of the Administrative Procedure Act are those that apply generally to the obligation to provide a statement of the grounds for decisions made (sect. 45), instructions for seeking rectification (sect. 46) and the content and delivery of appeals in connection with a decision (sect. 47). The provisions regarding the giving of notice of an appeal prohibition and non-appealability (sect. 48) and on the correction of appeal instructions (sect. 49) are also of importance.

Other procedural provisions of practical importance include the provisions of chapter 8 of the Administrative Procedure Act on the correction of decision errors. Section 50 of the Act lays down provisions for the correction of material errors, and section 51 for correcting other errors (typographical errors, arithmetical errors and other comparable errors). The provisions of sections 52 and 53 in turn apply to the commencement of correction proceedings and other procedures.

In accordance with section 50, subsection 1 of the Administrative Procedure Act 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. However, if correction of the decision is to the detriment of the party, the consent of the party is required for correction of the decision. Consent of the party is not required if the error is explicit and has arisen from the conduct of that party, such as from provision of erroneous information by the party during the handling of the matter.

According to the Act, consideration of a correction matter can be commenced on the initiative of the authority or on the demand of a party. The initiative must be made or the demand submitted within five years of the date of the decision. Correction of a material error requires a new consideration of the matter and the making of a new decision. This decision is typically a new, appealable administrative decision. Typographical errors are corrected by replacing the defective document with a new, corrected document. In addition, the correction must be marked on the archive copy of the decision used by the authority or in the authority's information system. The new document is issued free of charge. Correction of a typographical error or similar error typically does not give rise to a new appealable decision.

The Act on the Openness of Government Activities (621/1999) also contains provisions on information management practices. Under the Act (sect. 18, subsect. 4) the authorities shall “plan and realize 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...”. Pursuant to this Act (sect. 19, subsect. 2), the authority shall also, when requested to do so, provide access to information (orally or by another convenient means) on the stage of consideration alternatives and impact assessments, as well as on the opportunities of private individuals and corporations to exercise an influence on matters. **When considering appeals made against the decisions of administrative authorities in the administrative courts, the Act on the Openness of Procedures in Administrative Courts (30.3.2007/381), which came into force on 1 October 2007, shall be applied.**

The environmental authorities have been informed about the Aarhus Convention and its obligations by means of environmental administration training and negotiation days and application of the Convention's principles has been discussed in management by results negotiations.

(b) paragraph 3

Under the Act on the Openness of Government Activities, the authorities shall produce documents describing their activities and ensure that these documents are easily accessible, for example, in data networks and libraries. The Act also imposes on the authorities the obligation to inform the public of their activities.

The environmental authorities promote environmental education and public awareness of environmental issues. Information concerning the environment is presented on the website of Finland's environmental administration (<http://www.environment.fi>). According to Directive 2003/4/EC on public access to environmental information, increased public access to 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 Ministry of the Environment's new recommendations regarding the openness, dissemination and pricing of environmental administration information will be introduced on 1 January 2008. The purpose of the recommendations is to encourage the different environmental administration agencies to observe uniform principles in the dissemination of information.

Environmental education, as a part of education promoting sustainable development, is included in core educational documentation and is among the key criteria for curricular development. The objective of the current Government Programme is to strengthen environmental education at all levels of education. The objective is attained by strengthening the cooperation between administrative branches and networking of actors. In 2006, a strategy for increasing education and training that promotes sustainable development and the implementation plan for this strategy were approved for the years 2006–2014 (<http://www.edu.fi/julkaisut/keke.pdf>, in Finnish only). Environmental education is also featured on the sustainable development website of the Finnish National Board of Education (<http://www.edu.fi/TEEMAT/KEKE/index.html>, in Finnish only). Information on sustainable development within the administrative sector of the Ministry of Education in general is presented at the following website (in Finnish only): http://www.minedu.fi/OPM/Kansainvaliset_asiat/kestaevae_kehitys/?lang=fi . Finland's National Strategy for Sustainable Development: "Towards Sustainable Choices – a Nationally and Globally Sustainable Finland" adopted by the government in June 2006 is also available in electronic format at the Finnish Environmental Administration website: <http://www.environment.fi/default.asp?node=9732&lan=en>.

In addition, information on access to justice in environmental matters is available on the website of Finland's Ministry of Justice (<http://www.oikeus.fi>). The Supreme Administrative Court has its own website (<http://www.kho.fi>). Furthermore, general information on legal practice is available in the FINLEX databank (<http://www.finlex.fi>).

The Finnish Association for Nature Conservation together with the Uusimaa Environmental Protection District and the Finnish Export Credit Campaign and with funding by the Ministry for Foreign Affairs, held an "Environmental rights of Finnish citizens" seminar in September 2005. In connection with the seminar, the "Kansalaisten ympäristöoikeudet EU:ssa" (*Citizens' Environmental Rights in the EU*) guide was published, which is available (in Finnish only) in electronic format via the website <http://www.sll.fi/luontojaymparisto/kansainvalinentoiminta/raisa>.

The Ministry of the Environment is currently drawing up a popularised brochure on the Aarhus Convention, which is scheduled for publishing in both official languages (Finnish and Swedish) in 2008.

(c) paragraph 4

The Constitution (731/1999, sect. 20, subsect. 2) states that the public authorities shall endeavour to guarantee for everyone the right to a healthy environment and for everyone the possibility to influence the decisions that concern their own living environment. In addition, the following Acts contain detailed provisions on access to justice by NGOs: the Environmental Protection Act (86/2000), the Land Use and Building Act (132/1999), the Nature Conservation Act (1096/1996), the Nuclear Energy Act and the amendment (779/2004), **the Highways Act (503/2005), the Rail Tracks Act (110/2007)** and the Act on the Expropriation Permits Required by Certain Projects with Environmental Impacts (768/2004, **amended by 111/2007**).

(d) paragraph 7

Finland has promoted the principles of the Aarhus Convention in international environmental **negotiation and** decision-making processes, in international organizations and in the preparation of European Community legislation.

The guidelines on promoting the application of the principles of the Aarhus Convention in international forums (Decision II/4) adopted at the second meeting of the Parties held in Almaty, Kazakhstan, in 2005 were widely distributed among officials and their superiors representing Finland at different international environmental meetings and among the political leadership of the Ministry of the Environment. Together with these guidelines, the UN-ECE Aarhus Secretariat's brochure on the Convention "Your Right to a healthy environment" was also distributed.

The Ministry of the Environment and the Ministry for Foreign Affairs have jointly aligned their policies regarding the participation of NGOs in international meetings and have arranged discussions on this issue with NGO representatives. NGO representatives have as far as possible been included in Finland's delegations as expert members, for which their travel expenses have been partially or fully reimbursed. NGOs can also participate, upon invitation, in national preparatory meetings for international meetings. NGOs have been requested to co-ordinate among themselves their self-representation at the different meetings.

Environmental organisations are also represented in an environmental sub-committee under the committee established for national preparation of EU matters. Furthermore, environmental organisations are represented in numerous focus groups for international environmental issues, such as the Advisory Committee on International Forest Policy.

(e) paragraph 8

The question of whether a party shall be liable to compensate the other party for his legal costs is decided pursuant to the Administrative Judicial Procedure Act (586/1996, sect. 74). Under this Act 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.

The Act on Criteria for Charges Payable to the State (150/1992) contains provisions on the general criteria for charging for services by State authorities and for the size of the charges made for said services, and for other criteria related to charges. A special law contains provisions applicable to courts and other legal authorities (Act 701/1993, available only in Finnish, no English translation).

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 3 listed above.*

Answer:

*Provide further information on the **practical application of the general provisions of the Convention.***

Answer:

For example, Environmental Permit Authority staff provides advice according to the provisions of Article 2 in response to questions and inquiries concerning its administrative service. Within the rules of procedure, spheres of responsibility have been determined for the judicial staff, whereby key persons are assigned the primary responsibility for providing advice on certain types of matters. Public notices regarding environmental and water management permit applications each state the name of the presiding official for the matter together with their contact information. This facilitates contact between the parties concerned and the public and the principle advisor for the matter. Environmental Permit Authority staff provide advice to customers and the public through meetings at its own premises, by telephone and in writing. Receiving and responding to e-mail inquiries is part of the day-to day-routine of the authorities.

Apart from a few rare exceptions, all decision-making related documentation of the Environmental Permit Authorities is public. Application documents are open to the public at the licencing authorities as well as, typically for about a one-month period, at the municipal authorities included within the area that is subject to the environmental impact of the project. The duty to disclose information to parties is more strictly stipulated in environmental legislation than it is in the Administrative Procedure Act. Information regarding projects for which a licence application is being applied is generally provided by means of special notification to the parties, in connection with which the parties receive a summary of the plan, including an estimation by the applicant of the effects of the project. The decisions are published on the Internet in summarized form for public use. The public availability of documents could be further developed so that all public application documents are presented on the Internet already at that stage when parties have the opportunity to submit objections and petitions concerning the application. This would enable the public to access needed information considerably more easily, thus reducing the need for provision of telephone advice.

Information concerning the Environmental Permit Authorities is available on the website of Finland's environmental administration. A notice is drawn up for all significant decisions for the parties concerned, the public and the press and other media. Summaries of the decisions are made available to the public on the Internet. Information on environmental decision-making is generally provided to the media via the presenting official for the matter.

Give relevant web site addresses, if available:

The portal for public sector services contains general information on how the public sector operates ([http:// www.suomi.fi/](http://www.suomi.fi/)).

The FINLEX databank is a comprehensive database of Finnish legislation and it also contains the international treaties ratified by Finland (<http://www.finlex.fi/english/index.html>).

More information on the Act on the Openness of Government Activities (621/1999) is available on the Ministry of Justice's website (<http://www.om.fi/23955.htm>).

Article 4

List legislative, regulatory and other measures that implement 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. Also, and in particular, describe:

- (a) *With respect to **paragraph 1**, measures taken to ensure that:*
 - (i) *Any person may have access to information without having to state an interest;*
 - (ii) *Copies of the actual documentation containing or comprising the requested information are supplied;*
 - (iii) *The information is supplied in the form requested;*
- (b) *Measures taken to ensure that the time limits provided for in **paragraph 2** are respected;*
- (c) *With respect to **paragraphs 3 and 4**, measures taken to:*
 - (i) *Provide for exemptions from requests;*
 - (ii) *Ensure that the public interest test at the end of paragraph 4 is applied;*
- (d) *With respect to **paragraph 5**, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;*
- (e) *With respect to **paragraph 6**, measures taken to ensure that the requirement to separate out and make available information is implemented;*
- (f) *With respect to **paragraph 7**, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;*
- (g) *With respect to **paragraph 8**, measures taken to ensure that the requirements on charging are met.*

Answer:

The Act on the Openness of Government Activities provides that everyone shall have the right of access to an official document in the public domain (sect. 9, subsect. 1). For the purposes of the Act, the terms "official documents" and "authorities" have been defined in the Act (sects. 4 and 5). These definitions correspond to those spelled out in article 2 of the Convention.

Furthermore, the Environmental Protection Act emphasizes that monitoring data and information on emissions and the state of the environment are not confidential (sect. 109).

When considering appeals made against the decisions of administrative authorities in the administrative courts, the Act on the Openness of Procedures in Administrative Courts (30.3.2007/381) (in Finnish only), which came into force on 1 October 2007, shall be applied.

The Constitution (731/1999) and the Act on the Openness of Government Activities (sect. 3) guarantee basic rights and liberties to everybody living under Finnish jurisdiction regardless of whether or not they are Finnish citizens. These basic rights include the right to access to information, public participation in decision-making and access to justice in environmental matters. According to section 33 of the Act on the Openness of Government Activities, the

decision of an authority shall be subject to appeal, as provided in the Act on Administrative Judicial Procedure.

(a) paragraph 1

(i) According to the Act on the Openness of Government Activities (sect. 13, subsect. 1), the person requesting access need not identify himself nor provide reasons for the request, unless this is necessary, e.g. for determining if the person requesting access has the right of access to the document;

(ii) According to the Act on the Openness of Government Activities (sect. 16, subsect. 1), access to an official document shall be provided 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;

(iii) According to the Act on the Openness of Government Activities (sect. 16, subsect. 1), 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.

(b) paragraph 2

Pursuant to the Act on the Openness of Government Activities, requests for documents shall be considered without delay and 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. 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 (sect. 14, subsect. 4 and sect. 37, subsect. 2).

The Administrative Procedure Act also provides that a matter shall be considered without undue delay and, 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 (sect. 23).

(c) paragraph 3 – 4

The Act on the Openness of Government Activities contains definitions of which documents are deemed not to be official documents and are thus exempted from requests (sect. 5). Section 15 provides that 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.

This Act also defines when a document prepared by an authority enters the public domain (sect. 6) and when a document delivered to an authority enters the public domain (sect. 7). Access to a document which is not yet in the public domain shall be granted at the discretion of the authority (sect. 9, subsect. 2). When discretion is exercised, access to information on the activities of the authority shall not be unduly or unlawfully restricted, nor more restricted than what is necessary for the protection of the interests of the person protected, and the persons requesting access shall

be treated on an equal basis (sect. 17). Unless otherwise follows from the secrecy provisions, an authority shall keep available the documents which contain information on plans, accounts and decisions on pending matters of general importance (sect. 19).

Section 24 of the Act on the Openness of Government Activities lists exemptions from requests on account of the secrecy of the official documents requested (subsects. 1-6, 9, 10, 14, 15, 17, 19, 20 and 26). Secrecy of documents can also be provided for under special law;

(ii) The objectives of the Act on the Openness of Government Activities are to promote openness and good practice in information management 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.

According to sect. 24, subsect. 20, documents containing information on a private business or professional secret or other comparable private business information, shall be secret, if access would cause economic loss to the private business, provided that the information is not relevant to the safeguarding of the health of consumers or the conservation of the environment or to the protection of the interests of those suffering from the activities of the business, and that it is not relevant to the duties of the business and the performance of those duties.

Pursuant to sect. 17, subsect. 2 of the Act on the Openness of Government Activities, when applying the provisions concerning the secrecy of official documents, consideration must be taken as to whether the obligation to observe the secrecy of a document is irrespective of the case-specific effects of disclosing it, or whether its openness depends on the detrimental consequences of its disclosure, or whether its openness requires that no obvious detrimental effects are brought about by disclosing its information.

(d) paragraph 5

According to the Act on the Openness of Government Activities, 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 that is responsible for the consideration of the matter as a whole (sect. 15, subsect. 1).

(e) paragraph 6

The Act on the Openness of Government Activities (621/1999) provides that, 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 (sect. 10).

(f) paragraph 7

According to the Act on the Openness of Government Activities matters shall be considered without delay (sect. 14, subsect. 4). **In accordance with the said section, a refusal to grant requested access shall be justified and the person requesting access shall be given information on how to bring the matter for resolution by the authorities.** The decision of an authority shall be subject to appeal, as provided in the Act on Administrative Judicial Procedure.

(g) paragraph 8

Section 34 of the Act on the Openness of Government Activities (495/2005) contains provisions on charges for the provision of information by an authority. The purpose of the provisions is to ensure that the charges are fair and that charging practices are congruent. In addition, the Ministry of the Environment has issued decrees on charges relating to environmental protection (1240/2003 and 1237/2003). As stated in the answer given for Article 3, paragraph 3 above, the Ministry of the Environment's new recommendations regarding the openness, dissemination and pricing of environmental administration information will be introduced on 1 January 2008.

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 4.
Answer:

Provide further information on the **practical application of the provisions on access to information**, e.g. are there any statistics available on the number of requests made, the number of refusals and their reasons?

Answer:

Give relevant web site addresses, if available:

Article 5

List legislative, regulatory and other measures that implement 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:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Public authorities possess and update environmental information;
 - (ii) There is an adequate flow of information to public authorities;
 - (iii) In emergencies, appropriate information is disseminated immediately and without delay;
- (b) With respect to **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;
- (c) With respect to **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;
- (d) With respect to **paragraph 4**, measures taken to publish and disseminate national reports on the state of the environment;
- (e) Measures taken to disseminate the information referred to in **paragraph 5**;
- (f) With respect to **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;
- (g) Measures taken to publish and provide information as required in **paragraph 7**;
- (h) With respect to **paragraph 8**, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;

*(i) With respect to **paragraph 9**, measures taken to establish a nationwide system of pollution inventories or registers.*

Answer:

(a) paragraph 1

(i) According to the Act on Environmental Administration (55/1995, English translation not available), the environmental authorities must be in possession of the updated information necessary for the performance of their duties. The Ministry of the Environment has overall responsibility for producing and disseminating environmental information. Other ministries are responsible for producing and disseminating information relating to their specific spheres of activity. The Finnish Environment Institute (SYKE) monitors and evaluates the state of the environment and pollution loads, carries out environmental research, and manages and develops environmental information systems;

(ii) The Environmental Protection Act, states that regional environment centres and the Finnish Environment Institute maintain an environmental protection database containing the necessary data on, for instance environmental permits and notifications (sect. 27). Further provisions on the duty to notify and on the making of entries into the database are given in chapter 10 of this Act;

(iii) The definition of rescue services in the Act on Rescue Services (486/2003, English translation not available) includes warning the population in emergencies (sect. 43). Further provisions are given by the Government Decree on Rescue Services (787/2003, English translation not available), which requires that each district operates an alarm system to alert the population in an emergency (sect. 5). Provisions on the duty of authorities to disseminate information are given in three acts: the Act on the Openness of Government Activities, the Act on Rescue Services and the Act on Emergency Response Centres (157/2000, English translation not available). The Chemicals Act (744/1989) and the Act on Explosives (263/1953, English translation not available) regulate the handling and storage of dangerous substances and chemicals. The Government Decree on the Handling and Storage of Dangerous Substances and Chemicals (59/1999, English translation not available) contains provisions on the duty of the operator to prepare security reports and to inform the public of potential risks (sects. 26 and 29).

(b) paragraph 2

(b) Chapter 5 of the Act on the Openness of Government Activities and chapter 1 of the Decree on the Openness of Government Activities and on Good Practice in Information Management (1030/1999) contain provisions on the duty of the authorities to promote access and good practice in information management. Access to the environmental information referred to here is free of charge (Act on the Openness of Government Activities, sect. 34).

(c) paragraph 3

The website of Finland's environmental administration contains basic information in electronic format on various aspects of the state of the environment in Finland. Various environmental programmes and plans and environmental acts and decrees are also available on the website in electronic format. Furthermore, the FINLEX databank, operated by the Finnish Ministry of Justice, is a comprehensive reference database of Finnish legislation. The international treaties

signed by Finland are also available in the database. [Links to these are also provided on Finland's environmental administration website.](#) In addition, the website of the Ministry of Justice has some useful information pertaining to the implementation of the Aarhus Convention (the website addresses are listed below).

(d) paragraph 4

Finland has published extensive reports on the state of the environment. In addition, a CD-ROM on Finnish Nature was published in 2000. A review of Finland's natural resources and the environment is published annually as background material for the annual State budget proposal of the Finnish Government. It is prepared jointly by Statistics Finland and the Ministry of the Environment. This is available in English on the website of Statistics Finland.

In future, regular reports will also be published on the state of the environment from the regional perspective.

Statistics Finland also collects environmental statistics annually for publication. Reports on the state of the environment are included in the Ympäristö-lehti magazine, published jointly (in Finnish only) by SYKE and the Ministry of the Environment. A special Finnish set of sustainable development indicators was published in 2000 by SYKE.

(e) paragraph 5

The Act on the Statutes of Finland (188/2000) is applied to implement the provisions of paragraph 5. The Statute Book of Finland has a separate part (Treaty Series) for the publication of treaties and other corresponding instruments containing international obligations binding on Finland. The Statute Book of Finland also contains the acts of Parliament and the decrees of the President, of the Government and of the ministries, as well as parliamentary decisions on State finances. Official orders, decisions and communications can also be published in the Statute Book of Finland. Further provisions on the publication of official orders are given in a separate Act (189/2000, English translation not available). In addition, according to the Act on Environmental Administration, it is the obligation of the environmental authorities to produce and disseminate environmental information.

(f) paragraph 6

In the 1990s, Finnish industrial enterprises started to adopt voluntary environmental management systems (EMS), such as the International Organization for Standardization (ISO) 14001 Standard and the European Union's Eco-Management and Audit Scheme (EMAS). [At the end of 2006, there were altogether 991 ISO 14001 and 42 EMAS registrations in Finland.](#)

(g) paragraph 7

The environmental authorities produce and disseminate environmental information referred to in paragraph 7 (a) - (c). For instance, environmental services are listed on the website of Finland's environmental administration.

(h) paragraph 8

The Swan eco-labelling scheme was set up in November 1989 by the Nordic Council of Ministers to provide reliable information on the environmental impacts of products. The aim of the Swan eco-label is to assist consumers in choosing, from within specific product groups, the particular products which cause the lowest environmental impacts at all stages of the products' life cycle. Another objective of the Swan scheme is to steer product development towards more environmentally friendly products. The European Union's "flower" eco-label is based on Regulation (EC) No. 1980/2000 (repealing regulation No. 880/1992) of the European Parliament and of the Council of 17 July 2000. The EU flower is similar to the Swan in that it is based on the environmental impacts of products throughout their life cycle.

The European energy label has been devised to inform consumers about the energy efficiency of domestic appliances. The label is based on Council Directive 92/75/EEC of 22 September 1992 on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances. The European Commission Directive 97/17/EC of 16 April 1997 implements Council Directive 92/75/EEC with regard to energy labelling of household dishwashers. Energy-labelling is compulsory for all refrigerators, freezers, washing machines, tumble dryers, washer-dryers, and dishwashers. The Commission Directive has been implemented in Finland by the Act on Energy Efficiency of Household Appliances (1241/1997, English translation not available).

In addition to the official labels described above, environmentally friendly products may bear certain other labels, such as the Finnish "luomu" label (for organic product), the EU organic label or the "Fair trade" label.

(i) paragraph 9

The Environmental Protection Act states that regional environment centres and the Finnish Environment Institute shall maintain an environmental protection database containing the necessary data on, e.g. environmental permits, notifications, reporting and monitoring required by environmental permits (sect. 27).

Finland signed the Protocol on Pollutant Release and Transfer Registers together with 35 other States and the European Community **at the Kiev meeting on 21–23 May 2003**. A government proposal concerning its implementation will be given to Parliament **in 2008**.

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 5.*
Answer:

Provide further information on the practical application of the provisions on the collection and dissemination of environmental information in article 5, e.g. are there any statistics available on the information published?

Answer:

The Environmental Permit Authorities record key information on matters dealt with in an information system containing a logbook and decisions register. The Environmental Permit Authorities also obtain environmental information from other environmental administration data systems, the national land register system, and other databases. An official statement by the regional Environment Centre is requested in nearly all application matters.

Important environmental information is often derived from the results of environmental or ecological monitoring, and the permit applicant is obliged to include this information in their application documents. In known hazardous situations, the operator is obliged to inform the public and the controlling authorities of the hazard.

Give relevant web site addresses, if available:

The website of Finland's environmental administration: <http://www.environment.fi/>

The FINLEX databank is a comprehensive reference database of Finnish legislation:
<http://www.finlex.fi/>

the website of the Ministry of Justice: <http://www.om.fi/>

The website of Statistics Finland: http://www.stat.fi/tk/tt/ymparisto_en.html

Further information on Finnish sustainable development indicators can be found on the website of Finland's environmental administration:

<http://www.ymparisto.fi/default.asp?node=12282&lan=EN>:

Further information on the EU's Eco-Management and Audit Scheme (EMAS) in Finland can be found on the website of the environmental administration:

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

Further information on eco-labelling in Finland can be found on the website of the environmental administration: <http://www.ymparisto.fi/default.asp?node=7318&lan=EN>

Article 6

List legislative, regulatory and other measures that implement 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. Also, and in particular, describe:

(a) *With respect to **paragraph 1**, measures taken to ensure that:*

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

(ii) *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;*

(b) *Measures taken to ensure that the public concerned is informed, early in an environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in **paragraph 2**;*

(c) *Measures taken to ensure that the time frames of the public participation procedures respect the requirements of **paragraph 3**;*

(d) *With respect to **paragraph 4**, measures taken to ensure that there is early public participation;*

(e) *With respect to **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;

(f) *With respect to **paragraph 6**, measures taken to ensure that:*

- (i) 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;*
- (ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;*
- (g) With respect to **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;*
- (h) With respect to **paragraph 8**, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;*
- (i) With respect to **paragraph 9**, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;*
- (j) With respect to **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, and where appropriate;*
- (k) With respect to **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.*

Answer:

(a) paragraph 1

(a) The provisions of this paragraph are taken into account in the Act on Environmental Impact Assessment Procedure (EIA, 468/1994), the Environmental Protection Act, the Environmental Protection Decree (169/2000) and the Land Use and Building Act, as well as in certain other special laws:

(i) The activities listed in annex I to the Convention have been implemented in Finland with the Act on Environmental Impact Assessment Procedure, the Decree on Environmental Impact Assessment Procedure (286/1999), the Environmental Protection Act and the Environmental Protection Decree. The provisions of the Environmental Protection Act and Decree cover most of the items on the list in annex I. The provisions of the Water Act (264/1961, chaps. 2, 4, 9 and 17) cover some of the projects listed in annex I to the Aarhus Convention. A special law applies to transport routes, electrical power lines and gas pipelines that cross national frontiers;

(ii) Finnish legislation allows for public participation even in activities not listed in annex I to the Aarhus Convention. For example, the definition of activities covered by the Environmental Protection Decree is broader than the definition in annex I.

(b) paragraph 2

The provisions of the Environmental Protection Act (sect. 37) and of the Environmental Protection Decree (sect. 16) correspond to this paragraph. Section 37 of the Act states that, before passing a decision on a permit, the permit authority shall provide those whose rights or interests might be concerned (stakeholders) with an opportunity to lodge a complaint regarding the matter. Persons other than stakeholders shall be provided with an opportunity to state their opinion.

Similar provisions exist in **certain** other environmental laws (768/2004, as amended 111/2007). **Plans are underway to further develop the current legislation.**

(c) – (e) paragraphs 3 –5

The provisions of the Act on Environmental Impact Assessment Procedure, the Environmental Protection Act, the Environmental Protection Decree and the Land Use and Building Act, in addition to certain special laws, meet the requirements set in paragraphs 3, 4 and 5 on public participation procedures and their time frames.

(f) – (g) paragraphs 6 – 7

According to the Administrative Procedure Act before the matter is decided, a party shall be given an opportunity to express an opinion on the matter and to submit an explanation of the demands and information which may have an effect on the decision (sect. 34). Equivalent provisions exist in certain other special laws.

(h) – (j) paragraphs 8 – 10

The provisions of the Environmental Protection Act (sects. 41, 54 and 58) meet the requirements set in paragraphs 8, 9 and 10. No new legislation is needed, although the possibility of an authority reconsidering an already granted permit is covered more extensively only in the Environmental Protection Act and in the Water Act.

(k) paragraph 11

Provisions on public information and consultation are contained in the Gene Technology Act (377/1995, English translation not available). According to section 36 (b), the Board for Gene Technology (competent authority) shall post a public notice to inform the public **of research and development testing and field testing** and to invite public comment prior to making a decision on the proposed deliberate release of genetically modified organisms (GMOs) for any purpose other than for placing them on the market. In the case of placing GMOs on the market, as a product or in products, the European Commission is responsible for the public information and consultation, according to Directive 2001/18/EC **on the deliberate release into the environment of genetically modified organisms** or Regulation 2003/1829/EC **on genetically modified food and feed**.

Finnish and European Community legislation cover the amendments approved at the second meeting of the Parties to the Aarhus Convention held in Almaty in 2005, which specify public information and consultation procedures during decision making regarding the release into the environment of genetically modified organisms (decision II/1). Finland plans to bring the Convention amendments into effect within its own jurisdiction in 2008.

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6.*

Answer:

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 6, e.g. are there any statistics or other information available on public participation in decisions on specific activities or on decisions

not to apply the provisions of this article to proposed activities serving national defence purposes.

Answer:

Give relevant web site addresses, if available:

Further information on environmental impact assessments, including unofficial translations of the Act and Decree on Environmental Impact Assessment Procedure, can be found on the website of Finland's environmental administration:

<http://www.ymparisto.fi/default.asp?node=8845&lan=en>

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. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

According to the Act on Environmental Impact Assessment Procedure, environmental impact shall be investigated and assessed to a sufficient degree when an authority is preparing policies, plans and programmes which may have a significant environmental impact once implemented (sect. 24). In 1998, the Ministry of the Environment issued guidelines for the environmental assessment of plans, programmes and policies (see link below). Arranging public participation as a part of the environmental impact assessment has been separately considered in the guidelines.

Pursuant to section 41 of the Administrative Procedure Act, provision must be made for private individuals and corporations to influence on a matter if the decision regarding the matter may have a considerable effect on their living environment or working conditions. In practice, such advance public consultation may be applicable to projects to which the Act on Environmental Impact Assessment (1994/468, in Finnish only) is not applied.

Directive 2001/42/EC of the European Parliament and of the Council on the Assessment of the Effects of Certain Plans and Programmes on the Environment is regulated in Finland by the Act on the Assessment of the Impacts of Authorities' Plans, Programmes and Policies on the Environment (200/2005), which entered into force on 1 June 2005. The Act enables environmental considerations to be taken into better consideration during the initial preparatory stages of planning and project design. It increases access to information regarding authorities' plans as well as opportunities to participate in their preparation. The legislation requires an environmental impact assessment to be conducted for certain plans and programmes conducted by authorities.

Explain what opportunities there are for public participation in the preparation of policies relating to the environment.

Answer:

*Describe any **obstacles encountered** in the implementation of article 7.*

Answer:

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 7.

Answer:

Give relevant website addresses, if available:

Guidelines for the environmental assessment of plans, programmes and policies in Finland can be found on the environmental administration website:

<http://www.ymparisto.fi/default.asp?contentid=86101&lan=EN>

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. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the nondiscrimination requirement in article 3, paragraph 9.

Answer:

In 1996, the Government started a legislative development programme (Government decision in principle of 30 May 1996). This programme applies to some extent also to the preparation of orders and regulations. It provides that the preparations include sufficient and appropriate hearing of the parties concerned.

In August 2006, Prime Minister Matti Vanhanen's working group implemented the Better Regulation Programme, which provides legislative policy principles and policies for the development of the Government's legislative programme and the principles to be observed in the law drafting process, with a special emphasis on the safeguarding of the competitiveness of businesses and the opportunities of individuals to be active participants in society, as well as procedures for the continuous assessment of the quality and practicability of the legislation in force. The principles can also be applied to the preparation of lower-level norms. The Better Regulation Programme promotes, among other things, better stakeholder participation and influence in the drafting of legislation. The programme also emphasises the importance of careful drafting and the assessment of the alternatives and impacts of legislation.

The current Government Programme (2007–) of Prime Minister Matti Vanhanen's second Cabinet is committed to implementing the measures proposed by the Better Regulation Programme for improving the quality of legislation. In spring 2007, a working group appointed by the Ministry of Justice drew up new harmonised guidelines for the assessment of the impacts of legislation. The guidelines cover the assessment of the economic impact, impact of the authorities, environmental impacts and other social impacts (Working Group Memorandum of the Ministry of Justice 2007:5).

To supplement these guidelines, the working group has proposed the establishment of an electronic databank of impact assessments. The databank would also include additional information, for example, on impact assessment methods and sources of information and model impact assessments. Furthermore, the working group has proposed the rationalisation of existing impact assessment support and follow-up methods and the arranging of impact assessment training to support the application of the new guidelines.

*Describe any **obstacles encountered** in the implementation of article 8.*

Answer:

Provide further information on the practical application of the provisions on public participation in the field covered by article 8.

Answer:

Give relevant website addresses, if available:

Article 9

List legislative, regulatory and other measures that implement 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. Also, and in particular, describe:

*(a) With respect to **paragraph 1**, measures taken to ensure that:*

- (i) 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;*
- (ii) 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;*
- (iii) 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;*

*(b) 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;*

*(c) With respect to **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;*

*(d) With respect to **paragraph 4**, measures taken to ensure that:*

- (i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;*
- (ii) Such procedures otherwise meet the requirements of this paragraph;*
- (e) With respect to **paragraph 5**, measures taken to ensure that information is provided to the public on access to administrative and judicial review.*

Answer:

Regarding article 9 of the Convention, it can be generally stated that the Aarhus Convention is applied in Finland along with its other valid legislation, and in judicial practice the provisions of the Convention are also used as the grounds for decisions made. The need for direct application is however minor, because the provisions of the Convention are comprehensively taken into consideration in other legislation.

The Finnish judicial protection system 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.

In procedures for rectification and re-consideration of a matter, the provisions of the Administrative Procedure Act on disqualification of officials are applied, but do not as such prevent the same persons' participation in a new consideration of a matter. However, according to the same Act, in a new consideration of a matter grounds for disqualification may exist if an elected official's impartiality is compromised for a special reason that is of comparable significance to the other grounds for disqualification specified in the Administrative Procedure.

(a) paragraph 1

(i) Section 33 of the Act on the Openness of Government Activities states that "the decision of an authority shall be subject to appeal, as provided in the Act on Administrative Judicial Procedure". Appeals can also be lodged against the decisions of local or regional authorities and of institutions, corporations, foundations or private individuals exercising public authority. Instead of, or in addition to, lodging an appeal, a party can also make a renewed request for information to the authorities. The administrative decision to dismiss the earlier request has no res judicata. If the party can provide better arguments supporting his or her request, access is more likely to be granted.

Section 50 of the Administrative Procedure Act also states that "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;"

(ii) According to the Administrative Judicial Procedure Act a party shall be liable to compensate the other party for his 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 own costs (sect. 74, subsect. 1). The provisions may be applied also to the administrative authority that made the decision. When assessing the liability of a public authority, special account shall be taken of whether the proceedings have arisen from the error of the authority. 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 (sect. 74, subsects. 2 and 3);

(iii) If an official refuses to grant the requested access to a document or information, he or she must inform the person requesting access of the reason for the refusal in a manner which is in accordance with section 14, subsection 3 of the Act on the Openness of Government Activities. The matter may then be decided anew by the authority. If the authority rejects the request again, the reasons for this decision must be stated in accordance with section 45 of the Administrative Procedure Act by indicating the circumstances and information that have affected the authority's decision and the provisions that have been applied.

(b) paragraph 2

Pursuant to this paragraph, an amendment was made to the Nuclear Energy Act (990/1987) in act 769/2004, which was implemented by Government Decree 868/2004. In addition, the new Act on the Expropriation Permits Required by Certain Projects with Environmental Impacts was adopted to regulate the construction of railway lines for long-distance railway traffic, pipelines for the transport of gas, oil or chemicals, and overhead electrical power lines.

Under the Environmental Protection Act (sect. 97), the "right of appeal pertains to:

- (1) Persons whose rights or interests may be affected by the matter;
- (2) Registered associations or foundations whose purpose is to promote environmental, health or nature protection or the general amenity of the environment and whose area of activity is subjected to the environmental impact in question;
- (3) The municipality where the activity takes place and other municipalities subjected to its environmental impact;
- (4) The regional environment centre and the environmental authorities of municipalities where the activity takes place or located in the area of impact;
- (5) Other authorities supervising the public interest in the matter. For the purpose of safeguarding the public environmental protection interest, regional environment centres and municipal environmental authorities are also entitled to appeal Vaasa Administrative Court decisions amending or reversing decisions issued by them." Equivalent provisions on the right of appeal are included in the Water Act.

According to the Nature Conservation Act (1096/1996), the right of appeal may be exercised by those whose rights or interests may be affected by the matter in question (sect. 61). In matters other than compensation, the right of appeal is also given to the local authority and, **with certain exceptions**, to any registered local or regional association whose purpose is to promote nature conservation or environmental protection. A decision taken by the Government concerning the adoption of a nature conservation programme can also be appealed by a corresponding national organization or any other national organization safeguarding the interests of landowners (sect. 61). The Land Use and Building Act (132/1999, amended 1141/2006) states that the right of appeal against decisions to approve a land-use plan or a building ordinance is based on the Local Government Act (365/1995, sect. 92). In addition, registered local and regional organizations are entitled, when the matter concerns their sphere of activity, to appeal decisions concerning the approval of a plan or building ordinance within the area in which they operate. Nationally active organizations are also entitled to appeal decisions to approve regional plans if they contravene national land-use objectives (Land Use and Building Act, sect. 191).

According to the Land Extraction Act (555/1981, amended 468/2005; section 20), appeals for amendment or reversal of a decision made by a licensing authority regarding an extraction permit are made to the administrative court in accordance with municipal laws regarding the right of appeal and appellate procedure. Furthermore, the right of appeal pertains to regional environmental centres and registered associations or foundations operating in the area of the impact of the project and whose purpose is to promote environmental, health or nature protection or the general amenity of the living environment.

(c) paragraph 3

According to the Environmental Protection Act persons whose rights or interests may be affected by the matter and registered associations and foundations have a right to take legal action in certain cases if legal action is not taken on the initiative of the supervisory authority (sect. 92). This provision can be applied when establishing the extent and degree of pollution in soil or groundwater and the need for treatment for the restoration of soil (sects. 77 and 79). It can also be applied when rectifying a violation or negligence (sect. 84), giving orders to prevent pollution (sect. 85) or suspending operations (sect. 86). **The Nature Conservation Act (sect. 57) and the Waste Act (1072/1993) both contain provisions on the right to institute proceedings against unlawful acts.**

In addition, under the Constitution (731/1999) the Chancellor of Justice and the Parliamentary Ombudsman shall ensure 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 these duties, they monitor the implementation of basic rights and liberties and human rights (sects. 108 and 109). Further provisions on the duties of the Chancellor of Justice and of the Parliamentary Ombudsman are given in the Chancellor of Justice Act (193/2000, English translation not available) and in the Parliamentary Ombudsman Act (197/2002). Everyone is entitled to make a request to the Chancellor of Justice or the Parliamentary Ombudsman to monitor whether authorities are obeying the law.

In addition, the following provision (sect. 50) of the Administrative Procedure Act applies: “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.”

(d) paragraph 4

Under the Legal Aid Act (257/2002), legal aid shall be given at the expense of the State to a person who needs expert assistance in a legal matter and who for lack of means cannot pay the expenses himself to have the matter dealt with. 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 for the consideration of the matter (sect. 1). Legal aid shall not be given to a company or a corporation (sect. 2, subsect. 3). Legal aid shall be given, on application, for free or against a deductible, on the basis of the means of the applicant (sect. 3).

(e) paragraph 5

The Act on the Openness of Government Activities provides that if an official refuses to grant the requested access, he or she shall inform the person requesting access of the reason for the refusal. The official shall also inform the person requesting access that he can have the matter decided by the authority and inform the person requesting access of the charges involved in the consideration of the request (sect. 14, subsect. 3).

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 9.*

Answer:

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?

Answer:

The Ministry of Justice monitors access to justice in environmental matters as part of its guidance work of administrative courts. As a consequence of this work, different statistics on environmental justice are produced and included into different reports published by the Ministry of Justice. In addition, Statistics Finland (http://www.stat.fi/index_en.html) publishes statistics from administrative courts. These reports are available at the following website: <http://statfin.stat.fi/>

In addition, the administrative courts publish a common annual report showing, among other things, the numbers of cases taken up and resolved per case category and the average time taken to resolve cases. The annual report of the administrative courts is also published on the Internet (the 2006 Annual Report is available, for example, on the website of the Supreme Administrative Court).

Of all cases submitted to the Supreme Administrative Court in 2006 (3,793 in total), 524 (13.8% of cases) were building matters and 288 (7.6%) were environmental matters. Cases falling within the scope of the Aarhus Convention thus account for about one fifth of all matters annually submitted to the Supreme Administrative Court.

At the beginning of March 2007, a leave-to-appeal system was introduced for building related matters. The system limits further appeals to the Supreme Administrative Court in certain permit cases and blocks appeals regarding detailed land-use plans or building ordinances that have already been dealt with in regard to the general plans for the same projects. Experiences of the practical impacts of this system are as yet minimal.

In 2006, a total of 24,000 appeals were submitted to the administrative courts, of which 2,829 (11.6%) were environmental or building related cases. The average time taken to process building and environmental related cases in the administrative courts in 2006 was 11.8 months and 12.3 months respectively.

Give relevant website addresses, if available:

Articles 10-22 are not for national implementation.

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.

Answer:

The Convention's objective is reflected in section 19 of the Constitution, according to which the public authorities shall endeavour to guarantee for everyone the right to a healthy environment and for everyone the possibility to influence the decisions that concern their own living environment.