

Questionnaire for the report of FINLAND on the implementation of the Protocol on Strategic Environmental Assessment in the period 2016–2018

Information on the focal point for the Protocol

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Part one

Current legal and administrative framework for the implementation of the Protocol

In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not experience in the application of the Protocol.

General information given by Finland

The Act on the Assessment of the Effects of Certain Plans and Programmes on the Environment (200/2005), known as the SEA Act, and the Government Decree on the Assessment of the Effects of Certain Plans and Programmes on the Environment (347/2005), known as the SEA Decree, are the major pieces of legislation transposing the Protocol on SEA in Finland. The SEA Act and Decree ensure that the SEA is carried out for most of the plan and programme types referred to in Article 4 of the Protocol.

Provisions on strategic environmental assessments of land use plans are included in the Land Use and Building Act (Act 132/1999) and Decree (895/1999). The impacts of all land use plans in Finland are assessed under the provisions of the Land Use and Building Act and Decree.

Besides the above-mentioned, there is also a general duty to investigate the environmental effects of plans and programmes that do not fall within the sphere of application of Article 4, but that may have likely significant environmental effects (section 3 of the SEA Act). This duty is more general in nature and it covers policies as well.

In the answers below:

- The blue colour is used to refer to the SEA Act and Decree and the strategic environmental assessments carried out in accordance with these statutes.
- The green colour is used to refer to the provisions in the Land Use and Building Act and Decree and the strategic environmental assessment of land use plans carried out in accordance with those provisions.
- *Black cursive is used when the answer covers both situations mentioned above or the answer is related to other issues.*

Article 3

General provisions

I.1. Please provide the main legislative, regulatory and other measures you have adopted in your country to implement the Protocol (art. 3, para. 1) (more than one option may apply):

- (a) Law on SEA (please indicate number/year/name):

SEA Act - Act on the Assessment of the Effects of Certain Plans and Programmes on the Environment (200/2005)

(b) SEA provisions are transposed into another law(s) (please specify):

Land Use and Building Act (132/1999), Act on Water and Sea Resources Management (1299/2004).

(c) Regulation (please indicate number/year/name):

SEA Decree (347/2005), Land Use and Building Decree (895/1999)

(d) Administrative rule (please indicate number/year/name):

Government's Decision on Impact Assessment in Legislative Drafting Guidelines (Ministry of Justice, Publication 2008:4). The Impact Assessment Guidelines supplement the Bill Drafting Instructions (2004).

(e) Other (please specify):

Your comments: *See the general information given above.*

Article 4

Field of application concerning plans and programmes

I.2. List the types of plans and programmes that require SEA in your legislation:

National land use objectives, regional land use plans, local master plans, local detailed plans, nature conservation programmes, regional waste plans, regional development programmes, transport system plan of the Helsinki Metropolitan Area, river basin management plans, programme of measures of the marine strategy, flood risk management plans, EU structural fund programmes and action programme according to the Article 5 of the EU Directive 91/676/EEC.

I.3. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4, para. 2):

The term is not defined further in the legislation but in the government bill on the SEA legislation there are some examples mentioned. According to the government bill a plan or programme would set the framework for development consent, for instance:

- if the plan (or programme) is a prerequisite for starting the work on drafting the plan, or*
- if the plan or the legislation concerning the plan includes a requirement to take the plan into account in the planning of future projects, or*
- if the plan includes criteria or conditions which should be taken into consideration in the permit procedure.*

I.4. Explain how the terms “plans and programmes ... which determine the use of small areas at local level” (art. 4, para. 4) are interpreted in your legislation:

The terms are not interpreted further in the legislation. All land use plans are covered by SEA (provisions in the Land Use and Building Act).

I.5. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4):

It is not specified further in the legislation. All land use plans are covered by SEA (provisions in the Land Use and Building Act).

Article 5 Screening

I.6. How do you determine which other plans and programmes should be subject to a SEA as set out in article 4, paragraphs 3 and 4, in accordance with article 5, paragraph 1? Please specify:

- (a) On a case-by-case basis
- (b) By specifying types of plans and programmes
- (c) By using a combination of (a) and (b)
- (d) Other (please specify):

Your comments:

I.7. Do you provide opportunities for the public concerned to participate in screening and/or scoping of plans and programmes in your legislation (art. 5, para. 3, and art. 6, para. 3)?

No

Yes *in scoping*

(please specify (more than one option may apply)):

- (a) By sending written comments to the competent authority
- (b) By sending written comments to the local municipality
- (c) By providing answers to a questionnaire
- (d) By taking part in a public hearing
- (e) By sending written comments to the consultants/SEA experts or persons preparing the plans and programmes
- (f) Other (please specify):

Your comments:

The comments are sent /the opinions are given to the authority responsible for a plan or programme.

Article 6 Scoping

I.8. How do you determine what is the relevant information to be included in the environmental report, in accordance with article 7, paragraph 2 (art. 6, para. 1)?

Content of the environmental report is stipulated in the legislation. Besides that by using the comments from the concerned authorities and public and the own expertise of the authority responsible for drawing up the plan or programme.

Article 7

Environmental report

I.9. How do you determine “reasonable alternatives” in the context of the environmental report (art. 7, para. 2)? Please specify:

- (a) On a case-by-case basis
- (b) As defined in the national legislation (please specify):
- (c) By using a combination of (a) and (b)
- (d) Other (please specify):

Your comments:

I.10. How do you ensure sufficient quality of the reports? Please specify:

- (a) The competent authority checks the information provided and ensures it includes all information required under annex IV as a minimum before making it available for comments
- (b) By using quality checklists
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify): *Different guidelines, which include quality checklists, are available.*

Your comments:

Article 8

Public participation

I.11. How do you ensure the “timely public availability” of draft plans and programmes and the environmental report (art. 8, para. 2)? Please specify (more than one option may apply):

- (a) Through public notices
- (b) Through electronic media
- (c) Through other means (please specify):

Your comments:

I.12. How do you identify the public concerned (art. 8, para. 3)? Please specify (more than one option may apply):

- (a) Based on the geographical location of the plans and programmes
- (b) Based on the environmental effects (significance, extent, accumulation, etc.) of the plans and programmes
- (c) By making the information available to all members of the public and letting them identify themselves as the public concerned
- (d) By other means (please specify):

Your comments:

I.13. How can the public concerned express its opinion on the draft plans and programmes and the environmental report (art. 8, para. 4)? Please specify (more than one option may apply):

- (a) By sending comments to the relevant authority/focal point
- (b) By providing answers to a questionnaire
- (c) Orally
- (d) By taking part in a public hearing
- (e) Other (please specify):

Your comments:

I.14. Do you have a definition in your legislation of the term “within a reasonable time frame” (art. 8, para. 4)? Please specify:

- (a) No, the time frame is determined by the number of days fixed for each commenting period
- (b) No, it is defined case by case
- (c) Yes (please provide the definition):
- (d) Other (please specify):

Your comments:

Article 9

Consultation with environmental and health authorities

I.15. How are the environmental and health authorities identified (art. 9, para. 1):

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Your comments:

General requirements are defined in legislation. They are partly defined in the legislation and partly on a case-by-case basis.

I.16. How are the arrangements for informing and consulting the environmental and health authorities determined (art. 9, para. 4):

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Your comments:

I.17. Does your national legislation call for consultations with environmental and health authorities?

- (a) Yes
- (b) No

I.18. How can the environmental and health authorities express their opinion (art. 5, para. 2, art. 6, para. 2, and art. 9, para. 3):

- (a) By sending comments
- (b) By providing answers to a questionnaire
- (c) In a meeting
- (d) By other means (please specify)

Your comments:

Article 10 Transboundary consultations

I.19. As a Party of origin, when do you notify the affected Party (art. 10, para. 1)? Please specify:

- (a) During scoping (land use plans)
- (b) When the draft plan or programme and the environmental report have been prepared (other plans and programmes)
- (c) At other times (please specify):

Your comments:

I.20. As a Party of origin, what information do you include in the notification (art. 10, para. 2)? Please specify:

- (a) The information required by article 10, paragraph 2
- (b) The information required by article 10, paragraph 2, plus additional information (please specify):

Your comments:

I.21. As a Party of origin, does your legislation indicate a reasonable time frame for the transmission of comments from the affected Party (art. 10, para. 2)? Please specify:

- (a) No
- (b) Yes (please indicate how long):

Your comments:

There is a 60-day time frame for the affected Party from when the draft plan or programme and environmental report are received for the Party to indicate that it wishes to enter into consultations concerning the matter. When beginning consultations, arrangements must be agreed on for allowing the authorities and the public in the state in which significant environmental effects are likely to take place to express their opinions within a reasonable timeframe.

In land use planning there is a 30-day time frame for the affected Party to indicate that it wishes to enter into consultations concerning the matter. When beginning consultations, arrangements must be agreed on for allowing the authorities and the public in the state in which significant environmental effects are likely to take place to express their opinions within a reasonable timeframe.

I.22. If the affected Party has indicated that it wishes to enter into consultations, how do the Parties agree on detailed arrangements to ensure that the public concerned and the authorities in the affected Party are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame (art. 10, paras. 3 and 4)?

- (a) Following those of the Party of origin
- (b) Following those of the affected Party
- (c) Other (please specify):

Your comments:

Detailed arrangements must be agreed between the Parties at the beginning of the consultation (see the comments above in answer I.21.).

Article 11 Decision

I.23. When a plan or programme is adopted, explain how your country ensures, in accordance with article 11, paragraph 1, that due account is taken of:

- (a) The conclusions of the environmental report
- (b) Mitigation measures
- (c) Comments received in accordance with articles 8 to 10

Your comments:

SEA Act, Section 11 — Approval of a plan or programme and information on such decisions

(1) The environmental report and as far as possible the opinions referred to in sections 8 and 9 and the results of discussions between states under section 10 must be taken into account when a plan or programme is being prepared.

(2) Decisions to approve a plan or programme or the plan or programme itself must include the following:

- 1) a justified opinion on how the environmental report, the opinions referred to in sections 8 and 9 and the results of the discussions between states in accordance with section 10 have been taken into account, and an outline of how these and various environmental considerations have affected the content of the plan or programme and the choice between the various alternatives, and
- 2) an outline of the monitoring referred to in section 12.

The Land Use and Building Decree sets requirements for the plan statement for the content of each type of land use plan. The statement needs to contain the information on the transboundary part of the planning and the comments received and how they have been taken into account.

I.24. How and when do you inform your own public and authorities (art. 11, para. 2)?

When a plan or programme is approved, information on the decision must be provided in addition to what is provided elsewhere, and the decision and the plan or programme must be made publicly available. What is provided in section 62 of the Administrative Procedure Act applies to making documents available and providing information on them. The decision and the plan or programme and environmental report must be delivered to the Finnish Environment Institute for information purposes and they must also be made public in electronic form if possible (SEA Act, section 11).

Information on the approval of a plan or programme must be submitted to the centre for economic development, transport and the environment without delay. Information on decisions must also be submitted to the relevant local authorities and other authorities that have been consulted in the process (SEA Degree, section 8).

A plan only comes into force when it has been made available to the public. Decisions to approve a plan are presented publicly in the same way that municipal notices are published in the municipality. The local authority must immediately send the decision regarding the plan for information purposes to the authorities.

I.25. How do you inform the public and authorities of the affected Party (art. 11, para.

(a) By informing the point of contact

(b) By informing the contact person of the ministry responsible for SEA, who then follows the national procedure and informs his/her own authorities and public

(c) By informing all the authorities involved in the assessment and letting them inform their own public

(d) Other (please specify):

Your comments:

Section 8 of the SEA Decree requires that the information on the approval of a plan or programme must be submitted without delay to the affected party and that the plan or programme and the decision to approve the plan or programme are made available to the affected party.

Section 206 c of the Land Use and Building Act includes a similar requirement for the land use plans.

I.26. How do you ensure that, when a plan or programme is adopted, the public, the authorities and the Parties consulted are informed and that the information mentioned in article 11, paragraph 2, is made available to them?

(a) Pursuant to national legislation (please refer to specific provisions and provide citations in order to clarify the procedure followed):

(b) Other (please specify):

Your comments:

Reference to specific provision and citations are provided above in answers I.24. and I.25..

Article 12 Monitoring

I.27. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes adopted under article 11 (art. 12, paras. 1 and 2):

Section 12 of the SEA Act requires that the authority responsible for plans or programmes must ensure that the implementation of plans and programmes falling within the sphere of environmental assessment and resulting significant environmental effects are monitored, in order to be able to take action to prevent or reduce harmful environmental effects where necessary.

In land use planning the monitoring is usually done when a plan needs to be changed. At that time, the extent to which the plan has been or has not been implemented is evaluated. In accordance with the Land Use and Building Act (section 60), the local authority is responsible for assessing whether the local detailed plan is up-to-date.

The Finnish environmental administration maintains, develops and distributes data from environmental information data systems, spatial information systems and remote sensing datasets. For instance, environmental and geographical information services are available free of charge to the general public and to other users through the "OIVA" service.

Documents related to the planning process are public documents according to Finnish law. The Act on the Openness of Government Activities (627/1999) is applied to the official documents. The principle is that all official documents are in the public domain, unless specifically otherwise provided (section 1).

Part two Practical application during the period 2016–2018

In this part, please report on your country's practical experiences in applying the Protocol (and not your country's procedures, which were described in part one). The focus of this section should be on identifying good practices as well as difficulties encountered in applying the Protocol in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Protocol in your country and innovative approaches to improve its application.

II.1. Does your country object to the information on SEA procedures provided in this section being compiled and made available on the website of the Protocol? Please specify (indicate "yes" if you object):

(a) Yes

(b) No

Your comments:

1. Consideration of health effects

II.2. Does your SEA documentation always include specific information on health effects? Please specify:

- (a) Yes
- (b) No, only when potential health effects are identified

2. Domestic and transboundary implementation in the period 2016–2018

II.3. Does your SEA documentation always include specific information on potential transboundary environmental, including health, effects? Please specify:

- (a) Yes
- (b) No, only when potential transboundary effects are identified

3. Cases during the period 2016–2018

II.4. Please provide the (approximate) number of transboundary SEA procedures initiated during the period 2013–2015 and list them, grouped by the sectors listed in article 4, paragraph 2:

	As a Party of Origin	As an affected Party
town and country planning or land use	2	3
other (environmental protection)		1

4. Experience with the strategic impact assessment procedure in 2016–2018

II.5. Has your country experienced substantial difficulties in interpreting particular terms (or particular articles) in the Protocol?

- (a) No
- (b) Yes (please indicate which ones):

II.6. How does your country overcome the(se) problem(s), if any, for example by working with other Parties to find solutions? Please provide examples:

No substantial difficulties were experienced.

II.7. With regard your country’s experience with domestic procedures, in response to each of the questions below, either provide one or two practical examples or describe your country’s general experience. You might also include examples of lessons learned in order to help others. Please detail:

(a) Has your country carried out monitoring according to article 12 and, if so, for what kinds of plans or programmes (cite good practice cases or good practice elements (e.g., consultation or public participation), if available)?

Monitoring of the environmental effects is usually arranged as a part of the more extensive monitoring of the implementation of the plan or programme. Monitoring may also coincide with the regular revision of the plan or programme.

(b) Would your country like to present a case to be published on the website of the Convention and its Protocol as a “case study fact sheet”?

(i) No

(ii) Yes (please indicate which ones):

II.8. With regard your country’s experience with transboundary procedures, in response to each of the questions below, either provide one or two practical examples or describe your country’s general experience. You might also include examples of lessons learned in order to help others. Please detail:

(a) What difficulties has your country experienced and what solutions has it found?

(i) Translation and interpretation

Finland considers that the translation of documents is an important prerequisite, especially for the participation of the public. As a Party of origin Finland tends to provide adequate material in the language of the affected Party. We hope to receive reciprocal treatment as an affected Party. Early cooperation between the points of contacts of the affected Party and the Party of origin are important for facilitating translations. As Finland is bilingual, some material also needs to be available in Swedish in addition to Finnish. In northern Finland Sámi is also used.

(ii) Other issues

No remarks.

(b) What does your country usually translate as a Party of origin?

The draft plan or programme and the environmental report, or parts of them are been be translated into the relevant languages.

Finland has been the Party of origin in some land use plans. The plan is presented on a map according to the law. The plan includes a key to the symbols used and written regulations and these are translated. The plan also includes a report (plan statement) which provides the information required for assessing the goals and options of the plan and their impacts, and justification for the approaches adopted. Parts of this report are also translated to provide information on the contents for international hearings.

(c) As an affected Party, has your country ensured the participation of the public concerned and the authorities pursuant to article 10, paragraph 4?

(i) No

(ii) Yes (please indicate how):

The Ministry of the Environment organises the public display of the documents and gives the public and authorities the possibility to provide comments and statements in accordance with the section 10 a of the SEA Act.

(d) What has been your country's experience of the effectiveness of public participation?

The co-operation between countries has functioned very well.

There are usually several written opinions from the public of the other country. The effectiveness of public participation is seen in that those who feel their livelihood or other interests will be affected submit written opinions or propose changes. However, not many comments have been submitted.

(e) Does your country have examples of organizing transboundary SEA procedures for joint cross-border plans and programmes?

(i) No

(ii) Yes (please describe):

(f) As an affected Party, how do you ensure that the public concerned and the authorities are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame (art. 10, para. 4)?

See the answer II.8. c (ii) above. The participation of the public concerned and the authorities is arranged in accordance with Administrative Procedure Act. The public notice shall be published in the Official Gazette and shall also be published on the official bulletin board of the Ministry of the Environment or in a particular newspaper where it can be assumed the addressee will best receive the information. The documents are also displayed at the Ministry of the Environment in Helsinki and on the Internet. The Ministry of the Environment also distributes the consultation material to authorities and organisations.

5. Experience regarding guidance in 2016–2018

II.9. Are you aware of any use in your country of the online *Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment* (ECE/MP.EIA/17)?¹:

(a) No:

(b) Part of it (Please specify):

(c) Yes (please describe your experience):

Your comments on how the Guidance might be improved or supplemented:

A specific guidance or good practice recommendations on transboundary consultations might be needed.

6. Awareness of the protocol

II.10. Does your country see a need to improve the application of the Protocol in your country?

¹ Available from http://www.unece.org/env/eia/pubs/sea_manual.html.

(a) No:

(b) Yes Please describe how your country intends to improve application of the Protocol:

Improvements are still needed at the level of practical application, especially in the effectiveness of SEA in the planning process and in the contents of plans or programmes.

There are law drafting currently underway to revise the Land Use and Building Act and Decree. This includes also the provisions related to environmental assessment of the land use plans.

The Ministry of the Environment has just produced a guidance on environmental impact assessment of legislative proposals. The guidance is intended particularly to support the assessment of environmental impacts in law-drafting of the Government.

7. Suggested improvements to the report

II.11. Please provide suggestions for how this report may be improved:

No remarks.
