Aarhus Convention implementation report 2014 in accordance with Decision IV/4 (ECE/MP.PP/2011/2/Add.1)

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

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| Date: | 20 December 2013 |

Implementation report

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I. Process by which the report has been prepared

1. The report was drawn up at the Ministry of the Environment on the basis of the Third National Implementation Report (2010) of the Aarhus Convention. It was sent in early September 2013 for a restricted round for comments to non-governmental organisations, requesting views to be taken into account in the report being worked out in 2013. On November 13, 2013, an updated report draft was sent for an extensive round for comments. Comments were requested from the Ministry of Justice, the Ministry of Transport and Communications, the Ministry of Agriculture and Forestry, the Ministry of Social Affairs and Health, the Ministry for Foreign Affairs, the Ministry of Education and Culture, the Ministry of the Interior, the Finnish Environment Institute, the Centres for Economic Development, Transport and the Environment (15 Centres), the Regional State Administrative Agencies (six Agencies) and central organisations of business organisations and trade unions.
2. At the same time, the report draft was laid open to public comments on the website of the environmental administration.
3. An effort was made to take account of the input submitted during the round for comments as far as possible. The views submitted by the Finnish Association for Nature Conservation were not included in the report in all respects, as some of the comments related to issues falling outside the scope of implementation of the Aarhus Convention. The Finnish Association for Nature Conservation stated that there are still problems in Finnish legislation in various sectors, where citizens’ access to information, participation in decision-making and access to justice are not realised yet and that the Finnish legal instruments could still be developed.
4. Prior to the finalisation and translation of the report, an occasion for public consultation on the report was arranged by the Ministry of the Environment on December 4, 2013.

II. Particular circumstances relevant for understanding the report

1. Under Section 94 of the Finnish Constitution (731/1999), the Parliament approves such conventions and other international obligations that contain provisions in the field of legislation or are otherwise high in significance or require Parliament’s approval for some other reason. On the basis of this provision, the Council of State forwarded the Aarhus Convention for the approval of Parliament by government proposal to the Parliament HE 165/2003. After Parliament had approved the Convention, the President of the Republic ratified it on September 1, 2004. On June 10, 2008, Finland approved an amendment to the Convention relating to genetically modified organisms.
2. Even though the existing legislation mainly fulfilled the regulations of the Aarhus Convention, certain legislative amendments had to be made in connection with the ratification procedure. The Council of State forwarded these proposals for amendment of legislation to Parliament in connection with the proposal for ratification of the Aarhus Convention. Parliament approved the following legislation on the basis of the Government proposal: the Act on amending the Act on Nuclear Energy (990/1987, amendment 769/2004) and the Act on the expropriation permit in certain projects affecting the use of the environment (768/2004). Furthermore, the Aarhus Convention itself was enforced by Act (767/2004) and presidential Decree (866/2004).
3. In Finland, there is usually no need to implement convention provisions directly, since the provisions of an international convention are implemented separately in the legislation. This principle also applies to the Aarhus Convention.
4. In Finland, regional environmental administration authorities consist of Regional State Administrative Agencies (AVI) and Centres for Economic Development, Transport and the Environment (ELY Centres). There are six regional state administrative agencies in mainland Finland, four of which handle environmental permit matters. There are fifteen Centres for Economic Development, Transport and the Environment, thirteen of which handle environmental matters. Attention is paid to safeguarding the independence of the tasks relating to the supervision of environmental matters in the Regional State Administrative Agencies as well as in the Centres for Economic Development, Transport and the Environment. Permits under the Environmental Protection Act and the Water Act are handled by the Regional State Administrative Agencies, and monitoring is the task of the Centres for Economic Development, Transport and the Environment. Moreover, the local environmental protection authority has permit powers in minor issues and is also entrusted with supervisory tasks.
5. Under the Border Agreement between Finland and Sweden (SopS 90–91/2010), the legislation and permit authorities involved in water permit issues in the Tornionjoki watershed are determined by the national judicial system of each country. The Agreement safeguards for residents of the region wide rights of participation also in water permit matters handled on the other side of the frontier.
6. Recent significant developments in environmental legislation include the reform of the Water Act (587/2011), the Mining Act (621/2011) and the Waste Act (646/2011). The reform of the Mining Act in particular has complemented the kind of regulation relevant to the implementation of the Aarhus Convention.
7. At the time of writing this implementation report, the Ministry of the Environment was in the process of reforming the Environmental Protection Act (86/2000). Since the legislative proposal is not yet ready, this report has been written based on existing legislation. The upcoming legislative proposal would not introduce significant changes to any regulations relevant to the implementation of the Aarhus Convention. However, some noteworthy proposed changes include the promotion of electronic notification and communication during the different stages of permit procedures, the right of registered associations and foundations to apply for changes in environmental permits, and the right of appeal concerning permit decisions given to the Finnish Sámi Parliament and Skolt Village Assemblies.
8. During its round of comments, the Finnish Association for Nature Conservation took notice of the cuts caused by the state administration’s productivity programme in ministries and ELY Centres.

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

Article 3, paragraph 2 - measures taken to ensure that officials and authorities assist and provide the required guidance:

1. All fundamental principles of good administration provided for in Chapter 2 of the Administrative Procedure Act (434/2003), including the legal principles of administration detailed in Section 6, the arranging of service set out in Section 7, the obligation to provide advice laid out in Section 8 and the requirement set out in Section 9 of said Act for appropriate, clear and comprehensible language, have a bearing on the operations of State and municipal authorities. The general provision for an obligation to inter-authority co-operation set out in Section 10 of said Act is also relevant to this question.
2. The provisions in Chapter 3 of the Administrative Procedure Act relate to the standing as a party and the right to be heard, and those in Chapter 4 relate to the delivery of documents to an authority and the pending effect of a matter in an authority. The provisions in Chapter 5 of the Administrative Procedure Act are also relevant, particularly those relating to the disqualification of officials. Pursuant to Section 23, paragraph 1 of the Administrative Procedure Act, a matter shall be considered without undue delay. Consideration without delay is safeguarded by the provision in Section 23, paragraph 2 of said Act, providing that upon request, the authority shall supply the party with an estimated time of issue of a decision and respond to queries as to the progress of the consideration of the matter. Also, Chapter 5 of the Act contains provisions for situations where a person does not know the language, Finnish or Swedish, used in the authority in accordance with the Language Act. The obligations of the authority are then fulfilled by interpretation and translation.
3. On the other hand, the provisions of Chapter 6 of the Administrative Procedure Act regarding clarification of the matter and hearing of a party have a bearing on a decision in a matter; these provisions mainly complement the detailed provisions included in the Environmental Protection Act (86/2000) and other environmental legislation. The provisions of Chapter 6 of said Act for presenting oral demands and information (Section 37), a viewing procedure (section 38), carrying out an inspection (Section 39) and oral testimony (Section 40) may also be relevant in a given decision matter.
4. Among the provisions of Chapter 7 of the Administrative Procedure Act, specifically those relating generally to the obligation to state reasons (Section 45), the instructions for seeking rectification (Section 46) and the content of appeal instructions and appending thereof to the decision (Section 47) have special applicability. The provisions relating to notice of an appeal prohibition and non-appealability (Section 48) as well as the provisions for the correction of appeal instructions (Section 49) are also relevant.
5. Important procedural provisions in practice also include the provisions in Chapter 8 of the Administrative Procedure Act on the correction of a decision. Section 50 of the Administrative Procedure Act provides for the correction of a material error and Section 51 for the correction of other errors (typographical and arithmetical errors and other corresponding errors). The provisions of Sections 52 and 53 of the Act for their part relate to the pending effect and consideration of a correction matter.
6. Pursuant to Section 50, paragraph 1 of the Administrative Procedure Act, if a decision is based on clearly erroneous or insufficient information or an obviously incorrect application of legislation, or if a procedural error has occurred in the decision-making, the authority may annul its erroneous decision and decide on the matter anew. However, the correction of a decision to the detriment of a party requires the consent of said party. The consent of a party is not required in cases where the error in the decision is obvious and has arisen from the conduct of that party, such as said party having submitted erroneous information during the processing of the matter.
7. Under the Act, a correction matter becomes pending on the authority’s initiative or on the demand of the party. In both cases, the initiative shall be taken within five years of the date of the decision. The correction of a material error requires a new consideration of the matter and the making of a new decision. Such a decision is usually a new appealable administrative decision. A typographical error is corrected by making a new instrument. Furthermore, the correction of the error shall be marked on the archive copy of the decision stored by, or into the information system used by the authority. A new instrument shall be issued to the party free of charge. The correction of a typographical error or equivalent usually does not produce a new appealable decision.
8. The provisions of the Act on the Openness of Government Activities, hereafter the Act on Openness (621/1999) for good information management are of special importance in view of information retrieval by the public (website: http://oikeusministerio.fi/fi/index/toimintajatavoitteet/lakiensaataminen/julkisuuslaki.html). Pursuant to Section 18, paragraph 4 of the Act on Openness, the responsibilities of the authorities include the requirement to "plan and realise their document and information administration and the information management systems and computer systems they maintain in a manner allowing for the effortless realisation of access to the documents". The right of public access to information is also implemented by means of the provisions in Section 19, paragraph 2 of the Act on Openness on the duty of the authorities to provide upon request, either orally or by other convenient means, information on the stage of consideration, alternatives under consideration and impact assessments relating to pending matters, as well as on the opportunities of private individuals and corporations to exercise an influence on the matters. The Act on the publicity of a trial in an administrative court enacted on October 1, 2007 (381/2007) is applied to the processing of appeals from decisions by administrative authorities in administrative courts.
9. Information on the Aarhus Convention and its obligations has been disseminated to the environmental authorities during the training and conference sessions for the environmental administration, and discussions have been held on the implementation of the principles of the Convention in the performance negotiations between the Ministry of the Environment and the regional administration.

Article 3, paragraph 3 - measures taken to promote education and environmental awareness:

1. Under the Act on Openness, the authorities shall see to it that documents and information systems as well as the information contained therein are duly accessible, for example in databases and libraries. Courts and other judicial organs are included among the authorities stated in the Act. The Act also includes provisions on the duty of the authorities to produce and disseminate information.
2. The environmental authorities promote environmental education and public awareness in environmental matters. Information concerning the environment can be accessed from the websites of Finland’s Environmental Administration (http://www.ymparisto.fi), the Ministry of the Environment (<http://www.ym.fi>), the Finnish Environment Institute (<http://www.syke.fi>) and from the websites of the Centres for Economic Development, Transport and the Environment (for example, information on pending environmental impact projects is available on the websites of the Centres for Economic Development, Transport and the Environment). Already in 2003, the Ministry of the Environment regionalised the coordinating and developing tasks as well as the specialist knowledge relating to environmental education and awareness to the Regional Environment Centre of Central Finland. In connection with the reform of regional administration, the task was assigned to the Centre for Economic Development, Transport and the Environment of Central Finland by Decree (910/2009, Section 12). The coordinating task covers all sectors and levels of administration.
3. Finland has up-to-date national strategies and programmes in place for promoting environmental education and awareness, that is, education and training for sustainable development. Functional co-operation structures at the national as well as at the regional level have been set up for the implementation and monitoring thereof. The Centre for Economic Development, Transport and the Environment of Central Finland has completed the plan “Arranging Co-operation in Environmental Education and Sustainable Development Training in Finland 2011–2017”. The plan concretizes ways of co-operation within and between 1) the state central government, 2) regional government, 3) local government, 4) organisations, 5) NG organisations, 6) business and 7) the media. A draft of the plan was completed in 2010 and various operators were invited to comment on it in 2011. After this, the plan was widely distributed to all potential users and was presented at national and regional cooperation seminars. The plan has not yet been officially validated, and it does not bind operators. However, the plan is already widely used in environmental work.
4. Projects for promoting environmental education have been financed by environmental education and information grants issued by the Ministry of the Environment on a national basis. A national co-operation group operates under the auspices of the educational and environmental administration. Financial co-operation is coordinated by a cross-sectoral working group. Regional co-operation in environmental education is organised in broad-based regional working groups; such groups have been set up since 2005. Most provinces have their local environmental education strategies or programmes and websites in place. The new legislation on regional administration also obliges the Centres for Economic Development, Transport and the Environment, the State Administrative Agencies and the Regional Councils to work in close co-operation for environmental education and awareness. The Finnish Association for Environmental Education (SYKSE) coordinates the co-operation between various environmental organisations. The Association also manages the Green Flag scheme and markets it to day care institutions and schools. The Finnish Foundation for Educational and Pedagogic Development (the OKKA Foundation) maintains national certification of educational institutions for sustainable development. Nature and Environmental schools support environmental education work in schools in a substantial way. Youth Centres (11 Centres), financed by the Ministry of Education and Culture, also carry out significant environmental education work as part of their basic activities.
5. Pursuant to the Directive on Public Access to Environmental Information (2003/4/EC), increased public access of environmental information and the dissemination of such information contribute to a greater awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment. The targets of the Directive have been promoted by implementing the INSPIRE Directive (2007/2/EC) nationally and by instituting support services as required by the said implementation. The Directive has been implemented by the Act on Infrastructure (421/2009), which entered into force on June 17, 2009. A geographic information window website (www.paikkatietoikkuna.fi) maintained by the National Land Survey pertains to such implementation; the website disseminates supporting information on the implementation and provides geographic information material and services textually and by means of map images. The new regulations worked out by the Ministry of the Environment on the openness, delivery and pricing of the set of data collected by the environmental administration took effect on January 1, 2008. The purpose of the regulations is to facilitate adherence to uniform principles within the different agencies of the environmental administration when delivering documentation.
6. Environmental education as a part of education promoting sustainable development is included in the fundamental guidance documents of education and research as well as at the core of curricula. Consolidating environmental education at all school levels is a target set in the current Government Programme. The target is being realised by co-operation between the administrative sectors and by networking of actors. In 2008, a broadly based contact group for education to promote sustainable development, led by the Ministry of Education and Culture and working on a voluntary basis, was set up. The group involves experts in environmental education.
7. A nationally and globally sustainable Finland´ approved in 2006 as a Government resolution also states the importance of education (<http://www.ym.fi/fi-FI/Ymparisto/Kestava_kehitys/Kansallinen_kestavan_kehityksen_strategia>). The strategy is currently being reformed as part of the Social Commitment for Sustainable Development. According to the proposed social commitment, sustainable development will be integrated into the education of all fields.
8. The national strategy is underpinned by the strategy for education and training to promote sustainable development approved in 2006, and its implementation plan for 2006-2014 (http://www.oph.fi/download/110201\_kekestrategia.pdf). An interim evaluation of the strategy showed that it is still valid and that its implementation should focus especially on strengthening the leadership and ownership of the educational administration and supporting work at regional and local levels. The measures have already been supported by environmental education project funding and various other measures. The dimension of environmental education is also included on the website for sustainable development (http://www.edu.fi/teemat/keke/) of the National Board of Education. General information on sustainable development in the sector of the Ministry of Education can be obtained from the website http://www.minedu.fi/OPM/Kansainvaeliset\_asiat//kestaevae\_kehitys/?lang=fi. The National Board of Education is currently preparing the reform of the national primary education curriculum. The aim is to fundamentally integrate the objectives of sustainable development and environmental education into the curriculum.
9. Moreover, the website http://www.oikeus.fi/ maintained by the Ministry of Justice provides information on legal remedies in the environmental field. The Supreme Administrative Court also has its own website (http://www.kho.fi/). Furthermore, general information on legal practice is available at the FINLEX data bank (http://www.finlex.fi/fi/).
10. The websites of the agencies of the Transport Administration (The Finnish Transport Agency, the Transport Safety Agency and the Finnish Meteorological Institute) also publish information on environmental matters. The Ministry of Transport and Communication has published the environmental strategy of the transport sector for 2013–2020 on its website (<http://www.lvm.fi/julkaisu/4373390/liikenteen-ymparistostrategia-2013-2020>).

Article 3, paragraph 4 - measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection:

1. Under the Finnish Constitution, the public administration must endeavour to safeguard every person the right to a healthy environment and an opportunity to participate in decision-making relating to his or her living environment. Furthermore, the following pieces of legislation include separate provisions on access to justice by NGOs: Environmental Protection Act (86/2000), Land Use and Building Act (132/1999), Nature Conservation Act (1096/1996), Water Act (587/2011), Mining Act (621/2011), Hunting Act (615/1993, amendment 159/2011), Nuclear Energy Act (990/1987, amendment 769/2004), Highways Act (503/2005), Railway Act (110/2007), Genetic Engineering Act (377/1995, amendments 387/2009 and 847/2004) and the Act on the Expropriation Permit in Certain Projects Affecting the Use of the Environment (768/2004, amendment 111/2007).

Article 3, paragraph 7 - measures taken to promote the principles of the Convention internationally; including:

1. Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines, indicating whether the coordination measures are ongoing:
2. The guidelines approved at the second meeting of the parties to the Aarhus Convention at Almaty in 2005 (Decision II/4) on promoting the principles of the Convention in international organisations was widely distributed to officials representing Finland at various international environmental conferences, as well as to their superiors and the political leaders of the Ministry of the Environment. In that connection, the leaflet about the Convention, “Your Right to a Healthy Environment”, prepared by the ECE Aarhus Secretariat was also distributed.
3. Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided:
4. In the communication of international meetings and forums, the Ministry of the Environment aims to link international issues to national questions in accordance with the themes of the year, so that interest groups, media representatives and citizens can connect processes taking place at the international level to decision-making taking place nationally and at the EU level.
5. In communicating about international processes and meetings, the Ministry of the Environment has utilised media communication as well as social and online media channels. Reporters have been provided with background information about the issues and negotiations being discussed in international forums so that the media can report these issues effectively to citizens.
6. For example, communication regarding meetings related to the Biodiversity Convention and the International Climate Convention has taken place regularly throughout the year. This communication has been especially comprehensive during the Conferences of the Parties. Information about the Biodiversity Convention and the UN Climate Change Convention Conferences of the Parties has been provided through traditional media channels, such as bulletins and media interviews, as well as through blogs, which have been marketed to the media, interest groups and citizens. In addition to texts and photographs, videos reporting on the two-week Conferences of the Parties were also published in 2013 and distributed via YouTube, the Ministry of the Environment’s website as well as other social media channels. The Ministry of the Environment also utilises Twitter in its conference communication, with the help of which updates about the state of the negotiations can be provided in real time.
7. ***Measures taken to promote and enable public participation at the national level with respect to international forums (e.g., inviting non-governmental organization (NGO) members to participate in the Party’s delegation in international environmental negotiations, or involving NGOs in forming the Party’s official position for such negotiations), including the stages at which access to information was provided;***
8. The Ministry of the Environment and the Ministry for Foreign Affairs have jointly aligned their policies regarding the participation of NGOs in international conferences and have arranged discussions on the subject with representatives of NGOs. Representatives of NGOs have been included, as far as possible, as expert members in Finnish delegations, and their travel expenses have been reimbursed fully or in part. NGOs may also participate as invited delegates in national preparatory conferences for international conventions. NGOs have been asked to coordinate their opinions as to what their proposed representation will be in different conferences.
9. Environmental organisations are also represented in several sub-committees under the committee for the national preparation of EU matters, such as the sub-committee on the environment, the sub-committee on regional policy and the sub-committee on forest policy. The extended makeup of the sub-committee on the environment includes the Finnish Association for Nature Conservation, Natur och miljö, WWF Finland, the Consumers' Association of Finland as well as various business interest groups. Furthermore, environmental organisations are represented in many groups preparing international environmental issues, such as the Advisory Board for International Forest Policy.
10. The Ministry of the Environment regularly appoints representatives from NGOs as expert members in Finnish delegations for international negotiations. Representatives from NGOs have been appointed to Finnish delegations taking part in the Conferences of Parties of the UN Climate Change Convention, the Rio+20 Conference (Rio de Janeiro), the 26th session of the UNEP Governing Council (Nairobi) and the 11th Conference of the Parties (Hyderabad) of the Biodiversity Convention, among others.
11. Measures taken to promote the principles of the Convention in the procedures of other international forums:
12. Finland has promoted the implementation of the principles of the Aarhus Convention in international negotiations and decision-making processes and in the preparation of EU legislation.
13. Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums:
14. No specific information under this heading.

Article 3, paragraph 8 - measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed:

1. Under the provisions of Section 6 of the Finnish Constitution regarding equality, no one shall, without an acceptable reason, be treated differently from other persons on the ground of conviction, opinion or any other reason that concerns his or her person. Furthermore, under Section 6 of the Administrative Procedure Act relating to legal principles of administration, an authority shall treat the customers of the administration on an equal basis and exercise its competence only for purposes that are acceptable under the law. The acts of the authority shall be impartial and proportionate to their objective.
2. In an administrative court process, the possibility to order a private party to compensate another party or an authority for his or her legal costs is determined on the basis of the provisions of Section 74 of the Administrative Judicial Procedure Act (586/1996). Between private parties, the liability to compensate for legal costs is based on the final result of the decision and on consideration of discretion.

IV. Obstacles encountered in the implementation of article 3

1. No specific information under this heading.

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

1. The personnel of the Regional State Administrative Agencies comply with the provision of paragraph 2 of the article 3 by responding to questions and queries concerning the use of service. The personnel applying the law have designated areas of responsibility in the rules of procedure and thus, depending on the nature of the matter, the primary obligation to provide advice can be assigned to the relevant responsible persons. The public notices on applications for environmental and water resources engineering permits include the name of the presenting official for the matter with his or her contact information, which makes it easier for a party or an interested citizen to contact the person with primary responsibility for providing advice. The personnel of a Regional State Administrative Agency provides advice to clients and the public at offices, by telephone and in writing. Queries by e-mail and answering them are commonplace at these agencies.
2. Documents relating to decision-making at a Regional State Administrative Agency are open to the public, with very few exceptions. Application documents are accessible to the public at the Agency and generally also for approximately one month with local authorities within the impact area of the project. The obligation to provide information to parties laid down in the environmental legislation is stricter than that laid down in the Administrative Procedure Act. Information about a project to which a permit application relates is primarily provided by special service to the parties, and at the same time the parties receive a summary of the plan, including the impacts assessed by the applicant. The decisions are accessible on the Internet, reported in a format for use by the public. Open access to the documents can still be developed, so that all public application documents would be accessible on the Internet when the parties have the opportunity to make complaints and claims concerning the application. In such a case, interested parties would have access to the information they need much more easily, which might lessen the need for giving advice over the telephone.
3. Information on the Regional State Administrative Agencies can be obtained at http://www.avi.fi/fi/web/avi/aiheet and at the website of the Ministry of Employment and the Economy (<http://www.tem.fi/>). The websites of State Administrative Agencies handling environmental permits publish information on pending and concluded application matters. A communication is drawn up on significant decisions, serving the parties concerned, the public, the press and other media. Reported decisions can be accessed by the public through the Internet. Media interested in decision-making relating to the environment generally obtain information from the presenting official.
4. Also the Centres for Economic Development, Transport and the Environment give information and guidance in matters falling within their jurisdiction. Information on these Centres is provided on the website http://www.ely-keskus.fi. For example, in environmental impact assessment tasks handled by the Centres, public participation is of crucial importance. Ongoing and completed EIA projects are available at <http://www.ymparisto.fi>.

VI. Website addresses relevant to the implementation of article 3

1. The joint address of the public administration web service, http:// www.suomi.fi/, includes general information on the activities of the Finnish public administration.  
   The FINLEX data bank contains the Finnish legislation and international conventions binding on Finland, http://www.finlex.fi/fi/  
   Further information can be obtained from the website of the Ministry of Justice, http://oikeusministerio.fi/fi/index/toimintajatavoitteet/lakiensaataminen/julkisuuslaki.html  
   Environmental administration: http://www.ymparisto.fi  
   Ministry of the Environment: http://www.ym.fi  
   Finnish Environment Institute (SYKE): <http://www.syke.fi>  
   Centres for Economic Development, Transport and the Environment: http://www.ely-keskus.fi  
   Regional State administrative agencies: http://www.avi.fi .

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

1. Pursuant to Section 9, paragraph 1 of the Act on Openness, each person is entitled to receive information on a public document. The definitions of an “authority” and an “official document” in Sections 4 and 5 of the Act correspond to the definitions in article 2 of the Convention. Furthermore, in accordance with Section 109 of the Environmental Protection Act, emissions and control information and environmental quality information is not subject to confidentiality. The Act on the publicity of a trial in an administrative court enacted on October 1, 2007 (381/2007) is applied to the processing of appeals from decisions by administrative authorities in administrative courts.
2. Under the Finnish Constitution and the openness principle stated in Section 3 of the Act on Openness, the use of the right to access to information or the right to access to justice is not tied to Finnish nationality. Hence, the right to access to information, public participation in decision-making, and access to justice is possessed by every person within Finnish jurisdiction without any connection to nationality. Pursuant to Section 33 of the Act on Openness, a decision under that Act can be applied as provided in the Administrative Legal Procedure Act (586/1996).

Article 4, paragraph 1 - measures taken to ensure that:

1. Any person may have access to information without having to state an interest:
2. Under Section 13 of the Act on Openness, a request for a document shall be identified to a sufficient degree in order for the authority to be able to determine to what document the request relates. On the other hand, the person making the request is under no obligation to furnish personal identification or provide any substantiation for his or her request, unless this is necessary to exercise the discretion of the authority provided for in the legislation or to determine whether the person making the request is entitled to access the document.
3. Copies of the actual documentation containing or comprising the requested information are supplied:
4. Under Section 16, paragraph 1 of the Act on Openness, information on the content of an official document is to be provided orally or at sight or for copying or for listening to at the authority or by furnishing of a copy or print thereof.
5. The information is supplied in the form requested:
6. Under Section 16, paragraph 1 of the Act on Openness, information on the public content of a document shall be supplied in the form requested, unless compliance with the request causes undue detriment to official action on account of the difficulty of copying the document or some other comparable reason.

Article 4, paragraph 2 - Measures taken to ensure that the time limits provided for in paragraph 2 are respected:

1. Pursuant to Section 14, paragraph 4 of the Act on Openness, a matter concerning a request for environmental information shall be considered without delay. Information on a public document shall be supplied as soon as possible, at any rate within two weeks at the latest. If there is a large amount of documents or they include confidential parts or if the handling of the matter, for reasons comparable to these, requires a greater input of work than normal, the matter shall be resolved and information on the public document supplied within one month of the request at the latest.
2. Furthermore, under Section 23 of the Administrative Procedure Act, the matter shall be considered without undue delay. The authority shall present the party concerned, at his or her request, with an estimate of the time of issuance of the decision and respond to queries concerning the progress of the handling of the processing.

Article 4, paragraphs 3 and 4 - Provide for exemptions from requests; Ensure that the public interest test at the end of paragraph 4 is applied:

1. Section 5 of the Act on Openness defines an official document. In accordance with the definition, internal documents of authorities are not official documents provided for in the Act. If again information is requested on a document that is not in the possession of the authority, the Act on Openness has as its starting-point, in accordance with the service principle of administration, that the matter is transferred to a competent authority (Act on Openness, Section 15).
2. The provisions of Sections 6 and 7 of the Act on Openness again relate to the laying open to public inspection of documents drawn up by authorities as well as documents submitted to authorities. Pursuant to Section 9, paragraph 2 of the Act on Openness, providing information on a document that is not yet public is at the discretion of the authority. The grounds for discretion have been limited by a provision according to which the provisions of Section 17 shall be taken into account in the discretion. Hence the provision of information shall not be limited without due course, as laid out in the legislation, more than what is necessary in view of the interests of a person to be protected. Moreover, persons requesting information shall be treated equally. The provisions of Section 19 of the Act on Openness relate to the obligation of the authorities to provide information on pending matters. Pursuant to said legislation, the authorities shall, unless otherwise required by confidentiality provisions, provide access to documents containing information on e.g. pending plans, reports and decisions relating to significant issues.
3. At least paragraphs 1 - 6, 9, 10, 14, 15, 17, 19, 20 and 26 of Section 24 of the Act on Openness are suitable as grounds provided for in article 4, paragraph 4 of the Convention for exemptions from requests. Furthermore, confidentiality of documents may be based on separate regulation.
4. The purpose of the Act on Openness is to implement openness and good practice in information management in the operations of authorities and to provide individuals and associations with an opportunity to supervise the use of public authority and public resources, to form their opinion freely and to influence the use of public authority as well as safeguard their rights and interests.
5. Pursuant to Section 24, paragraph 20 of the Act on Openness, confidential documents include documents that contain information on a private business or professional secret, as well as documents containing information on any other corresponding fact relating to the business activity of a private person, if providing information on them would cause the entrepreneur financial loss, and the information concerned is not information significant for protecting the health of consumers or the health of the environment or to safeguard the rights of persons suffering disadvantage from the activity or information relating to the obligations of the entrepreneur and the discharge of such obligations.
6. Pursuant to Section 17, paragraph 2 of the Act on Openness it shall be taken into account in implementing the regulations relating to the confidentiality of documents whether the requirement to keep the document confidential is independent of case-specific effects arising from the issuance of the document or whether the openness is determined on the basis of adverse effects arising from the issuance of the document or whether openness presupposes that there are no obvious adverse effects from providing the information.

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

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

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

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

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

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

Article 4, paragraph 8 - measures taken to ensure that the requirements on charging are met:

1. Charges to be collected in connection with providing information are provided for in Section 34 of the Act on Openness (621/1999; amended 495/2005). The purpose of this provision is that the charges will not be exorbitant and that the payment practices are congruent.
2. In the field of environmental protection, more detailed provisions on charges are issued in the Decree of the Ministry of the Environment on charges collected by the Finnish Environment Institute (1141/2009, amendments 1348/2010, 306/2012 and 190/2012) and in the Government Decree on charges collected by the Centres for Economic Development, Transport and the Environment as well as Employment and Economic Development Offices (1097/2009), which includes the charges for the area of responsibility of the environment and natural resources, i.e. the charges of the former regional Environment Centres, with the exception of environmental permits. The Government Decree on charges collected by the Regional State Administrative Agencies (1145/2009) includes the charges for environmental permits.
3. The response given above in article 3, paragraph 3 explains the new regulation on the openness and delivery of, as well as the charges on the collection of, data possessed by the environmental administration, said regulation having entered into force on January 1, 2008.
4. A separate Government Decree (1158/2009) has been issued on charges collectible for the performances under the Gene Technology Act. The environmental organisations consider it to be a good practice that the environmental authorities have increasingly made documents available on the Internet for free.

VIII. Obstacles encountered in the implementation of article 4

1. During its round of comments, WWF Finland took notice of an incident where 15 NGOs issued a complaint to the Ministry of Employment and the Economy in June 2012 concerning the operations of a Finnish consulting company taking part in a dam building project in Laos. During the processing of the complaint, the consulting company’s rejoinder was deemed confidential in its entirety due to the fact that it included confidential information concerning business relations. According to WWF Finland, this confidentiality prevented it from taking a stance on the issue.

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

1. No specific information under this heading.

X. Website addresses relevant to the implementation of article 4

1. No specific information under this heading.

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

Article 5, paragraph 1 - measures taken to ensure that:

1. Public authorities possess and update environmental information:
2. The environmental authorities shall possess up-to-date environmental information required for their tasks. The highest national responsibility for monitoring environmental information lies with the Ministry of the Environment, determining the targets and strategies for environmental monitoring and following the materialisation thereof in co-operation with other Ministries, and coordinating the different sectors of national monitoring. Other Ministries steer their monitoring programmes which are under their own responsibility. Pursuant to the Act on Centres for Economic Development, Transport and the Environment (897/2009), the tasks of the said Centres include environmental protection, land use planning, steering of building, management of the cultural environment, protection of biodiversity and sustainable use of nature, as well as management of water resources. Their tasks further include safeguarding public interest in environmental and water resource matters, producing and disseminating environmental information and improving environmental awareness, preventing and mitigating environmental damage and hazards, handling governmental water resource permits and contracts governed by private law and attending to the implementation of environmental work, water supply works and water construction work.
3. Also local authorities are entrusted with the task of collecting and disseminating environmental information (Act on Municipal Environmental Administration 64/1986, Section 6, items 3 and 6 in particular). Such information can be found for example from the municipal websites.
4. There is an adequate flow of information to public authorities:
5. Pursuant to Section 27 of the Environmental Protection Act, the Centres for Economic Development, Transport and the Environment and the Finnish Environment Institute maintain an environmental protection database including, among other things, the necessary statutory information on permits and notifications. Chapter 10 of the Act contains more detailed provisions on the duty to notify and on the making entries in the database. Licence for operations subject to an environmental permit entails an obligation to furnish information for example on environmental loads to a Compliance Monitoring Data System VAHTI maintained by the authorities.
6. In emergencies, appropriate information is disseminated immediately and without delay:
7. The definition of rescue operations in Section 32 of the Rescue Act (379/2011) includes warning the population as one operation. According to Section 27 of the Rescue Act, rescue departments are responsible for the warning of the population in accidents and dangerous situations and the alarm system required for the purpose. The Act on Openness, the Rescue Act and the Act on the Operation of Emergency Response Centres (692/2010) shall apply to issuing information. Provisions for the industrial treatment and storing of hazardous substances and chemicals are given in the Act on the Safety of Handling of Dangerous Chemicals and Explosive (390/2005) and in the Decree on the Monitoring of the Handling and Storage of Dangerous Chemicals (855/2012), which is based on the Act. According to Section 32 of the Act, the operator must inform the public of safety measures concerning the production plant and operating instructions to be followed in the event of a major accident. The notification must include information about the hazardous chemicals that might be released in the event of a major accident. According to Section 22 and Annex VII of the Decree, the safety report and list of chemicals must be made available for public inspection.
8. Under Section 4 of the Decree on External Emergency Plans of Sites that Pose Significant Danger by the Ministry of the Interior (406/2011), the external emergency plan of a production plant shall include information on how the public is warned, how the public is given detailed information on the incident and what instructions are issued to the public. Pursuant to Section 6, Rescue Services shall inform the public institutions that may be affected by a major accident of any external emergency plans.

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

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

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

1. A decision by the Ministry concerning environmental information on tasks required by Directive 2003/4/EC for safeguarding the availability, active and systematic dissemination and quality of environmental information was issued on February 9, 2005.
2. Pursuant to said decision, the Centres for Economic Development, Transport and the Environment and the Finnish Environment Institute shall, independently or together with other organisations, maintain a customer service point responsible for information service (advice and information contact point) and to appoint a person or persons responsible for information service and communication. The task of the advice and information contact point is to:

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

1. The information service can also be handled by an electronic transaction system. Electronic customer service can be delivered by means of a joint advice and information contact point of the environmental administration or part thereof.
2. To safeguard a high level of service, the Centres for Economic Development, Transport and the Environment and the Finnish Environment Institute shall:

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

1. The environmental administration’s online services (<http://www.ym.fi>, <http://www.syke.fi>, <http://www.ara.fi>, <http://www.ymparisto.fi>) were reformed in 2013. The goals of the reform included improving communication to the public and creating an interactive online service. The website of the Finnish environmental administration (<http://www.ymparisto.fi>) provides data on the state of the Finnish environment in electronic form. The Ministry of the Environment’s website (<http://www.ym.fi>) also provides environmental legislation and operational programmes and plans relating to the environment in electronic form. Furthermore, the FINLEX data bank, maintained by the Ministry of Justice, contains Finnish legislation from the Statutes of Finland in electronic form. The environmental conventions made by Finland are also available on the Finnish legislation website FINLEX. Links to these conventions are also provided on the website of the Ministry of the Environment. Moreover, the website of the Ministry of Justice contains useful information on the implementation of the Aarhus Convention.
2. The Finnish Environment Institute (SYKE) also maintains an environmental and site information service (http://wwwp2.ymparisto.fi/scripts/oiva.asp) on the website of the environmental administration, providing information on water resources, the state of surface water, groundwater, biological species, pollutant loads and use of areas as well as site information relating to the environment, stored in the information systems of the environmental administration. The service is open to everyone free of charge. In the SYKE metadata service <http://metatieto.ymparisto.fi:8080/geoportal/catalog/main/home.page>), you can search for the descriptions of environmental information systems as well as spatial data and remote mapping materials.

Article 5, paragraph 4 - measures taken to publish and disseminate national reports on the state of the environment:

1. The reports on the state of the environment as required by article 7(3) EU Environmental Directive (directive 2003/4/EC) are published at least once every four years. The first national report on the state of the environment as required by the directive was published in 2009 and the report of 2013 is available at <https://helda.helsinki.fi/handle/10138/42264>.
2. The ymparisto.fi online service includes additional information about the state of the environment (<http://www.ymparisto.fi/ymparistontila>). Information about the state of the environment is also published regularly in the “Ympäristö” magazine, published jointly by the Ministry of the Environment and the Finnish Environment Institute. Moreover, Statistics Finland publishes environmental statistics annually. A report on the indicators of Finland’s sustainable development has been published since 2000.
3. The Finnish Environment Institute SYKE maintains an information service that collects, maintains and relays internal and external information material related to the operations of SYKE and the environmental administration. The collections database compiles the electronic and printed materials found in collections, and the database is available for anyone’s use (<http://kirjasto.ymparisto.fi/FIN/yha/search_yha.htm>).
4. The Finnish Environment Institute SYKE and the environmental administration have also joined the University of Helsinki’s digital repository HELDA. (<https://helda.helsinki.fi/syke>) (<https://helda.helsinki.fi/handle/10138/40306>). The repository saves all new publications in text format as well as existing published materials of previous agencies. The repository supports the principles of long-term storage and all materials stored in it are provided with permanent addresses. From the perspective of citizens, inclusion in the repository increases the visibility and ease of use of the environmental administration’s publications.

Article 5, paragraph 5 - Measures taken to disseminate the information referred to in paragraph 5:

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

Article 5, paragraph 6 - 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:

1. In the 1990s voluntary environmental control methods were introduced concerning the industrial protection of the environment. These systems also involve informative tasks. Since 1996, all organisations have the opportunity to implement the global ISO 14001 environmental system. Moreover, organisations have also had access to the voluntary EU environmental management and auditing system EMAS. A new EU Regulation ((EC) No. 1221/2009) came into effect in January 2010.

Article 5, paragraph 7 - Measures taken to publish and provide information as required in paragraph 7:

1. The environmental administration produces and disseminates information referred to under paragraphs 1 – 3 in this article through, for example, its website (the address can be found in section XIV).

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

1. The Nordic environmental mark, i.e. the swan logo, was established in 1989 by the Nordic Council of Ministers. Its goal is to instruct consumers in choosing from among the relevant range of products those that place the smallest impact on the environment. At the same time, it strives to promote product development in a direction which is positive to the environment. The ecolabel of the European Union, the ”euro flower”, is based on Regulation of the European Parliament and Council (EC) No. 66/2010 on the system of granting a Community ecolabel. The goals of the system are similar to the Nordic label system.
2. The purpose of the European energy labels is to inform consumers about the energy efficiency of appliances. The label is based on directive 2010/30/EU of the European Parliament and of the Council, which was approved on 19 May 2010. Several delegated regulations have been issued based on the directive, which include more detailed provisions on the energy labels of different devices. The scope of the directive covers all products related to energy. The Commission’s Directive has been implemented in Finland by the Act on Requirements of Ecological Design and Energy Labels (1005/2008, amended 1009/2010). In addition to the official labels, environmental labels may also be contained in other products. Such labels include "luomu" [organic], the EU origin label and the “fair trade” label.

Article 5, paragraph 9 - measures taken to establish a nationwide system of pollution inventories or registers:

1. Pursuant to Section 27 of the Environmental Protection Act, the Centres for Economic Development, Transport and the Environment and the Finnish Environment Institute maintain an environmental protection database containing the necessary statutory information on permits and notifications, reports and monitoring related to the permits, on facts to be recorded in the Waste database in accordance with the Waste Act (646/2011) and on the monitoring and source of the state of the environment pertaining to the implementation of the Act.
2. Finland ratified the Protocol on Pollutant Release and Transfer Registers (PRTR) on April 21, 2009. The Centres for Economic Development, Transport and the Environment collect annually emission and load information about the activities under their supervision to the VAHTI database wherefrom the information will be further submitted to the PRTR register.

XII. Obstacles encountered in the implementation of article 5

1. No specific information under this heading.

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

1. The Regional State Administrative Agencies enter information on matters handled by the Agency into the AHJO system, which is an information system containing a record and a decision register. The permit decisions are published on the Internet (permit decisions from 2004–2009 can be found at <http://www.ymparisto.fi> and those from 2010 onwards can be found at <http://www.avi.fi>).
2. AHJO is also used in the ELY Centres’ environment and natural resources work to record proceedings that the ELY Centres are processing, as well as matters related to environmental impact assessment, management and monitoring. Significant information with regard to the environment is often contained in various monitoring results relating to the environment or to nature, and the applicant is obliged to furnish these results together with the application documents. In case of a hazard, the operator is under an obligation to inform the public and the supervisory authorities.

XIV. Website addresses relevant to the implementation of article 5

1. Website of the Finnish environmental administration: [http://www.environment.fi/](http://www.ymparisto.fi/)  
   Ministry of the Environment: <http://www.ym.fi/>/  
   Website of the Finnish Environment Institute SYKE <http://www.syke.fi>  
   Finnish legislation on the Internet: <http://www.finlex.fi/>   
   Website of the Ministry of Justice: <http://oikeusministerio.fi/>  
   Website of Statistics Finland: <http://www.stat.fi/index.html>  
   Further information on Finland’s environmental   
   indicators can be obtained from the website of the environmental administration: <http://www.ymparisto.fi/ymparistontila>  
   Further information on the environmental management and auditing system EMAS can be obtained from the website of the environmental administration: <http://www.ymparisto.fi/emas>  
   Further information on ecolabels can be obtained from the website of the environmental administration: <http://www.ymparisto.fi/fi-FI/Kulutus_ja_tuotanto/Tuotesuunnittelu_ja_tuotteet/Ymparistomerkit>

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

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

Article 6, paragraph 1 - measures taken to ensure that:

1. The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention:
2. The list of proposed activities has been implemented in Finland particularly by the EIA Act and Decree (713/2006) and the Environmental Protection Act and Decree. In addition to the environmental protection legislation, other statutes are also suitable for inclusion in the list of proposed activities. The provisions in Chapters 2, 3, 4, 8 and 15 of the Water Act cover part of the proposed activities listed in the annex 1 to the Aarhus Convention. Furthermore, there is a separate provision for the expropriation permits required by certain projects with environmental impacts in a separate Act (768/2004).
3. 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:
4. The Finnish legislation also makes it possible for the public to participate in proposed activities not listed in annex 1 to the Aarhus Convention. For example, the list of proposed activities in the Environmental Protection Decree is more extensive than the list in annex 1 to the Convention. The environmental impact assessment procedure can also be applied at discretion to activities smaller than those listed.

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

1. Section 37 of the Environmental Protection Act and Section 16 of the Environmental Protection Decree correspond to the provisions of paragraph 2 in the article. It is required by the permit and decision-making procedure relating to the environment that before matter is decided, an opportunity is reserved for the parties involved and other persons to submit their statement regarding the application documents. Section 38 of the Environmental Protection Act, Chapter 11, Section 10 of the Water Act and section 40 of the Mining Act (621/2011) include more detailed provisions on publicising a permit application and on how the publicising shall take place. Furthermore, Section 8a of the Act on Environmental Impact Assessment Procedure provides for public participation in an environmental impact assessment programme..

Article 6, paragraph 3 - Measures taken to ensure that the time frames of the public participation procedures respect the requirements of paragraph 3:  
Article 6, paragraph 4 - Measures taken to ensure that there is early public participation:  
Article 6, paragraph 5 - Measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit:

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

Article 6, paragraph 6 - measures taken to ensure that:

1. 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;
2. In particular, the competent authorities give to the public concerned the information listed in this paragraph;

Article 6, paragraph 7 - measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity;

Answer, paragraphs 6 and 7

1. By virtue of Section 34 of the Administrative Procedure Act (434/2003) and special legislation, a party shall be reserved an opportunity to express an opinion on the matter and to submit an explanation on the demands and information which may have an effect on its decision. At least the time required by law shall be reserved for submitting opinions.

Article 6, paragraph 8 - measures taken to ensure that in a decision due account is taken of the outcome of the public participation;  
Article 6, paragraph 9 - measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;  
Article 6, paragraph 10 - measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied, making the necessary changes, and where appropriate;

Answer, paragraphs 8 to 10

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

Article 6, paragraph 11 - 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:

1. The provisions on hearing the public are incorporated into the Gene Technology Act (377/1995). Pursuant to Section 36b of the Gene Technology Act, the Board for Gene Technology must consult the public on research and development experiments and field experiments. If GMO products are placed on the market, the European Commission is responsible for consulting the public in accordance with the Directive for release of GMOs into the environment (2001/18/EC) or the Community Regulation relating to genetically modified food and feeds (EC No. 1829/2003).
2. The Finnish and EU legislation cover the amendments approved at the second meeting of the parties to the Aarhus Convention in 2005, specifying the public hearing procedure in deciding on the release of genetically modified organisms into the environment (Decision II/1). Finland approved the amendment to the Convention on June 10, 2008. It has not yet been internationally ratified.

XVI. Obstacles encountered in the implementation of article 6

1. No specific information under this heading.

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

1. No specific information under this heading.

XVIII. Website addresses relevant to the implementation of article 6

1. Further information on environmental impact assessment and unofficial translations of the Environmental Impact Assessment Act and Decree are available on the website of the environmental administration: <http://www.ymparisto.fi/yva>.  
   Further information on the Board for Gene Technology: <http://www.geenitekniikanlautakunta.fi>.

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

1. The Directive on the assessment of the effects of certain plans and programmes on the environment (2001/42/EC) regulates the environmental impact assessment of plans and programmes and also incorporates certain obligations relating to citizen participation. The directive has been incorporated into national legislation by several statutes, the most significant being the Act on the Assessment of the Impacts of the Authorities’ Plans, Programmes and Policies on the Environment (200/2005). This “SOVA” Act incorporates the provisions required in the Directive for the EIA of certain plans and programmes and the related consultation with the public.
2. Furthermore, the SOVA Act includes a general provision (Section 3), already previously included in the national legislation, for investigating and assessing the environmental impact of plans and programmes in the preparation of said plans and programmes. The general obligation for assessment in accordance with Section 3 of the SOVA Act applies broadly to various plans and programmes of the authorities. In accordance with this provision, the environmental impact must be investigated and assessed to a sufficient degree in preparing plans and programmes the implementation of which may have a significant environmental impact. The assessment shall be an integral part of the preparation of the plan or programme, and it involves the investigation of alternatives and their impact to a sufficient degree as well as co-operation and participation between the different parties. On the strength of said Section, the Ministry of the Environment has issued directions for the EIA of plans and programmes. The directions separately discuss how citizen participation can be organised as part of implementing an environmental impact assessment.
3. Public consultation as part of drawing up a plan or programme can also be required in other legislation. For example, the provisions of the Waste Act are observed in the preparation of the national waste plan. The basic statute for drawing up a national waste plan is laid out in Section 87 of the Waste Act. According to section 89 of the Waste Act, when a national waste plan or a separate plan concerning the reduction of the quantity and harmfulness of waste is prepared, the national associations and foundations referred to in section 134(2), and the authorities and parties whose sphere of operation or duties the national waste plan or separate plan may fundamentally affect, must be given an opportunity to review the draft plan and submit their opinions on it in writing. The draft must be available on an information network and sufficient time must be reserved for submitting opinions. Corresponding procedure shall be applied in the preparation of regional waste plans. Provisions regarding participation on the preparation of regional waste plans are also laid out in the Act on the Environmental Impact Assessment of Plans and Programmes by the Authorities (200/2005).

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

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

XXI. Obstacles encountered in the implementation of article 7

1. During its round of comments, WWF Finland took notice of the preparation of Finland’s national climate and energy strategy, which was completed in 2008. WWF Finland referred to a report published by the National Audit Office in December 2011. The report stated that municipalities and citizens were offered few opportunities to participate in the preparation of the strategy. According to the report, “the participation of interest groups in the preparation work was limited and emphasised large operators in the industrial and energy sectors”, and “the opportunities for public discussion of different options were limited”. The National Audit Office is an independent audit institution and operates in affiliation with parliament. It audits the state's finances, monitors and evaluates fiscal policy and oversees election and party funding.
2. In the course of the preparation of the national climate and energy strategy of 2013, the National Audit Office requested the Ministry of Employment and the Economy for a report concerning *inter alia* the transparency of the preparation of the strategy. In its reply, the Ministry of Employment and the Economy referred to a hearing carried out in the internet with a participation of over 1500 respondents out of which 90% declared themselves participating as private citizens. Among others, the Association of Finnish Local and Regional Authorities and the Finnish Climate Panel were consulted during the preparation of the strategy. Also, a seminar was held where representatives from a broad spectrum of different stakeholder groups were invited.

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

1. No specific information under this heading.

XXIII. Website addresses relevant to the implementation of article 7

1. Instructions on the EIA of plans and programmes can be obtained from the website of the Finnish environmental administration (<http://www.ymparisto.fi/fi-FI/Asiointi_ja_luvat/Ymparistovaikutusten_arviointi>).

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

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

* The programme for better regulation will continue in order to overcome the quality problems of the legislation preparation process
* The government’s operating methods for good legislation preparation process as outlined by the “For smoother preparation of legislation” programme will be implemented
* The resources that ministries use in preparation of legislation will be increased
* Regulation language will be developed
* Open interaction and the evaluation of regulation options and effectiveness will be enhanced
* A legislation plan containing the government’s main projects will be prepared; and
* Particular attention will be paid to cross-ministerial projects, the clarification of regulation and increasing alternative methods of regulation

1. In October 2011, the Finnish government confirmed the implementation plan of the Government Programme. The legislation projects included in the key projects of the implementation plan form a legislation plan in accordance with the Government Programme. These projects in particular will adhere to the operating methods of the good legislation preparation process.
2. The Ministry of Justice gave out instructions on the impact assessment of regulation proposals in 2007 (Ministry of Justice publication 2007:6). The instructions cover the assessment of any economic impact, the impact on the authorities, the environmental impact and other social impacts. Training on the instructions was organised for ministry experts in 2008 and 2009. Complementary material on impact assessment methods and information sources as well as examples of impact assessments have been collected on the Finnish government’s intranet.
3. In spring 2013, the Ministry of Justice published a legislation preparation process guide (<http://lainvalmistelu.finlex.fi/>), which details the progress, different phases and operators of legislation preparation. The process guide is based on provisions, regulations and instructions concerning the preparation of legislation, as well as operating procedures that adhere to good practices. The purpose of the guide is to help articulate the progress and different stages of legislation preparation and help choose appropriate operating procedures for each legislation preparation project. The training of law drafters has also been reformed and expanded in 2013. The training consists of four modules, one of which focuses on impact assessment, while another focuses on communication and cooperation skills in the preparation of statutes.
4. On February 4, 2010, the Council of State approved a decision in principle for promoting democracy in Finland (Ministry of Justice, reports and opinions 17/2010). The resolution sets out a national strategy for public authorities in relation to promoting citizens’ opportunities to participate and influence decisions. The resolution comprises 32 sets of measures, for the implementation of which a separate action plan has been worked out. Furthermore, on March 11, 2010, on the submission of the Ministry of Justice, the Council of State issued instructions on consultation in the preparation of statutes (Ministry of Justice, reports and instructions 18/2010).
5. The Finnish government is currently preparing a democracy policy report, which is due to be submitted to parliament in spring 2014. The report looks at both the effectiveness of representative democracy as well as the direct participation opportunities that citizens have between elections. The report evaluates the communication and interaction measures of the administration as well as hearing practices, meaning the opportunities that citizens have to monitor the activities of the administration and influence preparation. In addition, the report discusses the administration’s measures for supporting the operational principles of civil society as well as democracy education as part of the educational system and public education work. Development outlines are also presented for each theme.
6. The government has appointed an advisory board for civil society policy, which operates in affiliation with the Ministry of Justice. The advisory board includes representatives from ministries and NGOs. The advisory board promotes cooperation and interaction between civil society and the authorities. The advisory board aims to strengthen the operational principles of civil society in accordance with the government’s decision-in-principle on improving the preconditions of civil society (2007). During its second term (2012–2016), the advisory board will seek perseverance and options for funding civil engagement. The partnership between open administration and civil society will be strengthened and the advisory board will convey civil society’s views on democracy policy and municipal reform processes. To complement participation and influencing taking place in NGOs, the board has highlighted means by which the preconditions of different forms of civic activity could be strengthened.

XXV. Obstacles encountered in the implementation of article 8

1. No specific information under this heading.

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

1. No specific information under this heading.

XXVII. Website addresses relevant to the implementation of article 8

1. No specific information under this heading.

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

1. As for article 9 of the Convention, it may be generally stated that the Aarhus Convention is implemented in Finland similarly to other current legislation, and the provisions in the Convention are also used as grounds for decisions in court practice. At any rate the need for direct implementation is small, since the provisions of the Convention have been extensively taken into account in other legislation.
2. The Finnish judicial system of legal remedies is such that the appellate court can not only overturn a decision by an authority, but also has the power to change it. This is thus contrary to cassation practice.
3. In an appeal procedure and in the review of a matter, the provisions of the Administrative Procedure Act on disqualification are applied to the disqualification of the person making the decision, the said provisions not as such preventing the same persons from participating in the review of the matter. However, pursuant to the Act a ground for disqualification may nevertheless arise in a review situation if trust in the neutrality of the person is jeopardised for a special reason comparable in severity to the grounds for disqualification otherwise prescribed in the Administrative Procedure Act.

Article 9, paragraph 1 - measures taken to ensure that:

* 1. 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;

1. Pursuant to Section 33 of the Act on Openness, a decision by an authority, as referred to in the Act, may be appealed against as prescribed in the Administrative Judicial Procedure Act. The possibility of appeal pertains to decisions made by authorities as well as to decisions made by a private-law corporation or other actor entrusted, by virtue of legislation, with a public task involving the use of public power. Administrative decisions by which a claim submitted by a party has been rejected do not have a *res judicata* effect. For this reason, a new request cannot be dismissed without consideration or decision. A request made by a party may have considerably better chances of success in a review, for example for the reason that the party can provide better substantiation for his or her request.
2. If a decision is clearly based on erroneous or insufficient information or on obviously incorrect application of the law, or if a procedural error has occurred in the decision-making, the authority may annul its erroneous decision and decide the matter anew in accordance with Section 50 of the Administrative Procedures Act.
   1. 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;
3. Pursuant to Section 74, paragraph 1 of the Administrative Judicial Procedure Act, a party shall be liable to compensate the other party for legal costs in full or in part, if especially in view of the resolution of the matter it is unreasonable to make the latter bear his or her own costs. In accordance with paragraph 2, when assessing the liability of a public authority, special account shall be taken of whether the proceedings have arisen as a result of the error of the authority. Pursuant to paragraph 3, a private individual shall not be held liable for the costs of a public authority, unless the private individual has made a manifestly unfounded claim.
   1. 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;
4. An official refusing a request for a document or information shall state the reason for the refusal to the person making the request as prescribed in Section 14, paragraph 3 of the Act on Openness. Thereafter the matter can be brought for reconsideration by an authority. If the authority again rejects the request, this decision shall be substantiated as prescribed in Section 45 of the Administrative Procedures Act, in other words, it shall be stated which facts and findings have influenced the decision of the authority, and the legal statutes applied shall be cited.

Article 9, paragraph 2 - 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;

1. The Finnish legislation already largely complies with the requirements set out in this paragraph. New statutes were approved in connection with the ratification process in fields where the requirements were not met. An amendment (769/2004, Decree for enforcement 868/2004) was made in the Nuclear Energy Act. Furthermore, an Act on expropriation permits required by certain projects with environmental impacts (768/2004, Decree for enforcement 867/2004) was approved.
2. Pursuant to the Environmental Protection Act, an appeal against a decision made by a permit authority or supervisory authority is sought with Vaasa Administrative Court. From Vaasa Administrative Court, an appeal may be made to the Supreme Administrative Court. Pursuant to Section 97 of the Environmental Protection Act, the right of appeal pertains to the parties, the municipality where the activity takes place and the municipalities subjected to its impact, the Centre for Economic Development, Transport and the Environment, the environmental protection authority located in the area of impact and other authorities supervising the public interest. A registered corporation or foundation whose purpose is to promote the protection of the environment or health, nature conservation, or the suitability of the living environment also has the right of appeal, in whose area of activity the environmental impacts occur. A comparable right of appeal is defined in the Water Act (587/2011) and the Mining Act (621/2011).
3. Pursuant to Section 61 of the Nature Conservation Act, the right of appeal belongs to those whose rights or interests may be affected by the matter. In matters other than compensation, the local authority also has the right of appeal and, with certain exceptions, any registered local or regional association whose purpose is to promote nature conservation or environmental protection. A government decision on approving a nature conservation plan can also be appealed against by any such national corporation or any national corporation safeguarding the interest of landowners. In the Land Use and Building Act (132/1999, amendment 1129/2008), appeals from planning are based on a municipal appeal (Section 92 of the Finnish Local Government Act 365/1995), which has been extended to apply to the right of appeal possessed by registered local or regional associations in matters falling within their sphere of activity in their area of operation. The associations also have a right of appeal from exemption decisions and decisions on planning needs pursuant to the Land Use and Building Act.
4. Pursuant to Section 20 of the Land Resources Act (555/1981, amendment 1577/2009), redress from a decision by a permit authority on a statutorily granted extraction permit is sought by filing an appeal with an Administrative Court. The provisions of the Local Government Act apply to the right of appeal and redress. Furthermore, the Centre for Economic Development, Transport and the Environment and a registered local association or foundation operating in the area of impact whose purpose is to promote the protection of the environment or health, nature conservation, or the suitability of the living environment have a right of appeal.

Article 9, paragraph 3 - 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;

1. Pursuant to said Section of the Environmental Protection Act, the right of persons and organisations to institute proceedings may relate to the clarification of the need for purifying soil and groundwater and the extent of pollution and to the obligation to undertake such purification measures (Sections 77 and 79). The right to institute proceedings also applies to the rectification of an offence or neglect specified in the Environmental Protection Act (Section 84), the issuing of an order necessary to prevent pollution (Section 85) and the cessation of activity spoiling the environment (Section 86). Section 57 of the Nature Conservation Act prescribes a right to institute proceedings against violation of the law. The Mining Act (621/2011, Section 159) and the Waste Act (Section 134) also prescribe a right to institute proceedings. In both Acts, the right of persons and organisations to institute proceedings is secondary to the authorities’ right to institute proceedings. Furthermore, Chapter 14, of the Water Act contain the administrative compulsion provisions of the said Act.
2. Under Sections 108 and 109 of the Constitution, it is the task of the Chancellor of Justice and the Parliamentary Ombudsman to supervise that the courts and other authorities, officials in public corporations and other persons engaged in public tasks comply with the law and fulfil their obligations. In their duties, the highest supervisors of legality supervise the realisation of basic rights and human rights. The duties of the Chancellor of Justice are laid out in detail by law (193/2000). The duties of the Parliamentary Ombudsman are laid out in detail in the Act on the Parliamentary Ombudsman (197/2002). Any person who considers that a supervised authority has acted in defiance of the law or neglected his or her duties may submit an extraordinary appeal to the highest supervisors of legality.
3. Furthermore, in accordance to the Administrative Procedure Act, Section 50 (581/2010), when a decision is based on clearly erroneous or insufficient information or obviously incorrect application of legislation, or if a procedural error has occurred in the decision-making, the authority may annul its erroneous decision and decide the matter anew.

Article 9, paragraph 4 - measures taken to ensure that:

1. The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;
2. Such procedures otherwise meet the requirements of this paragraph;

Answer (a) and (b):

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

Article 9, paragraph 5 - measures taken to ensure that information is provided to the public on access to administrative and judicial review.

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

XXIX. Obstacles encountered in the implementation of article 9

1. No specific information under this heading.

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

1. Appeal in environmental matters is monitored by the Ministry of Justice as part of the performance management of administrative courts. In connection with the performance management, a large amount of statistical data on administrative courts is created, and this information is published for example in various reports and surveys produced by the Ministry of Justice. A description of the information on administrative courts published in the Statistical Yearbook can be found at <http://www.tilastokeskus.fi/til/oik.html>. The statistics of the actual courts are available free of charge at <http://pxweb2.stat.fi/database/StatFin/databasetree_fi.asp>.
2. Administrative courts publish a joint annual report, stating among other things the number of matters filed and decided by category and the average processing times. The annual report of the administrative courts is also published on the Internet (<http://www.kho.fi/fi/index/julkaisut/hallintotuomioistuintenyhteisettoimintakertomukset.html>).
3. Of the matters filed at the Supreme Administrative Court in 2012, 380 from a total of 3,946 related to construction (9.6%) and 296 otherwise to the environment (7.5%). Hence, cases falling within the sphere of implementation of the Aarhus Convention accounted for approximately 17% of matters resolved by the Supreme Administrative Court.
4. Since the beginning of March 2007, a system of appeal permits has been introduced in matters relating to construction, restricting continued further appeals to the Supreme Administrative Court in certain permit cases, and prevents an appeal on detailed planning on appeal grounds that have been decided on in connection with handling an appeal relating to more generalised planning.
5. The experience gained on the practical effects of this system is still meagre. Currently there is only limited information available on the effectiveness of the system of appeal permits due to the fact that in some subject areas, the system of appeal permits has only been in use for a few years. In 2007, a total of 117 building permit cases were submitted to the Supreme Administrative Court, but since then the number of cases submitted has fallen below 60. More detailed research data can be found in the access to justice report drawn up by the Ministry of the Environment (Ministry of the Environment reports 19/2013, <https://helda.helsinki.fi/bitstream/handle/10138/41376/YMra19_2013_Muutoksenhaku_FINAL_web.pdf?sequence=1>). According to the report, the new system has somewhat reduced the processing times of cases. The research material of the report consisted of appeal permit applications concerning land use and construction issues submitted to the Supreme Administrative Court in 2010–2011 (a total of 210 applications). The Supreme Administrative Court granted an appeal permit in 10 of these cases (4.7%). Of the granted appeal permits, four concerned building permits, five concerned planning permissions for minor construction and one concerned a land use plan.
6. In 2012, 19,313 appeals were filed at administrative courts, 2,468 of them pertaining to construction and the environment (12.8% of appeals filed). In 2012, the average processing time in administrative courts in matters relating to construction was 9.6 months and in matters otherwise relating to the environment 10.8 months.

XXXI. Website addresses relevant to the implementation of article 9

1. Free of charge, the above-mentioned: <http://pxweb2.stat.fi/Database/StatFin/databasetree_fi.asp> and <http://www.tilastokeskus.fi/til/oik.html>.

XXXII. General comments on the Convention’s objective

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

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

Paragraph 1 of article 6 bis and Paragraph 1 of annex I bis, arrangements in the Party’s regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis;

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

Article 6 bis paragraph 1, Paragraph 2 of annex I bis, any exceptions provided for in the Party’s regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception;

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

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

1. The Board for Gene Technology provides a forum for public participation for all field experiment applications received. Information on a projected field experiment is published in the Official Bulletin and on the website of the Board for Gene Technology (GTLK). The public participation procedure takes 60 days, and the public is entitled to acquaint themselves with the application documents for the field experiment and to obtain copies thereof, and to submit written opinions on the applications. The application documents are open to public inspection on the Board’s website and at the library of the Ministry of Social Affairs and Health. Requests for copies and written comments will be addressed to the Board for Gene Technology.
2. For product applications in accordance with Regulation EC/1829/2003 (GM food and feed), it is the task of the Finnish Food Safety Authority (Evira) as the Finnish contact authority for GMO applications to see to it that abstracts of the permit applications drafted by an applicant and EFSA’s opinions on the applications are made available to the public. Information on new applications is provided on Evira’s website under the heading ´Applications´ under ´Latest applications´, and information on the completion of EFSA’s opinions is provided at ´Products to be commented on´ and on the front page of Evira’s website at EFSA-Focal Point – Current from EFSA. For all applications, an abstract and an assessment report on the application can be accessed at EFSA’s website (<http://registerofquestions.efsa.europa.eu/roqFrontend/questionsListLoader?panel=GMO&questiontype=2>). When EFSA’s opinion is completed, the public can submit their comments in their native language to the Commission within 30 days on a website administered by the Commission for this purpose at: <http://ec.europa.eu/food/plant/gmo/authorisation/authorisation_applications_1829-2003_en.htm>. Applications open for commenting are listed under the section ’Open consultations’. After the consultation period has closed, the applications and the comments submitted by the public will be published on the same website under the section ’Closed consultations’.
3. The public participation process for product applications in accordance with directive 2001/18/EU (for example, GM cut flowers) is the responsibility of the Commission. Further information can be accessed at the website of the Joint Research Centre (JRC): <http://gmoinfo.jrc.ec.europa.eu/default.aspx>. In addition to product application information, the website offers summaries of all field experiment applications submitted in EU Member States.

Article 6 bis paragraph 1, Paragraph 4 of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential;

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

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

1. ***The nature of possible decisions;***
2. ***The public authority responsible for making the decision;***
3. ***Public participation arrangements laid down pursuant to paragraph 1 of annex I bis;***
4. ***An indication of the public authority from which relevant information can be obtained;***
5. ***An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;***
6. In public participation proceedings relating to field experiments, the procedure is carried out in writing. The public notification concerning the start of the hearing details the public’s opportunity to submit comments by post or e-mail to the Board for Gene Technology within a 60-day period and of the possibility of receiving a copy of the application document. Additionally, in some cases informative meetings on field experiments are arranged, where citizens may present questions and comments. Comments to be presented to the Commission in product approval procedures may be forwarded via the Commission website, by e-mail or mail.

Article 6 bis paragraph 1, Paragraph 6 of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;

1. Cf. paragraphs 150 and 154.

Article 6 bis paragraph 1, paragraph 7 of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis;

1. Comments gleaned from the public participation events arranged concerning field experiments are handled in connection with processing the permit application. Pursuant to Section 18 of the Gene Technology Act, the Board for Gene Technology shall issue a permit for release into the environment if the risk assessment in accordance with Section 8 has not revealed any hazard to the health of humans or animals or to the environment, and if the technical documents have been drafted in accordance with Section 17 of the Gene Technology Act. Therefore, the public’s comments can affect the granting of the permit only if it is revealed on the basis of them that said conditions are not met. The public’s comments are also taken into account in deciding on the conditions for the permit, alongside expert opinions. The grounds for the decision are available to the public.
2. In EU product approval, the Commission will analyse all comments received from the public and consult the EFSA in regard to them in order to determine whether they have any bearing upon EFSA’s opinion.

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

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

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

1. The Board for Gene Technology, operating in connection with the Ministry of Social Affairs and Health is the Finnish competent authority in tasks laid out in the Gene Technology Act and the Cartagena Protocol on Biosafety. The Ministry of the Environment, which is responsible for contacts with the Secretariat of the Cartagena Protocol, has a representative on the Board for Gene Technology.

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

1. No significant obstacles have been encountered in the implementation, but the accuracy of publishing the cultivation site data has been discussed at the national and EU level on account of vandalism of field experiments.
2. During its round of comments, the Finnish Association for Nature Conservation pointed out that unlike in previous terms, the Board for Gene Technology has not included an NGO representative during its current term (2010–2015).

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

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

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

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

XXXVII. Follow-up on issues of compliance

1. The Compliance Committee has not dealt with matters concerning Finland.