

**Questionnaire for the report of FINLAND on the implementation of
the Protocol on Strategic Environmental
Assessment in the period 2013–2015**

Information on the focal point for the Protocol

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11. Date on which report was completed: 21.4.2016

Part one

Current legal and administrative framework for the implementation of the Protocol

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

General information given by Finland

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

Provisions on strategic environmental assessments of land use plans are included in the Land Use and Building Act (Act 132/1999) and Decree (895/1999). The impacts of all land use plans in Finland are assessed under the provisions of the Land Use and Building Act and Decree. Besides the above-mentioned, there is also a general duty to investigate the environmental effects of plans and programmes that do not fall within the sphere of application of Article 4, but that may have likely significant environmental effects (section 3 of the SEA Act). This duty is more general in nature and it covers policies as well.

In the answers below:

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

Article 3

General provisions

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

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

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

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

[Land Use and Building Act \(132/1999\)](#), [Act on Water and Sea Resources Management \(1299/2004\)](#), [Flood Risk Management Act \(620/2010\)](#).

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

[SEA Decree \(347/2005\)](#), [Land Use and Building Decree \(895/1999\)](#)

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

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

(e) Other (please specify):

Your comments: see the general information given above

Article 4

Field of application concerning plans and programmes

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

national land use objectives, regional land use plans, local master plans, local detailed plans, nature conservation programmes, regional waste plans, regional development programmes, transport plan in the Helsinki metropolitan area, river basin management plans, programme of measures of the marine strategy and flood risk management plans.

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

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

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

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

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

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

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

Article 5 Screening

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

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

Your comments:

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

No

Yes *in scoping*

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

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

Your comments:

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

Article 6 Scoping

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

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

Article 7 Environmental report

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

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

Your comments:

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

(a) The competent authority checks the information provided and ensures it includes all information required under annex IV as a minimum before making it available for comments

- (b) By using quality checklists
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify):

Different guidelines, which include quality checklists, are available.

Your comments:

The term “competent authority” here is understood to refer to the authority responsible for drawing up the plan or programme and its environmental report.

Article 8

Public participation

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

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

Your comments:

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

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

Your comments:

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

- (a) By sending comments to the relevant authority/focal point

- (b) By providing answers to a questionnaire
- (c) Orally
- (d) By taking part in a public hearing
- (e) Other (please specify):

Your comments:

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

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

Your comments:

Article 9

Consultation with environmental and health authorities

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

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

Your comments:

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

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

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

Your comments:

I.17. How can the environmental and health authorities express their opinion (art. 5, para. 2, art. 6, para. 2, and art. 9, para. 3):

- (a) By sending comments
- (b) By providing answers to a questionnaire
- (c) In a meeting

(d) By other means (please specify)

Your comments:

Article 10 Transboundary consultations

I.18. As a Party of origin, when do you notify the affected Party (art. 10, para. 1)? Please specify:

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

Your comments:

I.19. As a Party of origin, what information do you include in the notification (art. 10, para. 2)? Please specify:

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

Your comments:

I.20. As a Party of origin, does your legislation indicate a reasonable time frame for the transmission of comments from the affected Party (art. 10, para. 2)? Please specify:

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

Your comments:

There is a 60-day time frame for the affected Party from when the draft plan or programme and environmental report are received for the Party to indicate that it wishes to enter into consultations concerning the matter.

In land use planning the time given to the affected Party is usually 2 months (minimum) in practice so that the affected Party has enough time for consultation. Sometimes the time set is longer due to holidays and other circumstances.

I.21. If the affected Party has indicated that it wishes to enter into consultations, how are the detailed arrangements, including the time frame for consultations, agreed (art. 10, paras. 3 and 4)? Please specify:

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

Your comments:

Detailed arrangements must be agreed between the Parties at the beginning of the consultation.

Article 11 Decision

I.22. When a plan or programme is adopted, explain how your country ensures, in accordance with article 11, paragraph 1, that due account is taken of:

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

Your comments:

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

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

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

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

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

I.23. How and when do you inform your own public and authorities (art. 11, para. 2)?:

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

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

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

I.24. How do you inform the public and authorities of the affected Party (art. 11, para. 2)?
Please specify:

- (a) By informing the point of contact
- (b) By informing the contact person of the ministry responsible for SEA, who then follows the national procedure and informs his/her own authorities and public
- (c) By informing all the authorities involved in the assessment and letting them inform their own public
- (d) Other (please specify):

Your comments:

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

Article 12 Monitoring

I.25. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes adopted under article 11 (art. 12, paras. 1 and 2):

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

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

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

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

Part two

Practical application during the period 2013–2015

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

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

- (a) Yes
- (b) No

Your comments:

1. Consideration of health effects

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

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

2. Domestic and transboundary implementation in the period 2013–2015

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

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

3.Cases during the period 2013–2015

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

	As a Party of Origin	As an affected Party
energy		1
transport		1
waste management		1
water management	2	
town and country planning or land use	5	
other (environmental protection)	1	2

4. Experience with the strategic impact assessment procedure in 2013–2015

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

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

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

No substantial difficulties were experienced.

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

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

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

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

- (i) No
- (ii) Yes (please indicate which ones):

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

(a) What difficulties has your country experienced in relation to translation and interpretation, and what solutions has your country applied?:

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

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

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

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

(c) Has your country carried out transboundary public participation according to article 10, paragraph 4?:

- (i) No
- (ii) Yes (please indicate how):

Finland has been the Party of origin and the affected Party in several plans and programmes.

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

The co-operation between countries has functioned very well.

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

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

- (i) No

(ii) Yes (please describe):

5. Experience regarding guidance in 2013–2015

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

(a) No:

(b) Part of it (Please specify):

(c) Yes (please describe your experience):

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

6. Awareness of the protocol

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

(a) No:

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

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

There are some law drafting currently underway to amend the provisions related to Article 10 of the Protocol in the SEA Act and in the Land Use and Building Act (Act 132/1999) and Decree (895/1999).

There is also a R&D project currently underway in order to develop practical tools and approaches for the good quality SEA in in the work of the regional environmental authorities.

7. Suggested improvements to the report

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

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