

Translation from Finnish
Legally binding only in Finnish and Swedish
Ministry of the Environment, Finland

Act on the Assessment of the Effects of Certain Plans and Programmes on the Environment

(200/2005, amendments up to 768/2023 included)

Section 1
Objectives

The objectives of this Act are to promote the assessment of environmental effects and their consideration in the preparation and approval of plans and programmes of the authorities, to improve the accessibility of information for the public and the opportunities of the public for participation, and to promote sustainable development.

Section 2
Definitions

In this Act:

- 1) *authority* means authorities and other institutions performing public administrative duties referred to in section 2, subsections 2 and 3 of the Administrative Procedure Act (434/2003);
- 2) *environmental effect* means a direct or indirect effect of a plan or programme in Finland and outside its territory on:
 - a) human health, living conditions and amenity;
 - b) soil, water, air, climate, flora, fauna and biodiversity;
 - c) community structure, built environment, landscape, townscape and cultural heritage;
 - d) utilisation of natural resources;
 - e) interaction among the factors referred to in paragraphs a–d;
- 3) *environmental assessment* means an assessment of the environmental effects of a plan or programme in accordance with sections 8–11 including the preparation of the environmental report included in it, organisation of consultations, consideration of the environmental report and the results of consultations in decision-making, and provision of information on the decision;

- 4) *environmental report* means a document or part of it that provides information on a plan or programme and the alternatives explored, and an assessment of their environmental effects;
- 5) *authority responsible for a plan or programme* means the authority drawing up the plan or programme or any party otherwise responsible for preparing a plan or programme referred to in this Act;
- 6) *public* means private individuals, coalitions and groups of private individuals, and corporations and foundations.

Section 3

General obligation to investigate environmental effects

The authority responsible for a plan or programme shall ensure that the environmental effects of the plan or programme are investigated and assessed sufficiently in the course of preparation if the implementation of the plan or programme may have significant environmental effects.

Further provisions on the investigation and assessment of environmental effects and on the requirements concerning the content of the documents to be drawn up may be issued by government decree.

Section 4

Plans and programmes requiring environmental assessment

An environmental assessment of a plan or programme of an authority that is based on an act, decree or administrative order shall be conducted if:

- 1) it is a question of a plan or programme to be drawn up for purposes of agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, regional development, land use, environmental protection or nature conservation that sets a framework for permit or approval decisions of projects; or
- 2) the assessment obligation referred to in section 35 of the Nature Conservation Act (9/2023) applies to the plan or programme. (12/2023)

Further provisions on the plans and programmes referred to above in subsection 1, paragraph 1 are issued by government decree. (912/2022)

The provisions on environmental assessment in subsection 1 also apply to amendments to plans and programmes. In the case of minor modifications to a plan

and programme or a plan or programme concerning the use of small areas at the local level, environmental assessment shall be conducted only if it is found to be necessary in the consideration under section 5.

Section 5

Application of an environmental assessment on the basis of consideration

An environmental assessment of a plan or programme prepared in sectors other than those referred to in section 4, subsection 1, paragraph 1 that is based on an act, decree or administrative order and sets a framework for permit or approval decisions of projects shall be conducted if the plan or programme or its amendments are considered likely to have significant environmental effects. When considering the need for environmental assessment, other authorities shall be consulted. Provisions on the criteria to be applied in considering the need for environmental assessment and on communication between authorities are issued by government decree.

Information on the results of consideration concerning the need for environmental assessment, including justifications, shall be provided by public notice. Provisions on public notice are laid down in the Administrative Procedure Act. By way of derogation from the provisions of section 62a of the said Act, the notice and the material published shall be displayed for at least 30 days. (1409/2019)

Section 6

Responsibility for environmental assessment

The authority responsible for a plan or programme is responsible for the environmental assessment of the plans and programmes referred to in sections 4 and 5 and for the consideration of the need for environmental assessment under section 5.

Section 7

Scope of application and relationship with other legislation

This Act does not apply to the preparation of the budget proposal. With the exception of section 3, this Act does not apply to other budget or financing plans or programmes or to plans or programmes drawn up solely for purposes of national defence or rescue services.

Provisions on the assessment of environmental effects in the context of drawing up zoning plans equivalent to environmental assessment under this Act are laid down in the Land Use Act (132/1999). (768/2023)

Subsection 2 amended by Act 768/2023 will enter into force on 1 January 2025. The previous wording was:

Provisions on the assessment of environmental effects in the context of drawing up zoning plans equivalent to environmental assessment under this Act are laid down in the Land Use and Building Act (132/1999). (912/2022)

Investigations of a plan or programme and its environmental effects made in other contexts shall be taken into account when applying this Act. The investigations and assessment of environmental effects required under this Act and other legislation shall be coordinated as far as possible.

Section 8

Preparation of a plan or programme and an environmental report and provision of information on it

The authority responsible for a plan or programme shall investigate and assess any probable significant environmental effects of the implementation of the plan or programme and the alternatives considered, and draw up an environmental report. The environmental report shall be drawn up as part of other preparations before the approval of the plan or programme.

The preparation of a plan or programme shall be organised so that the public have the opportunity to obtain information on the starting points, objectives and preparation of the plan or programme and the environmental report, and to state their opinion on the matter to the authority responsible for the plan or programme. The material shall be published at least in electronic form. Otherwise the provisions on the preparation of the plan or programme concerned shall apply to the provision of information on starting the preparation and the opportunity to state an opinion. If no separate provisions have been issued on the provision of information, information on the material shall be provided by public notice. Provisions on public notice are laid down in the Administrative Procedure Act. When applying the procedure concerning public notices under the Administrative Procedure Act, the opportunity for the public to state their opinion shall be available for at least 30 days. (1409/2019)

An environmental report shall provide the information that is necessary taking into account the content, purpose and level of detail of the plan or programme. The authority responsible for a plan or programme shall consult other authorities concerning the scope and level of detail of the information to be provided in the environmental report. Further provisions on the content of the environmental report and on consultation with other authorities are issued by government decree.

Section 9 Consultation concerning a draft plan or programme and an environmental report

The authority responsible for a plan or programme shall reserve the public an opportunity to see the draft plan or programme and environmental report and to state their opinion on them. The opportunity shall be reserved by keeping the draft plan or programme and environmental report publicly available. The draft plan or programme and environmental report shall be published at least in electronic form. (1409/2019)

The provisions on the preparation of the plan or programme concerned shall apply to the provision of information, their availability and the opportunity to state an opinion. If no separate provisions have been issued on the provision of information, information on the draft plan or programme and environmental report shall be provided by public notice. Provisions on public notice are laid down in the Administrative Procedure Act. When applying the procedure concerning public notices under the Administrative Procedure Act, the opportunity for the public to state their opinion shall be available for at least 30 days. (1409/2019)

In addition to the provisions laid down elsewhere, statements on a draft plan or programme and an environmental report shall be requested from other authorities as provided by government decree.

Section 10 (912/2022) Transboundary environmental effects

If the implementation of a plan or programme is likely to have significant environmental effects in the territory of a party to an international agreement binding on Finland or of a European Union Member State, the Finnish Environment Institute is responsible for the information provision and consultation tasks related to the environmental assessment of the plan or programme with the state in question.

If the implementation of a plan or programme may have environmental effects referred to in subsection 1, the authority responsible for the plan or programme shall contact the Finnish Environment Institute without delay and, where necessary, submit the draft plan or programme and environmental report to the Finnish Environment Institute to be forwarded to the other state. The draft and report or parts of them shall, where necessary, be translated into the relevant languages. The authority responsible for the plan or programme is responsible for the costs of translations.

If the Finnish Environment Institute considers that a plan or programme has environmental effects referred to in subsection 1, or if the state that is the target of the environmental effects so requests, the Finnish Environment Institute shall notify the other state of the assessment and submit the draft plan or programme and environmental report to the other state in good time before the plan or programme is approved. The Finnish Environment Institute shall inform the Ministry for Foreign Affairs and Ministry of the Environment of any material to be submitted to the other state. Provisions on the content of information provided to another state are issued by government decree.

If a state to which a draft plan or programme and environmental report has been submitted announces within the time limit in accordance with the notification referred to in subsection 3 that it wishes to enter into consultations on the matter, the Finnish Environment Institute shall launch consultations on the likely transboundary environmental effects caused by the implementation of the plan or programme and measures planned to reduce or eliminate such effects. When launching the consultations, arrangements shall be agreed that will be complied with in providing the authorities and the public in the state that is likely to be the target of significant environmental effects the opportunity to state their opinion within a reasonable time.

The other state shall be informed of a decision concerning the approval of a plan or programme. Further provisions on the information to be provided are issued by government decree.

Section 10a (912/2022)

Participation in the environmental assessment of a plan or programme of another state

If the implementation of a plan or programme of an authority of a party to an international agreement binding on Finland or of a European Union Member State is likely to have significant environmental effects in a territory within the jurisdiction of Finland, the Finnish Environment Institute shall be responsible for the information provision and consultation tasks related to the environmental assessment of the plan or programme of the other state.

The tasks of the Finnish Environment Institute are:

- 1) to announce to the other state whether it wishes to enter into consultations on the likely transboundary environmental effects caused by the implementation of the plan or programme and measures planned to reduce or eliminate such effects before the approval of the plan or programme;
- 2) to submit the announcement to the other state for information to the Ministry for Foreign Affairs and Ministry of the Environment;
- 3) in case the consultations are organized, to provide information on the draft plan or programme and environmental report to the public in Finland by public notice, and to reserve an opportunity to the public to state their opinion within a reasonable time;
- 4) request statements on the draft plan or programme and environmental report from other authorities;
- 5) submit the opinions and statements received to the other state; and
- 6) manage any information provision and consultation tasks other than those referred to in paragraphs 1–5.

Section 11 (1409/2019)

Approval of a plan or programme and provision of information on the decision

When a plan or programme is being prepared, the environmental report and, as far as possible, the opinions and statements referred to in sections 8 and 9 and the results of consultations between states held under section 10 shall be taken into account.

A decision concerning the approval of a plan or programme or the plan or programme shall include the following:

- 1) a justified opinion of how the environmental report, the opinions and statements referred to in sections 8 and 9 and the results of the consultations between

states referred to in section 10 have been taken into account, and an account of how these and the environmental considerations have influenced the content of the plan or programme and the choice between the alternatives; and

2) an account of the monitoring referred to in section 12.

When a plan or programme is approved, information on the plan or programme and on the decision on its approval shall be provided by public notice, in addition to the provisions laid down elsewhere. Provisions on public notice are laid down in the Administrative Procedure Act. However, the requirement concerning public notice does not apply to plans or programmes that are issued by decree of a ministry or by government decree. (912/2022)

Other authorities shall be informed of the decision concerning the approval of a plan or programme as provided by government decree.

In requests for review concerning a plan or programme, reference can be made to the lack of an environmental assessment under this Act as provided separately concerning requests for review.

Section 12

Monitoring of environmental effects

The authority responsible for a plan or programme shall ensure that the implementation of plans and programmes falling within the sphere of environmental assessment and the significant environmental effects caused by the implementation are monitored in such a way that enables, where necessary, to take measures to prevent and reduce harmful environmental effects.

Section 13

Guidance, cooperation and development

The Ministry of the Environment is responsible for the general guidance and monitoring of the enforcement of this Act and overall development of the assessment of the effects. Other ministries are responsible for the guidance and monitoring of the enforcement and the development of the assessment of environmental effects within their respective administrative branches. The Finnish Environment Institute monitors the application of this Act. Central government and municipal authorities shall cooperate with each other in implementing assessments of environmental effects and in coordinating these with procedures under other acts.

Section 14

Transitional provisions and entry into force

This Act enters into force on 1 June 2005.

This Act applies to plans and programmes the preparation of which has been announced on 21 July 2004 or later.

This Act also applies to plans and programmes the preparation of which has been announced before the point in time referred to in subsection 2 and which are approved later than 21 July 2006, unless the authority responsible for the plan or programme has a justified reason to decide that it is not possible to conduct an environmental assessment.

If an environmental assessment is not conducted in a case referred to in subsection 3, the authority responsible for the plan or programme shall make information on this publicly available in compliance with the provisions in sections 55 and 62 of the Administrative Procedure Act. At the same time, the reason why it is not possible to conduct an assessment shall be stated.

Entry into force and application of the amending acts:

1409/2019

This Act enters into force on 1 January 2020.

912/2022

This Act enters into force on 1 January 2023.

12/2023

This Act enters into force on 1 June 2023.

768/2023

This Act enters into force on 1 January 2025.