

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of the Environment, Finland

Government Decree on the Assessment of the Effects of Certain Plans and Programmes on the Environment

(347/2005; amendments up to 131/2023 included)

Section 1 (131/2023)

Plans and programmes requiring environmental assessment

Plans and programmes referred to in section 4, subsection 1, paragraph 1 of the Act on the Assessment of the Effects of Certain Plans and Programmes on the Environment (200/2005) include, in addition to what is provided for separately:

- 1) the national land use objectives referred to in section 22 of the Land Use Act (132/1999);
- 2) the national waste plan referred to in section 87 of the Waste Act (646/2011);
- 3) the nature conservation programme referred to in section 8 of the Nature Conservation Act (1096/1996);
- 4) the regional plan referred to in section 25 of the Act on Regional Development and Implementation of the European Union's Regional and Structural Policy (756/2021), the regional and structural policy programme part-funded from the European Regional Development Fund, the European Social Fund and the Just Transition Fund referred to in section 29 of the said Act, and the plan on sustainable urban development referred to in section 30 of the said Act;
- 5) the transport system plan for the Helsinki region drawn up under the obligation concerning the transport system and public transport planning referred to in section 3 of the Act on Cooperation between Municipalities in the Helsinki Metropolitan Area in Waste Management and Public Transport (829/2009);
- 6) the flood risk management plan referred to in section 10 of the Flood Risk Management Act (620/2010);

- 7) Finland's Programme for the European Maritime Fisheries and Aquaculture Fund 2021-2027 referred to in the Act on the European Maritime, Fisheries and Aquaculture Fund (997/2021);
- 8) the CAP Strategic Plan referred to in section 4, paragraph 1 of the Act on the Management of the CAP Strategic Plan (1324/2022);
- 9) the action programme referred to in Article 5 of the Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources implemented by Government Decree on Limiting Certain Emissions from Agriculture and Horticulture (1250/2014);
- 10) the National Transport System Plan referred to in section 15b of the Act on the Transport System and Highways (503/2005);
- 11) National Nuclear Waste Management Programme referred to in section 27b of the Nuclear Energy Act (990/1987);
- 12) the River Basin Management Plan referred to in section 11 of the Act on the Organisation of River Basin Management and the Marine Strategy (1299/2004) and the Marine Strategy Document referred to in section 26b of the said Act.

In addition, plans and programmes of an authority based on an act, decree or administrative order require an environmental assessment if they fulfil the conditions listed in section 4, subsection 1, paragraph 1 of the Act on the Assessment of the Effects of Certain Plans and Programmes on the Environment concerning the fulfilment of the environmental assessment obligation.

Section 2

Criteria for defining the need for environmental assessment on the basis of consideration

In the consideration of the need for environmental assessment referred to in section 5 of the Act on the Assessment of the Effects of Certain Plans and Programmes on the Environment, the following criteria shall be taken into account:

- 1) The characteristics of the plans and programmes, in particular,

- a) the degree to which the plan or programme sets a framework for projects and other activities with regard to the location, nature, size or operating conditions or by allocating resources;
 - b) the degree to which the plan or programme influences other plans and programmes, including those in a hierarchy;
 - c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
 - d) environmental problems relevant to the plan or programme;
 - e) the relevance of the plan or programme for the implementation of Community legislation on the environment;
- 2) The characteristics of the effects and the area likely to be affected, in particular,
- a) the probability, duration, frequency and reversibility of the effects;
 - b) the cumulative nature of the effects;
 - c) the transboundary nature of the effects;
 - d) the risks to human health or the environment, including risks caused by accidents;
 - e) the magnitude and spatial extent of the effects, including the geographical area and size of the population likely to be affected;
 - f) the value and vulnerability of the area likely to be affected due to special natural characteristics or cultural heritage, exceeded environmental quality standards or limit values or intensive land use;
 - g) the effects on areas or landscapes that have a recognised national, Community or international protection status.

Section 3

Communication between authorities relating to the consideration of the need for environmental assessment

When considering the application of environmental assessment of plans and programmes referred to in section 5 of the Act on the Assessment of the Effects of Certain Plans and Programmes on the Environment, the authority responsible for a plan or programme shall contact the Centre for Economic Development, Transport and the Environment and, as necessary, the municipal health and environmental authorities and other authorities acting in the area to be affected. Where a plan or

programme with extensive regional consequences or that is otherwise highly significant is concerned, the Ministry of the Environment and the Ministry of Social Affairs and Health shall also be contacted. (1813/2009)

The communication referred to in subsection 1 above may be carried out through consultation procedures or through negotiations between authorities. A memorandum shall be drawn up on the negotiations that contains the key issues and opinions that have arisen in the negotiations.

Section 4

Content of the environmental report

The environmental report referred to in section 8 of the Act on the Assessment of the Effects of Certain Plans and Programmes on the Environment shall include to the necessary extent:

- 1) the main contents and main objectives of the plan or programme and its link with other plans and programmes related to the matter;
- 2) the current state of the environment and the likely evolution thereof should the plan or programme not be implemented;
- 3) the characteristics of the environment in areas likely to be significantly affected;
- 4) the environmental problems which are relevant to the plan or programme including, in particular, problems relating to areas of particular importance in terms of environmental protection or nature conservation, such as areas included in the Natura 2000 network;
- 5) the environmental protection objectives established at international, European Union or national level which are relevant to the plan or programme and the ways in which these objectives and environmental considerations have been taken into account during the preparation;
- 6) the likely significant secondary and cumulative effects, synergistic effects and short-, medium- and long-term permanent or temporary, both positive and negative effects on matters such as the population, human health, living conditions and amenity, biodiversity, fauna, flora, soil, water, air, climatic factors, community structure, built environment, landscape, townscape, material

- assets, cultural heritage including architectural and archaeological heritage, utilisation of natural resources, and the interaction among the above factors;
- 7) measures planned to as fully as possible prevent, reduce or mitigate any significant adverse effects on the environment which may result from the implementation of the plan or programme;
 - 8) an outline of the reasons for selecting the alternatives dealt with and a description of how the assessment was undertaken, including difficulties encountered due to matters such as technical deficiencies or lack of knowledge;
 - 9) a description of the measures envisaged for monitoring in accordance with section 12 of the Act on the Assessment of the Effects of Certain Plans and Programmes on the Environment; and
 - 10) a non-technical summary of the information listed above.

Section 5

Consultation of authorities concerning information to be given in an environmental report

The authority responsible for a plan or programme shall consult the Centre for Economic Development, Transport and the Environment and, as necessary, the municipal health and environmental authorities and other authorities acting in the area to be affected on the scope and level of detail of the information to be given in an environmental report. Where a plan or programme with extensive regional consequences or that is otherwise highly significant is concerned, the authority shall also consult the Ministry of the Environment and the Ministry of Social Affairs and Health. (1813/2009)

The consultation of the authorities referred to in subsection 1 above may also be carried out through negotiations between authorities. A memorandum shall be drawn up on the negotiations that contains the key issues and opinions that have arisen in the negotiations.

Section 6 (1284/2011)**Consultation of authorities on an environmental report and a draft plan or programme**

In addition to the provisions elsewhere in the law, statements on a draft plan or programme and an environmental report shall be requested from the Centre for Economic Development, Transport and the Environment and, as necessary, the municipal health and environmental authorities and other authorities acting in the area to be affected. Where a plan or programme with extensive regional consequences or that is otherwise highly significant is concerned, a statement shall also be requested from the Ministry of the Environment and the Ministry of Social Affairs and Health. The time period for submitting the statements shall be at least 30 days.

Section 7**Informing another state**

The information referred to in section 10, subsection 3 of the Act on the Assessment of the Effects of Certain Plans and Programmes on the Environment shall include:

- 1) the draft plan or programme and environmental report and information on any transboundary environmental effects, including health effects; and
- 2) information on the decision-making procedure and a reasonable time limit for comments.

Section 8 (278/2010)**Provision of information on a decision to authorities**

Information on the approval of a plan or programme shall be submitted to the Centre for Economic Development, Transport and the Environment without delay. In addition, information on the decision shall be submitted to the municipal and other authorities that were consulted in the process.

A state that has been a party in the consultations held in accordance with section 10 of the Act on the Assessment of the Effects of Certain Plans and Programmes on the Environment shall be informed of a decision concerning the approval of a plan or programme without delay. A plan or programme and the decision concerning its approval shall be made available to the state.

Section 9

Entry into force

This Decree enters into force on 1 June 2005.

Entry into force and application of the amending decrees:

1813/2009

This Decree enters into force on 1 January 2010.

278/2019

This Decree enters into force on 1 May 2010.

1284/2011

This Decree enters into force on 20 December 2011.

131/2023

This Decree enters into force on 15 February 2023.