



Ympäristöministeriö
Miljöministeriet
Ministry of the Environment



Access to justice in cases related to climate change

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Reform of the Climate Change Act

- The Climate Change Act was reformed to reach the target of carbon neutrality by 2035 in the Programme of Prime Minister Sanna Marin's Government.
- Clarifying A2J was part of the reform; comprehensive report on A2J in the climate context was commissioned
- The first proposal for A2J provisions received both support and criticism during hearings and was withdrawn from the proposal for further development.
- The new Climate Act (423/2022) entered into force on 1 July 2022.
- When approving the new law, the Parliament made a statement obliging the Government to submit a proposal for amending the Climate Act with regard to A2J by the end of November 2022.



Challenges in drafting A2J provisions

- The first proposal confirmed the general right to appeal Government decisions to the Supreme Administrative Court, in accordance with the Administrative Judicial Procedure Act (808/2019)
 - Standing for interested parties + regional agencies, environmental NGOs, Sámi representative institutions
- Criticism:
 - The Climate Act is an aspirational framework law; no decisions are made based on it that would fall under Art 6 of the Convention, nor other decisions that in our legal system are seen as appealable, affecting rights, interests or obligations -> who are interested parties?
 - Climate plans do not directly oblige or entitle any instance and their implementation is not monitored
 - Illegality as ground for appeal; procedural and substantial



Revised proposal

- Specifies that climate plans can be appealed
 - not other Government decisions under the Climate Act, such as the annual climate report or the appointment of the climate panel
- Introduces new wording that differs from the traditional legal concept of interested party: "...whose right, obligation or interest may be affected in a special way by the effects of climate change or its mitigation or adaptation to it."
 - The effects relate to climate change, not the decision on the plan itself
 - Inspiration: Criteria of direct and individual concern in EU law
 - Municipal plans can be appealed in accordance with the Local Government Act
- Will need interpreting by the court, but clarifies the question of appealability of plans
- Was approved and is in force as of 1.3.2023.



First Finnish climate case

- Submitted 28.11.2022 to the Supreme Administrative Court by two environmental NGOs
- Concerns the Government decision on its annual climate report, a tool for monitoring and reporting to the Parliament on the implementation of climate policy plans
- Sections 16.1 and 17.1 of the new Climate Act: the Government must monitor the implementation of the climate policy plans adequately in order to determine whether the climate change mitigation and adaptation goals set in the plans and in the Climate Act are being achieved. If necessary, the Government must decide on additional measures needed to achieve the goals, and must consequently revise the climate policy plans.
- The appellants claim that the Government has omitted to decide on such additional measures and to revise the plans.
- Assessment of standing and appealability not based on the new A2J provisions in the Climate law, but on general administrative procedural law



Thank you!

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