

Aarhus Convention Task Force on Access to Justice (Geneva, 4 April - 5 April 2023)

Agenda item 2 (b) Access to justice in cases related to biodiversity protection

Statement by Finland:

I take this opportunity to share a recent update in our legislation related to biodiversity protection, with relevance for Convention rights, including for access to justice.

A project to reform the nature conservation legislation was launched at the end of 2019 based on the Government Programme of Prime Minister Sanna Marin. The project included a reform of the Nature Conservation Act (1096/1996), which dated back to the mid-1990s. The government proposal was submitted to Parliament in May 2022, the Parliament passed the Act in December 2022 and the new law will enter into force in June 2023.

The new law introduces changes that strengthen all three Aarhus-pillars:

1. One of the expressly stated goals of the law is to increase the public's knowledge of nature and environmental awareness
2. There is a provision on promoting environmental awareness, according to which the authorities must promote environmental education and the environmental awareness of citizens, private and public actors, in order to safeguard biodiversity.
3. Another provision on participation and interaction obliges authorities preparing plans and programs to ensure sufficient public communication and cooperation and interaction with authorities and stakeholders. In addition, the public must be given an opportunity to familiarize themselves with the plan and program drafts and express their opinion on them.
4. There is also new regulation concerning the nature information system, which in fact consists of many different information systems for different kinds of information administered and used by various authorities. The goal is to clarify who is responsible for what, and to make sure authorities and the public have access to up-to-date nature information.

These changes strengthen primarily access to information and participation rights. The project group didn't see major issues with access to justice in the context of nature protection, as the old law was quite progressive in this regard and for example environmental civil society organisations already had the right to challenge decisions made under that law.

In the new law, the provisions on standing were kept as they were, but substantially, the rights of CSOs were broadened by removing some exceptions to the right to challenge decisions. These exceptions were decisions on special permissions, in other words exceptions to the general rule of protection, related to certain habitat types and species. The previous approach was not consistent, considering that based on EU directives, CSOs had the right to challenge the same type of decisions when they concerned species protected under EU law.