

## Act on the promotion of sports and physical activity (390/2015)

### Chapter 1

#### General provisions

##### Section 1. Scope of application

1. This Act sets out provisions on the promotion of physical activity and top-level sports; the responsibilities of and cooperation between central and local government; the government administrative bodies; and the funding to be provided by the state in the field of sports and physical activity.
2. Aside from the provisions of this Act, Finland shall comply with her international obligations under the relevant treaties.

##### Section 2. Objective of the Act

1. The objective of this Act is to promote:
  - (1) the opportunities of various demographic groups to engage in physical activity;
  - (2) the wellbeing and health of the population;
  - (3) the maintenance and improvement of the capacity for physical activity;
  - (4) the growth and development of children and young people;
  - (5) civic action in the field of physical activity including club activities;
  - (6) top-level sports;
  - (7) integrity and ethical principles in the context of physical activity and top-level sports;  
and
  - (8) greater equality in sports and physical activity.
2. The efforts to achieve these objectives are based on the principles of equality, non-discrimination, social inclusion, multiculturalism, healthy lifestyles, respect for the environment and sustainable development.

##### Section 3. Definitions

1. For the purposes of this Act,
  - (1) *physical activity* means spontaneous and structured physical exercise excluding top-level sports;
  - (2) *top-level sports* means extensive, goal-oriented sports activities aiming at international success;
  - (3) *physical activity promoting health and wellbeing* means all types of physical activity in the course of human life designed to maintain and improve the state of health and functional ability of the population.

##### Section 4. State's responsibility

1. The Ministry of Education and Culture is responsible for the overall management, coordination and development of the national sports policy, and for the creation of favourable conditions for engaging in physical activity.
2. Responsibility for local administrative duties rests with the Regional State Administrative Agencies. More detailed provisions on these duties shall be issued by government decree.
3. When performing the duties defined herein, the State shall, as appropriate, engage in cooperation with municipalities, non-governmental organisations and other actors in the field of physical activity and sports.

#### Section 5. Local government's responsibility

1. Responsibility for creating opportunities and facilities for engagement in physical activities at the local level rests with the local authorities. Local government shall provide opportunities and facilities for physical activity by:
  - (1) providing physical exercise services and organising physical activities that promote general health and wellbeing with due regard to the various target groups;
  - (2) supporting civic action including club activities; and
  - (3) constructing and maintaining facilities for physical activity.
2. The duties referred to in subsection 1 above shall be performed in the municipality in collaboration with the various fields of activity by developing local, inter-municipal and regional cooperation and, where necessary, providing for other forms of activity in response to local conditions and needs.
3. In making key decisions on issues related to sports and physical activity, local authorities are required to consult the residents as part of the obligation under section 27 of the Local Government Act (365/1995) to provide the local residents with the opportunity to participate and exert influence. Local authorities are required to evaluate the residents' level of physical activity as part of the promotion of health and welfare referred to in section 12 of the Health Care Act (1326/2010).
4. Whenever a local government carries out the activities listed in subsection 1, it shall not engage in market competition unless such services are provided on a commercial basis with commercial goals.

#### Section 6. National Sports Council

1. Serving as a panel of experts assisting the Ministry of Culture and Education is the National Sports Council appointed by the Government for the duration of the parliamentary term.
2. The Council is called upon to address major issues of fundamental importance related to sports and physical activity and, in particular, evaluate the impact of government action in the field of sports and physical activity; submit initiatives and make proposals to develop sports and physical activity; and issue opinions on the allocation of state appropriations for sports and physical activity within its purview. The Council includes sections responsible for the preparation of the issues to be addressed.
3. More detailed provisions on the duties, composition and appointment of the National Sports Council shall be issued by government decree.

#### Section 7. Regional Sports Council

1. Serving as a panel of experts at the Regional State Administrative Agencies is the Regional Sports Council to be appointed by the Regional Council.

2. More detailed provisions on the duties, composition and appointment of the Regional Sports Council shall be issued by government decree.

## Chapter 2

### State funding

#### Section 8. Central government transfers to support sports and physical activity in municipalities

1. Provisions on the central government transfers to local governments for the purpose of covering the operating costs of sports and physical activities are set out in the Act on the Financing of Education and Culture (1705/2009). All central governments transfers shall be used for the activities specified in section 5 of this Act.

#### Section 9. Funding to support the physical activities organised by regional administration

1. The Ministry of Education and Culture shall allocate appropriations to finance the physical activities organised by the State Administrative Agencies; the use of these funds shall be subject to agreement with the State Administrative Agency involved. Additionally, the Ministry may allocate other appropriations to the Regional State Administrative Agencies to be distributed as grants.

#### Section 10. Eligibility for state aid of organisations promoting sports and physical activity

1. To qualify for state aid, an organisation promoting sports and physical activity shall first be approved as eligible for such aid by the Ministry of Education and Culture.
2. Approval for eligibility may be granted to a registered association whose purpose is to promote sports and physical activity and whose activities are in compliance with the objective specified in section 2. When assessing eligibility for state aid, due consideration shall be given to the type, extent and social impact of the activities that the association is engaged in, and the ways in which the association promotes equality and non-discrimination.
3. Of the individual sports federations, only one national federation may be approved as eligible for state aid for each given sport. Only federations that operate under the auspices of an international organisation or competition system and sport that is of national importance can qualify for state aid. When assessing a federation's eligibility for state aid, due consideration shall be given to the type, extent and social impact of the activities that the federation is engaged in; the ways in which the federation promotes equality and non-discrimination; and the extent to which it complies with the ethical principles of sports and physical activity and the international regulations binding on Finland.
4. The Ministry of Education and Culture may withdraw the approval for eligibility for state aid, if the federation fails in two consecutive years to meet the criteria for state aid pursuant to this Act or other regulations issued hereunder.
5. More detailed provisions on the criteria for approval of new organisations within the meaning of this section for eligibility for state aid and the procedures to be followed in such approval may be issued by government decree.

#### Section 11. Appeal

1. A review of the decision of the Ministry of Education and Culture referred to in section 10 above may be requested from the Ministry as provided in the Administrative Procedure Act (343/2003).
2. A decision issued in response to the request for review may be appealed as provided in the Administrative Judicial Procedure Act (586/1996).

#### Section 12. Granting of state aid to organisations promoting sports and physical activity

1. The government Budget shall include an annual appropriation for subsidising the activities of organisations promoting sports and physical activity.
2. Except for special reasons, a new organisation shall not be eligible for state aid until it has operated as a registered association for a minimum period of two years.
3. When assessing eligibility for state aid, due consideration shall be given to the type, extent and social impact of the activities that the organisation is engaged in; the ways in which the organisation promotes the objective of this Act and the ethical principles of sports and physical activity; the extent to which it complies with the international regulations binding on Finland; and how it promotes equality and non-discrimination.
4. Operating expenses incurred in the course of business operations are not included in the operating expenditure applied as one of the criteria for granting aid.
5. More detailed provisions on the criteria for granting state aid within the meaning of this section may be issued by government decree.

#### Section 13. State aid for sports and physical activity facilities

1. The government Budget shall include an annual appropriation for granting aid for establishing sports and physical activity facilities and associated recreational facilities. State aid is granted for the construction, acquisition, renovation and refurbishment of sports and physical activity facilities designed to serve the needs of a wide range of user groups. Additionally, aid may, on special grounds, be granted for the construction of other physical activity facilities as well.
2. Aid is granted to municipalities or joint municipal authorities or an entity under their executive control. Aid may also be granted to other entities if such aid is necessary for the attainment of the objectives of this Act.
3. Provisions on the central government transfers to local government referred to in subsection 1 are set out in the Act on the Financing of Education and Culture.

#### Section 14. State aid for other purposes conducive to sports and physical activity

1. The government Budget shall include an annual appropriation for the purpose of granting aid and stipends for research and development in the field of sport and health sciences; research and development projects related to the construction of sports and physical activity facilities; the activities of entities engaged in sports and health science; the provision of information on sports and physical activity; education; international cooperation; the promotion of top-level sports; topical cooperation and development projects in the field of sports and physical activity; and other activities referred to in section 2.

#### Section 15. State aid authority

1. The state aid authority in respect of the aid referred to in sections 8–14 is the Ministry of Education and Culture. The Regional State Administrative Agency shall serve as the state aid authority in respect of aid granted for construction except in the case of high-cost

projects and in granting the appropriations to the government agencies referred to in section 9. The division of powers between the state aid authorities may be defined in greater detail by government decree.

## **Chapter 3**

### Miscellaneous provisions

#### Section 16. Financing of central government transfers and aid

1. The central government transfers and aid referred to in this Act are financed primarily from Veikkaus Oy's earnings from betting, pools and lotteries.

#### Section 17. Provisions included by reference

1. Further provisions on state aid in addition to sections 12 and 14 are issued in the Act on Discretionary Government Transfers (688/2001).

## **Chapter 4**

### Entry into force

#### Section 18. Entry into force

1. This Act enters into force on 1 May 2015.
2. This Act repeals the Sports Act (1054/1998).

#### Section 19. Transitional provisions

1. The Ministry of Education and Culture shall review the eligibility for state aid of the organisations that have received aid under the Sports Act now repealed without any special application. More detailed provisions on the assessment of eligibility for state aid and related procedures may be issued by government decree.
2. The National Sports Council in office at the time when this Act enters into force shall serve out its term.
3. The terms of the Regional Sports Councils in office at the time when this Act enters into force shall expire at the end of 2015. Where the term would otherwise expire before said time limit, it shall nevertheless be extended up to the end of 2015.