

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

## **Act on the Organisation of River Basin Management and the Marine Strategy (1299/2004; amendments up to 1263/2014 included)**

### **Chapter 1 General provisions**

#### Section 1 *Purpose*

- (1) This act lays down provisions on the organisation of river basin management and development and implementation of the marine strategy, the related analysis work, cooperation and participation within the river basin districts and marine strategy implementation area, and international cooperation. The general objective of the organisation of river basin management and work on the marine strategy is to protect, improve and restore waters and the Baltic Sea in a way that the status of surface waters and groundwater or the Baltic Sea does not deteriorate and is at least 'good'. River basin management and work on the marine strategy are carried out and implemented in a coordinated manner and with coherent objectives. (272/2011)
- (2) The purpose of this act is that, besides the quality of waters, river basin management takes into account the sufficiency and sustainable use of waters, water services and their economic analysis, flood risk management, recreational use of waters, waterborne diseases, and protection of aquatic ecosystems and terrestrial ecosystems and wetlands directly connected to aquatic ecosystems. (623/2010)
- (3) In the organisation of the development and planning of the marine strategy an ecosystem-based approach to the management of human activities causing pressures on and impacting the marine environment is applied in such a way that achieving good environmental status of the marine environment or the capacity of marine ecosystems to respond to human-induced changes is not compromised, while enabling the sustainable use of marine goods and services. (272/2011)

#### Section 2 *Definitions*

In this act,

- 1) *surface water* means area covered with water, coastal water, transitional water and territorial water; (272/2011)
- 2) *groundwater* means water that is below the surface of the ground in the saturated zone and in direct contact with the ground or subsoil;
- 3) *coastal water* means surface water on the landward side of a line every point of which is at a distance of one nautical mile on the seaward side from the nearest point of the baseline from which the breadth of territorial water is measured and which at some point is bounded by a river;
- 4) *body of surface water* means a discrete and significant element of surface water such as a lake, a reservoir, a stream, river or canal, part of a stream, river or canal, a transitional water or stretch of coastal water; (272/2011)

- 5) *body of groundwater* means a means a distinct volume of groundwater within a porous and permeable soil or bedrock formation that allows a significant flow of groundwater or significant abstraction of groundwater; (1833/2009)
- 6) *river basin* means an area from which all surface runoff flows into the sea through a brook, lake, river or estuary; (272/2011)
- 7) *sub-basin* means an area from which all surface runoff flows into a certain water course through a brook, lake or river; (272/2011)
- 8) *transitional water* means a body of surface water in the vicinity of a river mouth which is partly saline in character due to its proximity to coastal water but which is substantially influenced by freshwater flows; (272/2011)
- 9) *marine waters* mean waters, the seabed and subsoil on the seaward side of the baseline as defined in paragraph 3, extending to the outmost reach of the exclusive economic zone of Finland, and coastal waters, their seabed and their subsoil, in so far as particular aspects of the status of the marine environment are not laid down in the provisions on river basin management; (272/2011)
- 10) *marine ecosystem* means the entity composed of communities of marine organisms and their habitats; (272/2011)
- 11) *status of the marine environment* means the overall state of the environment in marine waters, taking into account the structure, function and processes of the constituent marine ecosystems, natural physiographic, geographic, biological, geological and climatic factors, as well as physical, acoustic and chemical conditions, including those resulting from human activity inside or outside the area concerned. (272/2011)

### Section 3

#### *River basin district* (1833/2009)

A river basin district consists of one or more river basins. A body of coastal water and body of groundwater shall be included in the most appropriate river basin district bounded by this. In international river basins the section of the river basin located in the territory of Finland is included in the river basin district. Separate provisions are laid down on the formation of an international river basin district from river basins extending into the territory of another state.

### Section 4

#### *Authorities*

- (1) The Ministry of the Environment and the Ministry of Agriculture and Forestry guide and monitor the enforcement of this act within their respective spheres of operation. For the purposes of enforcing this act, the Finnish Environment Institute shall manage the duties assigned by the Ministry of the Environment and the Ministry of Agriculture and Forestry and the Natural Resources Institute Finland shall manage the duties assigned by the Ministry of Agriculture and Forestry. (571/2014)
- (2) The centre for economic development, transport and the environment manages the duties under this act in its area of operation. (1593/2009)
- (3) The Ministry of the Environment is responsible for cooperation related to the marine strategy development and implementation with the other states in the catchment area of the Baltic Sea. The Finnish Environment Institute, relevant centre for economic

development, transport and the environment and other competent authorities participate in the cooperation in their respective areas of operation. (272/2011)

- (4) The Finnish Environment Institute, the Finnish Meteorological Institute, the Natural Resources Institute Finland, centres for economic development, transport and the environment and Metsähallitus are responsible for the monitoring and other duties related to the marine strategy in their respective spheres of operation. (571/2014)
- (5) Other state and municipal authorities operating in the river basin districts and marine waters participate in the river basin management and marine strategy development and implementation referred to in this act in their respective spheres of operation. (272/2011)

## Section 5

*Duties of the centre for economic development, transport and the environment*  
(1593/2009)

- (1) In each river basin district, the duties of the centre for economic development, transport and the environment include:
- 1) drawing up an analysis of the characteristics of the waters;
  - 2) drawing up analyses of the effects of human activity on the waters;
  - 3) drawing up economic analyses of water use;
  - 4) compiling information on areas to be covered by Government decree which are to be protected under the European Community legislation;
  - 5) compiling the necessary information on areas designated for the abstraction of drinking water;
  - 6) preparing the classification of the status of waters;
  - 7) organising the monitoring of waters and drawing up a monitoring programme on waters;
  - 8) preparing a river basin management plan and a programme of measures;
  - 9) managing other duties assigned by the Ministry of the Environment and Ministry of Agriculture and Forestry for river basin management purposes.
- (2) The duties of the centre for economic development, transport and the environment related to the organisation of the work on the marine strategy in its area of operation include:
- 1) participating in an initial assessment, coordinated by the Finnish Environment Institute, of the essential features and characteristics and current status of the marine environment;
  - 2) conducting the necessary analyses for the determination of good environmental status of the marine environment and establishment of environmental targets and the related indicators;
  - 3) participating in drawing up the monitoring programme on the status of the Baltic Sea coordinated by the Finnish Environment Institute and organising the monitoring for coastal waters;
  - 4) preparing the marine strategy and its programme of measures and seeing to other duties assigned by the Ministry of the Environment and Ministry of Agriculture and Forestry for the purposes of the marine strategy. (272/2011)

- (3) The Finnish Environment Institute is responsible for the preparation of the monitoring programme of the marine strategy and provides expertise to the centre for economic development, transport and the environment in duties referred to in subsections 1 and 2 and maintains the register of the information referred to in subsection 1(4).

(272/2011)

#### Section 6

*Government decree on river basin districts*

(1593/2009)

Further provisions on river basin districts and the coordinating centre for economic development, transport and the environment of a river basin district are issued by Government decree.

## **Chapter 2**

### **Status of waters**

#### Section 7

*Characteristics of waters*

For the organisation of river basin management, surface waters are divided into types according to their geographical and natural scientific characteristics. For groundwater, the location and boundaries of important groundwater areas and other groundwater areas suitable for water supply use and the general bedrock and soil characteristics are determined. In determining the characteristics the waters may be considered as entities.

#### Section 8

*Classification of the status of waters*

- (1) Surface waters and groundwater shall be classified according to the intensity of the change caused by human activity. The class of surface water is based on the ecological or chemical status, according to which is the poorer of the two.
- (2) The ecological status of surface water is high, good, moderate, poor or bad. The classification shall be made in relation to reference conditions. The reference conditions for heavily modified and artificial bodies of surface water are the maximum ecological potential class, in relation to which the waters are classified as good, moderate, poor or bad with regard to their status.
- (3) The chemical status of surface water is good if it fulfils the environmental quality standards for hazardous substances specified in the Community legislation, laid down separately by decree.
- (4) Groundwater shall be classified according to its chemical and quantitative characteristics as either good or poor with regard to its status.

Section 9  
*Monitoring*  
(1593/2009)

- (1) Monitoring of surface waters and groundwater in a river basin district shall be organised in way that a consistent and diverse overall picture is gained of their status.
- (2) The monitoring programmes on waters drawn up by the centres for economic development, transport and the environment shall be coordinated in the river basin district and attached to the river basin management plan. Supervision assigned to an economic operator under other legislation shall be taken into account, as appropriate, in drawing up the monitoring programme.

Section 10  
*Government decree on the status of waters*

- (1) Further provisions are issued by Government decree on:
  - 1) the division of the types of surface water based on geographical and natural scientific characteristics, the consideration of artificial and heavily modified surface waters, and determination of the reference conditions characteristic to each type of surface water and selection of reference areas;
  - 2) consideration of the characteristics of groundwater;
  - 3) the more detailed content of the analyses of the status and use of waters and of the economic analysis of water services and how these are to be drawn up;
  - 4) monitoring of waters and the monitoring programme;
  - 5) grounds for the classification of surface waters and groundwater.
- (2) In addition, further provisions may be issued by Government decree on matters similar to those referred to in subsection 1 if this is necessary for the enforcement of Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy.

**Chapter 2a**  
**Groundwater areas**  
(1263/2014)

Section 10a  
*Determining a groundwater area*  
(1263/2014)

- (1) The centre for economic development, transport and the environment determines the boundary of the groundwater recharge area (*recharge area*) and the outermost boundary for the area which impacts on water quality or recharge of groundwater (*groundwater area*). If the boundary of a groundwater area used for water supply or its recharge area cannot be determined without considerable difficulties, the groundwater area can also be determined as a point.
- (2) For determining a groundwater area, a general hydrological description and a description of the general properties of the soil and bedrock are drawn up for the area, and the quantity, water level and flow directions of the groundwater recharged in the area are estimated.
- (3) Further provisions on determining the boundary of a recharge area and groundwater area and the related analyses may be issued by Government decree.

#### Section 10b

##### *Classification of a groundwater area* (1263/2014)

- (1) The centre for economic development, transport and the environment classifies a groundwater area on the grounds of its suitability for water supply use and the needs for protection into:
  - 1) Class 1, groundwater area important for water supply where the water is used or intended to be used for municipal water supply or as drinking water up to more than 10 cubic metres a day or for the needs of more than 50 persons;
  - 2) Class 2, groundwater area suitable for other water supply which on the grounds of groundwater yield and other properties is suitable for a use referred to in paragraph 1.
- (2) In addition, the centre for economic development, transport and the environment classifies a groundwater area on whose groundwater the surface water or soil ecosystem directly depends into Class E.
- (3) Further provisions on the grounds for the classification of a groundwater area may be issued by Government decree.

#### Section 10c

##### *Changing the boundary and classification of a groundwater area* (1263/2014)

The centre for economic development, transport and the environment shall change the boundary or classification of a groundwater area if there is new information which significantly impacts on these.

#### Section 10d

##### *Preparation of the determination and classification of a groundwater area* (1263/2014)

- (1) The provisions in section 15(1) and (2) shall apply to the determination and classification of a groundwater area. The centre for economic development, transport and the environment shall request a statement on the matter from the municipality where the groundwater area is located and municipalities whose water supply or land use may be impacted by the determination of the boundary and classification of the groundwater area and from the regional council in whose territory the groundwater area is located.
- (2) The centre for economic development, transport and the environment enters the information on the boundaries of a groundwater area, classification and grounds for the classification and other properties of the groundwater area in the environmental protection information system.
- (3) Further provisions on the information to be presented in the preparation and procedures to be followed in consultation, as well as information on a groundwater area to be entered in the information system may be issued by Government decree.

Section 10e  
*Protection plan for a groundwater area*  
(1263/2014)

- (1) A municipality may prepare a protection plan for a groundwater area located in the territory of the municipality to which activities with significant impact on the status of groundwater are targeted or where this is required by environmental targets under this act. The protection plan may be drawn up in cooperation or jointly with other actors.
- (2) The protection plan includes, as necessary:
  - 1) information on the groundwater conditions in the region, status of groundwater and current and planned land use;
  - 2) information on water abstraction sites in the region and the significance of the groundwater in the region with regard to water supply;
  - 3) information on a decision under Chapter 4, section 11, of the Water Act and an estimate of the need to review the decision or the need to apply for designation as a protected area;
  - 4) information on actions which may cause the risk of groundwater pollution and an estimate of measures to mitigate the risk of pollution;
  - 5) information on other issues significant with regard to groundwater protection.
- (3) Further provisions on information to be included in the protection plan may be issued by Government decree.

Section 10f  
*Preparation of a protection plan for a groundwater area*  
(1263/2014)

- (1) When preparing or amending a protection plan for a groundwater area a municipality shall give all stakeholders the opportunity to examine the proposal and give their opinion on it. A statement on the protection plan shall be requested from the municipalities to which the protection plan may apply, and from the centre for economic development, transport and the environment and regional state administrative agency competent in the area covered by the protection plan.
- (2) The municipality shall publish the protection plan and provide information on it and deliver the protection plan to the centre for economic development, transport and the environment to be entered in the environmental protection information system.
- (3) Further provisions on the procedure to be followed in providing information on the protection plan may be issued by Government decree.

### **Chapter 3**

#### **River basin management plan and programme of measures**

Section 11  
*River basin management plan*

- (1) A river basin management plan shall be drawn up for the river basin district. A summary of the following shall be presented in the river basin management plan:
  - 1) information on the river basin district;

- 2) information on the consideration and classification of the characteristics of water bodies drawn up in the river basin district, environmental targets, and other factors relating to the status and use of waters;
  - 3) amendments to the plan compared with previous plans;
  - 4) measures implemented, interim additional measures implemented and assessment of the impacts of any exceptional circumstances;
  - 5) assessment of progress in achieving the environmental targets referred to in Chapter 4 and an account of the choice of alternatives;
  - 6) account of the opinions presented during the preparation and of negotiations between the states and how these have affected the content of the plan and the choice of alternatives.
- (2) The marine strategy referred to in Chapter 4a shall be taken into account when drawing up and reviewing a river basin management plan. (272/2011)
- (3) An environmental report shall be presented as part of the river basin management plan. Provisions on the environmental report are laid down in the Act on the Assessment of the Effects of Certain Plans and Programmes on the Environment (200/2005). (272/2014)
- (4) Authorities and institutes offering public services shall provide information held by them necessary for drawing up the river basin management plan, except for personal data, to the centre for economic development, transport and the environment free of charge. Notwithstanding the confidentiality provisions of the Act on the Openness of Government Activities (621/1999), the authorities are obliged to hand over information. Information other than that concerning individual holdings shall be provided, notwithstanding the confidentiality provisions of the Act on the Information System of the Rural Business Administration (248/2008). (1593/2009)

## Section 12

### *Programme of measures*

- (1) A programme of measures shall be drawn up for achieving the environmental targets of river basin management, taking into account the analyses of the characteristics of waters and impacts caused by humans on waters and economic analyses of water use. The programme of measures may be a programme covering one or several river basins. The programme of measures shall be treated as part of the river basin management plan. (272/2011)
- (2) The programme of measures shall present:
  - 1) basic measures, such as the requirements under the water and environmental protection legislation;
  - 2) supplementary measures, such as other administrative and economic measures, agreements, restoration of water bodies, and training and research projects;
  - 3) contingency measures for exceptional situations;
  - 4) combinations of alternative measures; (623/2010)
  - 5) summary of measures concerning the area covered by the programme of measures presented in the flood risk management plans under the Flood Risk Management Act (620/2010) and an account of their impacts on the environmental targets of river basin management. (623/2010)
- (3) Supplementary measures are measures needed in addition to the basic measures to achieve the environmental targets referred to in Chapter 4. (272/2011)

### Section 13

#### *Preparing a river basin management plan* (1593/2009)

For the purposes of preparing a river basin management plan, the centre for economic development, transport and the environment shall prepare:

- 1) a timetable and work programme for drawing up the management plan at least three years before the start of the management plan period;
- 2) a summary of the main issues concerning river basin management at least two years before the start of the management plan period; and
- 3) a proposal for the management plan at least one year before the start of the management plan period.

### Section 14

#### *Cooperation in preparing a river basin management plan* (1593/2009)

- (1) The centre for economic development, transport and the environment shall arrange sufficient cooperation and interaction with the different authorities and other parties in its operating area at the different stages of preparation of the river basin management plan. There shall be at least one cooperation group for this purpose. Cooperation groups may also be set up according to river basins.
- (2) For coordinating the river basin management plan, the river basin district shall have a steering group composed of representatives from the centres for economic development, transport and the environment and a representative of fisheries nominated by the Ministry of Agriculture and Forestry. The work of the steering group shall be the responsibility of the coordinating centre for economic development, transport and the environment. The composition of the steering group shall be determined by the Ministry of the Environment.
- (3) Provisions on the coordination and provision of information on the preparation documents in an international river basin district may be given in an international agreement binding on Finland.

### Section 15

#### *Participation and information provision* (1593/2009)

- (1) The centre for economic development, transport and the environment shall give all stakeholders the opportunity to examine the preparation documents referred to in section 13 and the background documents and shall give them the opportunity to state their opinion on the preparation documents in writing or electronically. Provisions on the right of access to the preparation documents and background documents are laid down in the Act on the Openness of Government Activities.
- (2) The centre for economic development, transport and the environment shall publish a notice of the public display of the preparation documents on the notice boards of municipalities within the area. The documents shall be displayed in all necessary respects in the municipalities in the area and published electronically. The centre for economic development, transport and the environment shall also request the necessary statements.

- (3) The proposal for the management plan and the coordinated river basin management plan shall also be announced in newspapers widely circulated in the area and, as necessary, information meetings shall be organised in which the opportunity is given for opinions to be presented.

#### Section 16

##### *Consideration of a river basin management plan (1593/2009)*

- (1) The proposal for a river basin management plan of a river basin district shall be considered and coordinated by the steering group.
- (2) The coordinating centre for economic development, transport and the environment shall submit the proposal for the river basin management plan of a river basin district considered by the steering group to the Ministry of the Environment.

#### Section 17

##### *Approval of river basin management plans*

- (1) River basin management plans are approved by the Government.
- (2) The decision on a river basin management plan shall be issued after the publication and is considered to have come to the attention of those concerned when it has been issued.
- (3) Information about the approval of river basin management plans shall be delivered to the centres for economic development, transport and the environment, which shall forward the information to the municipalities in their area and the authorities consulted at earlier stages of processing the matter. The centre for economic development, transport and the environment shall place a notice of the approval on the municipal notice board and announce the approval in a sufficient manner in newspapers. An approved river basin management plan concerning the area of a municipality shall be available for viewing in the municipality. (1593/2009)
- (4) The Ministry of the Environment shall publish the river basin management plans approved by the Government electronically.
- (5) Provisions may be issued in an international agreement binding on Finland on the notification of Government decisions in international river basin districts.

#### Section 18

##### *Appeal*

- (1) A Government decision concerning the approval of a river basin management plan may be appealed to the Supreme Administrative Court as laid down in the Administrative Judicial Procedure Act (586/1996). Appeal is allowed on the grounds that the decision is unlawful. The provisions in section 31(2) of the Administrative Judicial Procedure Act apply to the Government decision.
- (2) The right of appeal applies to anyone whose right, obligation or interest may be impacted by the decision, the municipality concerned, an authority supervising public interest, and a registered local or regional association or foundation whose function is to promote environmental protection or nature conservation and whose operating area the river basin management plan concerns.

Section 19  
*Review*

The targets for river basin management presented in the river basin management plan and combinations of measures presented in the programme of measures shall be reviewed every six years. The provisions on the preparation and approval of a river basin management plan and programme of measures apply to the review, as appropriate.

Section 20  
*Government decree on a river basin management plan and a programme of measures*

- (1) Provisions on drawing up a river basin management plan and a programme of measures, the time limits for this process, and organising the cooperation relating to the preparation of a river basin management plan are laid down by Government decree.
- (2) Further provisions on the setting of environmental targets to be presented in the river basin management plan and programme of measures and information to be presented in the plan and programme may also be laid down by Government decree.

**Chapter 4**  
**Environmental objectives in the river basin management plan**

Section 21  
*Environmental objectives in river basin management planning*

- (1) The objective of the river basin management plan and programme of measures is that:
  - 1) the status of bodies of surface water and of groundwater does not deteriorate and their status is at least good;
  - 2) the status of artificial and heavily modified bodies of water referred to in section 22 below does not deteriorate and they achieve good ecological potential and their chemical status is good;
  - 3) bodies of surface water are protected, remediated and restored so as to enable the achievement of the status referred to in paragraph 1 or 2 by 2015 at the latest;
  - 4) bodies of groundwater are protected, remediated and restored and a balance is ensured between groundwater abstraction and the recharge of groundwater so as to enable the achievement of the status referred to in paragraph 1 by 2015 at the latest;
  - 5) persistent and significant increases in the concentrations of substances that pollute bodies of groundwater are prevented.
- (2) The status of waters in an area designated for protection referred to in section 5(1)(4) above shall be at the level required by protection in 2015 at the latest.
- (3) The status of waters shall not be regarded as contrary to environmental targets if an exceptional natural circumstance or accident causes temporary deterioration of the status of the waters or prevents the achievement of environmental targets and the targets cannot be achieved using the available means.

## Section 22

### *Artificial and heavily modified bodies of water*

- (1) A body of water physically modified by construction or otherwise may be designated in a river basin management plan as artificial or heavily modified if the modifications to the hydrological and morphological characteristics necessary to achieve a good ecological status cause significant adverse effects on the environment or the following activities:
  - 1) waterborne traffic or port operations;
  - 2) recreational use of waters;
  - 3) water supply or hydropower production;
  - 4) regulation of waters, flood risk management or land drainage; or (623/2010)
  - 5) other corresponding human activities that are in accordance with the principle of sustainable development.
- (2) A further condition is that any benefit derived from the artificial or modified characteristics of the body of water cannot, for technical or economic reasons, be reasonably achieved by other means that would be considerably better for the environment.
- (3) Environmental targets shall be presented separately in the river basin management plan for water bodies referred to in this section.

## Section 23

### *Derogating from the environmental objectives on the grounds of a significant new project*

- (1) If a major new project physically modifies a body of water in a way that a good ecological status for surface water or good status for groundwater cannot be achieved, derogating from the environmental objectives referred to in section 21 may be allowed provided that:
  - 1) the project is very important with regard to public interest and promotes sustainable development, human health or public safety in a significant way;
  - 2) all available measures have been taken to prevent harm;
  - 3) targeted benefits cannot be achieved by other technically and economically reasonable means that would be significantly better for the environment than modifying the body of water.
- (2) Deterioration of the status of a body of surface of water from excellent to good shall not be regarded as being contrary to environmental targets if deterioration of the status is caused by a major new project that is in accordance with the principle of sustainable development and if the conditions corresponding to those in subsection 1(1–3) are fulfilled.
- (3) An account of the fulfilment of the conditions in subsection 1 and an account of the modifications caused by the project in the body of water and its status shall be presented in the river basin management plan.

## Section 24

### *Moderating the environmental objectives*

- (1) Less stringent environmental objectives than those referred to in section 21 may be set in a river basin management plan if investigations show that the water body has been modified by human activity, or its natural conditions are such that they prevent the achievement of more demanding targets, or the achievement of the environmental objectives is unreasonable for technical or economic reasons.
- (2) Further conditions shall be that:
  - 1) the benefits derived from the use or loading of the waters cannot be achieved by other means that would be considerably better for the environment;
  - 2) the harm caused by the activities cannot be reduced without disproportionate costs;
  - 3) the highest achievable status for the bodies of surface water is achieved, taking into account the impacts that cannot reasonably have been avoided due to human activity or the nature of the pollution;
  - 4) the changes in relation to the good status of groundwater remain as small as possible and these impacts cannot be reasonably avoided, taking into account human activity and the nature of the pollution; and
  - 5) the status of the body of water does not deteriorate.

## Section 25

### *Achievement of the objectives by stages*

- (1) The time limits set in section 21 may be extended in the river basin management plan if achievement of the environmental objectives is only possible in stages.
- (2) The conditions for extending the time limit are that:
  - 1) improvement in the status of the body of water during the period of the river basin management plan is technically or economically disproportionate or, on account of the natural conditions, an insurmountable task; and
  - 2) the status of the body of water does not continue to deteriorate.
- (3) The time limit may be extended by a total of no more than periods of the two river basin management plan.

## Section 26

### *Government decree on environmental objectives*

Further provisions on the environmental objectives referred to in this chapter may be issued by Government decree.

## **Chapter 4a**

### **Organisation of the development and implementation of the marine strategy** (272/2011)

#### Section 26a

##### *Organising the development and implementation of the marine strategy* (272/2011)

- (1) To organise the development and implementation of the marine strategy the Ministry of the Environment draws up, in cooperation with the Ministry of Agriculture and Forestry

and Ministry of Transport and Communications, a marine strategy document for the territorial waters and exclusive economic zone of Finland.

- (2) The marine strategy document shall be prepared taking into account the natural scientific characteristics of marine waters and the river basin districts referred to in this act and river basin management plans referred to in section 11 and the river basin management plan for the Åland Islands.
- (3) The regional coordination of the development and implementation of the marine strategy and coordination of the work on the marine strategy and river basin management is the responsibility of the relevant centre for economic development, transport and the environment in cooperation with the Ministry of the Environment. Provisions on the coordinating centres for economic development, transport and the environment are laid down separately.
- (4) The marine strategy document shall be reviewed every six years.
- (5) The provisions in this chapter do not apply to marine operations whose sole purpose is national defence or security. Such operations shall, however, be coordinated with the objectives of the development and implementation of the marine strategy.

#### Section 26b

##### *Marine strategy document* (272/2011)

- (1) The marine strategy document shall present measures for protecting and preserving the marine environment, for preventing the deterioration of its status and for safeguarding and restoring marine ecosystems in a way that good environmental status of the marine environment can be maintained or achieved by 2020.
- (2) The marine strategy document shall include measures that reduce loads to the sea and that prevent and reduce other adverse impacts in a way that marine biodiversity can be maintained and marine ecosystems, human health and amenities or lawful use of the sea are not significantly compromised.
- (3) An environmental report shall be presented as part of the marine strategy document. Provisions on the environmental report and the obligation of authorities and institutes offering public services to provide information are laid down in section 11(3) and (4).

#### Section 26c

##### *Initial assessment of the status of the marine environment and determination of good environmental status* (272/2011)

- (1) An initial assessment of the status of the marine environment shall be presented in the marine strategy document, taking into account:
  - 1) the essential features and characteristics of marine waters;
  - 2) the predominant pressures and impacts;
  - 3) an economic and social analysis of the use of those waters and costs arising from the degradation of the status of the marine environment; and
  - 4) assessments made in river basin management plans and in the context of international cooperation on marine protection.
- (2) Good environmental status of the marine environment and its characteristics shall be determined on the basis of the initial assessment of the status of the marine environment using qualitative descriptors to be set separately, taking into account the

human-induced pressures or impacts on the marine environment. The status of the marine environment is good when the sea is ecologically diverse and balanced, dynamic, clean, healthy and productive within its intrinsic conditions, and when the use of the marine environment is sustainable and the potential for use and activities by the present and future generations is safeguarded.

#### Section 26d

##### *Environmental targets in development and implementation of the marine strategy* (272/2011)

- (1) In order to achieve good environmental status for marine waters, comprehensive environmental targets shall be set for these on the basis of the initial assessment of the status of the marine environment presented in the marine strategy document.
- (2) In addition, relevant transboundary impacts and compatibility with the environmental targets set nationally, within the European Union and in international agreements shall be taken into account in setting the environmental targets and in the determination of the characteristics, pressures and impacts describing these.

#### Section 26e

##### *Exceptions related to the environmental targets of the marine strategy* (272/2011)

- (1) Exceptions related to the environmental targets set in the marine strategy document or to achieving good environmental status of the marine environment in all respects may be applied in individual cases if they are caused by:
  - 1) action or inaction that is not due to national measures;
  - 2) natural causes;
  - 3) force majeure;
  - 4) changes in the physical characteristics of marine waters that are due to actions taken for reasons of overriding public interest which outweigh the negative impact on the environment, including any transboundary impacts; however, in such instances it shall be ensured that the changes in the physical characteristics of marine waters will not permanently prevent or jeopardise the achievement of good environmental status in the marine waters of Finland or other coastal states of the Baltic Sea.
- (2) In addition, exceptions related to the timetable set for achieving the environmental targets or good environmental status of the marine environment may be allowed on a case-by-case basis if the natural conditions do not allow timely improvement in the status of marine waters.
- (3) Exceptions referred to in subsections 1 and 2 shall be identified in the programme of measures and the impacts on the other coastal states of the Baltic Sea shall be taken into account in it.
- (4) In spite of the exceptions referred to in subsections 1 and 2, necessary measures shall be implemented to continue the efforts to achieve the environmental targets of the marine strategy document and prevent further deterioration of the status of the marine environment and to mitigate the adverse impacts on the marine waters of the marine area or other states in the Baltic Sea region. As far as practicable, the measures concerning the exceptions shall be integrated into the programme of measures.

#### Section 26f

##### *Programme of measures of the marine strategy document* (272/2011)

- (1) The centre for economic development, transport and the environment draws up a programme of measures to achieve the environmental targets set in the marine strategy document, taking into account the cost-effectiveness of the measures and technical feasibility of their implementation. The programme of measures can be drawn up to apply to one or several sub-areas of marine waters. The impacts of the measures on the marine area outside the exclusive economic zone of Finland shall also be considered in the programme of measures.
- (2) Measures required to achieve and maintain good environmental status of the marine environment shall be identified in the programme of measures.
- (3) The programme of measures shall include spatial protection measures that contribute to coherent and representative networks of marine protected areas.

#### Section 26g

##### *Earlier entry into operation of measures* (272/2011)

- (1) Where the status of the Baltic Sea is so critical as to necessitate urgent action, the Ministry of the Environment shall undertake measures to launch cooperation with the other European Union Member States in the Baltic Sea region or to participate in cooperation initiated by another Member State in the Baltic Sea region with the aim to devise a special plan of action.
- (2) The plan of action includes the earlier entry into operation of the programmes of measures for marine protection and, where necessary, stricter protection actions to improve the status of the sea. The plan of action must not prevent the achievement or maintenance of good environmental status of the marine environment in another marine region or subregion.

#### Section 26h

##### *Monitoring programme of the marine strategy document* (272/2011)

Monitoring programmes shall be established and implemented for the ongoing assessment of the status of the marine environment. Monitoring programmes shall be appropriately coordinated with the monitoring of the status of the marine environment by the other states in the marine area and with monitoring programmes concerning the coastal areas of river basin districts.

#### Section 26i

##### *International cooperation* (272/2011)

- (1) To achieve good environmental status of the marine environment there shall be cooperation with the European Union Member States sharing the Baltic Sea to ensure that the targets and measures of the marine strategy documents are coherent and coordinated.
- (2) Efforts shall be made to coordinate the actions needed in developing and implementing the marine strategy document with the coastal states of the Baltic Sea that are not

members of the European Union and, as necessary, with the inland states located in the catchment area of the Baltic Sea.

#### Section 26j

##### *Participation and information provision* (272/2011)

- (1) The Ministry of the Environment in cooperation with the centre for economic development, transport and the environment shall reserve all the parties concerned the opportunity to participate in the preparation of the marine strategy document and examine the preparation documents and their background documents. These parties shall also be given the opportunity to state their opinion on the preparation documents in writing or electronically. Provisions on the right of access to the preparation documents and background documents are laid down in the Act on the Openness of Government Activities.
- (2) The existing administrative bodies and structures such as bodies of the regional marine protection agreements, scientific advisory bodies and regional advisory committees shall, as far as possible, be allowed to participate in the preparation of the marine strategy document.
- (3) Summaries shall be published on the following sections of the marine strategy document and their updates and it shall be ensured that citizens and corporations have the opportunity to comment on them:
  - 1) initial assessment of the status of the marine environment;
  - 2) determination of good environmental status of the marine environment;
  - 3) environmental targets of the marine strategy document;
  - 4) monitoring programmes of the marine strategy document;
  - 5) programmes of measures of the marine strategy document.
- (4) Cooperation, participation and provision of information relating to the preparation of the marine strategy document shall be coordinated and implemented, as far as possible, with the cooperation, participation and provision of information in river basin management planning referred to in sections 14 and 15.

#### Section 26k

##### *Approval of the marine strategy document and appeal* (272/2011)

- (1) The Government approves the marine strategy document and the special plan of action referred to in section 26g. The procedure laid down in section 17 applies to the approval of the plan, as appropriate.
- (2) The Government decision may be appealed as laid down in section 18.

#### Section 26l

##### *Government decree on the organisation of the development and implementation of the marine strategy* (272/2011)

- (1) Further provisions may be laid down by Government decree on:
  - 1) descriptors for determining good environmental status of the marine environment and determination of good environmental status of the marine environment;

- 2) indicative characteristics, pressures and impacts to be used in the assessment of the current status of the marine environment;
- 3) characteristics to be taken into account in setting the environmental targets;
- 4) information needed in the monitoring programmes on the status of the marine environment;
- 5) measures to be taken into account in the programme of measures;
- 6) duties of the Finnish Environment Institute in the development and implementation, as well as monitoring, of the marine strategy document, duties of the centres for economic development, transport and the environment coordinating the development and implementation of the marine strategy document, and other duties of the public authorities;
- 7) preparation of the marine strategy and programme of measures and time limits for this and organisation of other cooperation relating to planning;
- 8) participation in the preparation of the marine strategy document and provision of information relating to the preparation.

## **Chapter 5**

### **Miscellaneous provisions**

#### Section 27

##### *Water-related health problems*

- (1) Provisions on the prevention, reduction and elimination of water-related health problems and on the necessary plans and investigations related to this are also laid down in the Health Protection Act (736/1994).
- (2) Further provisions on the collection and supply of information concerning the prevention, reduction and elimination of water-related health problems for the purposes of river basin management plans referred to in this act are laid down by decree of the Ministry of Social Affairs and Health.

#### Section 28

##### *Giving due consideration to river basin management plans and the marine strategy document* (272/2011)

- (1) State and municipal authorities and other bodies managing public authority duties shall give due consideration in their activities, as appropriate, to the river basin management plans approved by the Government under section 17 and the marine strategy document approved by the Government under section 26k and the special plan of action referred to in section 26g.
- (2) With regard to giving due consideration to river basin management plans and the marine strategy document, other legal provisions shall also be complied with.

#### Section 29

##### *Entry into force*

This act enters into force on 31 December 2004.