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Climate change-crisis / Overtourism
Questionnaire

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PART A

I.A.I

Kyoto protocol, Paris Accords and Aarhus Convention are in force in Finland by Act.

Finnish system is so called monistic system according to Vienna Convention on international conventions (1969). According to Finnish Constitution chapter 8 international treaties and conventions are incorporated as a part of legislation by Parliament Act or Governmental Decree. Act is used when treaty or convention has provisions which belongs sphere of legislation. If existing legislation should be amendment/change one way or another the substantial changes are made to the Acts. Otherwise, treaty or convention is accepted by so called blanket Decree. After that Finland can ratify the treaty or convention.

I.A.2

Finland has implemented all the necessary EU legislation concerning climate change e.g.

- EU regulations: (EU) 2021/1119, (EU) 2018/842 and (EU) 2018/841. The aim to achieve the provisions of Regulations are implemented by our Act on Climate.

- EU regulation (EU) 573/2024 on F-gases. Competent authorities and sanctions are defined by law.

- EU directives: 2003/87/EU on emission trade, 2009/31/EU on CO2 capture, 2018/2001/EU RED II directive, 2023/179/EU on energy efficiency, 2010/31/EU on energy efficiency concerning buildings

Any infringement procedure against Finland has not been so far about climate change legislation. There might be problems to achieve the carbon sink of forest land in near future.

I.B.1.1 – I.B.1.2

According to Finnish constitution section 20 "nature and its biodiversity, the environment and the national heritage are the responsibility of everyone. The public authorities shall endeavor to guarantee for everyone the right to a healthy environment and for everyone the possibility to influence the decisions that concern their own living environment".

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Climate has not been mentioned in that provision, but the interpretation of the provision covers climate. There is no explicit reference to generations or vulnerable groups in that provision. Despite that, in section 17 it mentioned the Sami, as an indigenous people, who have the right to maintain and develop their own language and culture. The Sami people are vulnerable group in context of climate change because of the vulnerable artic nature in Lapland.

The first sentence of the section 20 is principle by its nature, but it has been used as a guidance when legislation is enacted and in case-by-case court decisions. Second sentence should be considered by to the Parliament when legislation is enacted. Also, courts have applied it as a guidance when locus standi of appellant has been vague.

I.B.2

According to Finnish Act on Climate section 2 and paragraph 1 the aim is that Finland is net carbon neutral by 2035. So, the time schedule is much tighter than that in Paris Accordance.

There are also decrees e.g. Government decree on subsidies for adaptation of climate change for land use sector (5/2021)

I.B3

According to our Act on Climate section 7 there are specific action plans concerning climate change:

1) long term action plans
2) national level action plan on climate change adaptation
3) mid term action plans
4) action plans for land use sector.

Action plans are compulsory on national level, but it is also possible that municipalities accept their own plans.

Plans are not legally binding, but they indicate what should be done to achieve the goals of Act. E.g the Government has to made initiatives to enact new legislation.

I.B.4

Act on Climate section 5 stipulates that State authorities has obligation to endeavor in their actions to achieve goals of Act and action plans. In sector legislation there are also general provisions concerning climate change. E.g. according to Act on land use and planning structure of community has to be sustainable which also refers to Climate change. There is no explicit obligation for measures.

I.B.5

The public responsibility to combat climate change belongs to State authorities. The issue is divided between the ministry of environment, ministry of agriculture and forestry and ministry of labor and trade. Finnish Environment Institute (SYKE) and Natural Resources Institute (Luke) are gathering data on Climate Change together with Meteorology Institute.

According to Climate Act there is also scientific Climate Panel consist of researchers. Panel is independent body, but members are appointed by the Government. The Panel asses the data and

gives opinions and advise to the Government. Also, Sami people (indigenous people in Lapland) have their own Panel.

According to Act on Climate section 13 the draft action plans are made public. Background data is also public accord to our Act on openness of Governmental Activities. The public has right to give opinions about plans and relevant authorities and Sami Council have right to give opinion. Environmental impact assessment is also applied to these plans. The party concern and the environmental NGOs has right to appeal against the decision of plans.

II.A.

In Supreme Administrative court there has been two cases concerning direct to Act on Climate. Some NGOs applied against Government decision on annual report on Climate to the Parliament. In first case (SAC 2023:62) the appeal was dismissed because the court said that the Government has not made decision on additional activities. Second appeal (SAC 2025:2) was taken into consideration. The appeal was rejected because preparation for additional measures was pending, and it was too early to assess if they are sufficient.

In many appeals there are indirectly referred to climate change. E.g.

a) The ground heating pump system in ground water area needs a water permit and the applicant say that it is energy efficient way to produce heat, and it also cuts down cO2 emissions. Supreme Administrative Court has said that this interest is not weight over interest of prevention of pollution of ground water. (SAC 2019:37)
b) The wire ferry between islands needs a permit and the applicant want to change the system. One reason was that new system is energy efficient and it also cuts down CO2 emissions. Supreme Administrative Court said that this interest was true, but the interest was minor, and it was not possible to take into count. (SAC 2023:77)
c) Pulp mill needs environmental permit and environmental impact assessment has to be done. Although, EIA cover impacts of forestry those impacts are not taken into count when permit is granted for pulp mill. (SAC 2024:16)

II.B

Finnish Court system is dual system.

Climate Change issues are mainly deal by the administrative courts and they only examine if the decision made by authority is in line with Act. The condition is that there should be the decision that is under examination, so it is not possible to litigate without decision. Civil Courts has power to order compensations if there are damages.

Regional Administrative Court case session has 3 judges and 1 referendary. In Supreme Administrative Court decision session consist of 5 justices and referendary and some cases we have 7 justices (where background of two are university professors from technical and scientific field).

II.B.1

So far there has not been cases where it has been claimed remedies to the climate changes. The administrative courts can only examine if the decision is in line with Act. It is also possible to change or to make amendments to permit and correct the decision.

II.B.2

See II.B.1

II.B.3

Climate relating cases are examined in are camber II and the composition of session depends on nature of case.

II.B.4

See A.II.

Climate change issues are mainly indirectly part of our cases. Normally it has something to do with conditions of permit.

II.B.5

There have been some seminars for administrative judges concerning international climate change cases.

II.C

In principle the judicial review can be partly full jurisdiction control. That means that it is possible to change the decision. E.g. it is possible to amend a new provision to the permit. However, it is not possible that the court e.g. grant the permit as a first instance. The court has no power to obligate the authority to do something if there is no decision.

II.D

The procedure of climate change cases is like other cases.

II.D.1

In Finland we do not have action popularis. In some case the member of municipality has right to appeal against the decision made by municipalities without specific interest. The decision must be annexed in appealing.

In administrative cases the party concern has locus standi. Then you must also show the interest. In environmental legislation also environmental NGOs and Sami Council have right to appeal against the decisions made by authorities. The NGOs must be registered. In their rules must be said that their task is to protect environment, health or their residential environment.

II.D.2

There are no specific requirements for taking legal action besides that there must be decision made by authority.

II.E.

There must be some kind of omission in decision which against Act and after that the Judge can consider what it means in the context of his decision.

II.E.1

See II.B.1.

II.E.2

See II.B1.

The judge can assess all evidence and public data. It is also possible to require opinion from Institutions and Climate Panel if it is necessary. Also, hearing is possible to held.

II.E.3

It depends on how the claims are stated in the appealing. See also II.E.2

II.F

So far there has not been any Civil Cases concerning climate change. Water related damages which are caused by authority can be part of administrative cases. According to Water Act it is possible to claim compensation in administrative authority if the damages are caused by activity which needs a permit. Ecological compensation is possible only if the damage is material.

Polluter pays principles can be applied to climate change cases as principal (who is in charge of damages). This also principle in civil cases.

II.G

Interim measures order by court are possible when case is pending. E.g. it is necessary to halt the activity which can case irreversible effects which are based on decision of authority. The order is possible when consequences are likely.

II.H.

Authorities obey the jurisdiction. Liability for acts in office means criminal liability and liability for damages. Also, private sector activities are obliged to obey the jurisdictions.

III.A.

So far there is no court decision about negligence of State.

III.B.

Thre has been 2 cases in Supreme Administrative Court concerning Climate Change (see II.A). Cases are related to our Climate Act.

III.C

Cases were related our national law. Paris Agreement is legally binding but the aim of Agreement is implemented by our law beforehand.

III.D

See II.A. Our court refed to the ECtHR case. The case was important because there was violation of article 6 (access to Court). According to our Climate Act, it was possible to appeal against only decision of action plans. Our court interpret the ECtHR decision so that also annual report consist of decision on additional measures to combat climate change.

III.E

So far there has not been discussion if the preliminary ruling is necessary.

PART B

I.A

Finland is so remote country that we do not have problems with overtourism. Still, there are some problems with tourism.

There has been discussion about overtourism e.g. in Lapland mainly in Christmas time in Rovaniemi (town near artic circle). Problem is digital platform economy (e.g. Airbnb) and short-term renting of houses. Also, in the northern part of Lapland e.g. (Kilpisjärvi) there has been disturbance caused by

snow scooters. Tourism can cause problems especially for Sami people to maintain their culture (reindeer farming etc.)

Also, in some National Park there has been erosion of paths.

Maybe the situation cannot be described as a "hypertourism" yet...

I.B

No initiatives have been made.

I.C

No relevant principles or guidelines at international level.

I.D

There is no legislation related to overtourism.

I.E.1.

So far there is no legislation. There is a new proposal to restrict renting of houses which intended use in town plan and building permit are dwelling. According to the proposal it should be possible to rent in short term a house only 90 days in year. Municipalities have right to make time longer (maximum 180 days). This is only proposal.

I.F.2

There are no action plans.

In National parks there are special management plans, and our Forestry Agency accept these plans. It is possible to allocate tourism in special areas and paths so that the erosion of paths can be avoided.

I.E.3

There are no regulations concerning overtourism.

II.A-II.E

There has not been any litigation concerning overtourism.