

# Finnish Council of Regulatory Impact Analysis Annual review 2022

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### Abstract

In 2022, the Finnish Council of Regulatory Impact Analysis issued a total of 42 statements on draft government proposals and one draft government decree. In addition to the societally most significant and comprehensive government proposals, the Council issued statements on narrower government proposals.

In the Council's view, the shortcomings detected in government proposals in 2022 were very similar to those observed in previous years. In its statements, the Council paid most attention to the quantitative assessment of proposals, the review of alternative solutions, and the description of risks and uncertainties. The Council also found room for improvement in the assessment of business impact and in recognising impacts on diverse groups of people.

The Council's observations indicate that the quality of impact assessments included in government proposals improved slightly from the previous year. Two draft government proposals earned the highest appraisal: the draft proposal on remote participation and online meetings in limited liability companies, limited liability housing companies and cooperatives prepared by the Ministry of Justice, and the draft proposal on the Pilotage Act prepared by the Ministry of Transport and Communications.

This annual review contains the Council's observations on legislative drafting during the government terms of Prime Minister Antti Rinne and Prime Minister Sanna Marin. The Council paid special attention to the management and resourcing of legislative drafting, fundamental and human rights, and the assessment of changes in information management.

**Keywords** economic impact, legislation, assessment, government proposals

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## Lainsäädännön arviointineuvoston vuosikatsaus 2022

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### Tiivistelmä

Vuonna 2022 lainsäädännön arviointineuvosto antoi yhteensä 42 lausuntoa hallituksen esitysluonnoksesta ja yhdestä valtioneuvoston asetustuonnoksesta. Arviointineuvosto antoi yhteiskunnallisesti merkittävimpien ja laajimpien hallitusten esitysten lisäksi lausuntoja myös suppeammista hallituksen esityksistä.

Arviointineuvoston havaintojen mukaan puutteet hallituksen esityksissä vuonna 2022 olivat jälleen hyvin samanlaisia kuin edellisvuosina. Lausunnoissa kiinnitettiin eniten huomiota esitysten määrällisiin arviointeihin, vaihtoehtojen tarkasteluun sekä riskien ja epävarmuuksien kuvaamiseen. Lisäksi arviointineuvosto havaitsi parannettavaa muun muassa yritysvaikutusten arvioinnissa ja erilaisiin ihmisryhmiin kohdistuvien vaikutusten tunnistamisessa.

Arviointineuvoston havaintojen perusteella hallituksen esityksiin sisältyvien vaikutusarviointien taso parani jonkin verran viime vuodesta. Kaksi hallituksen esitysluonnosta sai parhaan lausuman: oikeusministeriön etäosallistumista ja verkkokokouksia osakeyhtiöissä, asunto-osakeyhtiöissä ja osuuskunnissa koskeva esitysluonnos sekä liikenne- ja viestintäministeriön luotsauslakia koskeva esitysluonnos.

Tähän vuosikatsaukseen on koottu arviointineuvoston havaintoja lainvalmistelusta Antti Rinteen ja Sanna Marinin hallitusten kausilta. Erityisesti arviointineuvosto kiinnitti huomiota säädösvalmistelun johtamiseen ja resursseihin, perus- ja ihmisoikeusvaikutuksiin sekä tiedonhallinnan muutosten arviointiin.

**Asiasanat** taloudelliset vaikutukset, lainsäädäntö, arviointi, hallituksen esitykset

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## Rådet för bedömning av lagstiftningen – årsöversikt 2022

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### Referat

År 2022 gav rådet för bedömning av lagstiftningen sammanlagt 42 utlåtanden om utkast till regeringspropositioner och ett utkast till statsrådsförordning. Rådet gav utöver de samhälleligt mest betydande och mer omfattande regeringspropositionerna också utlåtanden om mindre regeringspropositioner.

Enligt rådets observationer var bristerna i regeringens propositioner 2022 mycket likartade som under de föregående åren. I utlåtandena fästes mest uppmärksamhet vid kvantitativa bedömningar, granskning av alternativ samt beskrivning av risker och osäkerhetsfaktorer. Dessutom nämnde rådet också vad som kan förbättras bland annat i fråga om bedömning av konsekvenser för företag och identifiering av konsekvenserna för olika människogrupper.

Utifrån rådets observationer förbättrades nivån på konsekvensbedömningarna i regeringspropositionerna något jämfört med året innan. Två utkast till regeringspropositioner fick det bästa uttalandet: justitieministeriets propositionsutkast som gäller distansdeltagande och möten på nätet i aktiebolag, bostadsaktiebolag och andelslag samt kommunikationsministeriets utkast till proposition om lotsningslagen.

I denna årsöversikt finns en sammanställning av rådets observationer av lagberedningen under Antti Rinnes och Sanna Marins regeringsperioder. Rådet fäste särskild uppmärksamhet vid hur lagberedningen leds och dess resurser, konsekvenserna för de grundläggande fri- och rättigheterna och de mänskliga rättigheterna samt vid bedömningen av förändringar som hänför sig till informationshanteringen.

**Nyckelord** ekonomiska konsekvenser, lagstiftning, bedömning, regeringspropositioner

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## PREFACE

As this annual review of the Finnish Council of Regulatory Impact Analysis coincides with the latter part of the government terms of Prime Ministers Antti Rinne and Sanna Marin, it takes a deeper look at the quality of legislative drafting and the assessment of impacts. While positive development has been seen in impact assessments, there is still room for improvement. For example, the degree to which the Council's statements are taken into account is similar to that of previous years, which falls short of the target. The Council of Regulatory Impact Analysis has issued statements for seven years. Ministries should by now have learned to plan the schedule of legislative drafting so that law drafters have enough time to revise their work after the Council has issued its statement.

The Council of Regulatory Impact Analysis has paid special attention to the assessment of impacts on fundamental and human rights. The concrete impacts that a government proposal has on fundamental and human rights are usually not identified in the legislative drafting process. The draft proposals do not adequately explain how the proposals will improve, weaken or secure fundamental and human rights. The Council will continue to review the assessment of fundamental and human rights.

The impacts of legislation focus on the fundamental structures of the information society by either promoting or undermining its development. The assessment of these impacts will be even more important in the future. Digitalisation is not yet used enough to support legislative drafting, even though it has long been discussed internationally and concrete examples are available for dealing with the lack of resources for legislative drafting.

Legislative drafting is one of the government's most important tasks. Unfortunately, this is not reflected in the resourcing and management of legislative drafting. As the Council has observed, the Government Programmes of the past few years have been extensive and detailed. Instead of targets, they have often agreed on measures. Government Programmes are the result of political negotiations, the outcome of which is influenced by many factors. However, for a Government Programme to succeed, the ministries' resources must be realistic in view of the Programme's scope.

The government must adopt adequate measures to fix the resourcing and management of legislative drafting. Ensuring the high quality of legislative drafting is a question of attitude: the ministries must critically review the processes, scheduling, resourcing and prioritisation of legislative drafting.

Helsinki, 27 March 2023

Leila Kostiainen

Chair

# 1 Activities in 2022

## 1.1 The Council issued 43 statements

In April 2022, the Government appointed the Council for its third term of office. The Council's activities and issue of statements on draft government proposals continued seamlessly as the new Council took over. As draft government proposals were processed at an accelerating rate as the end of the parliamentary term drew near, the new Council had to be fully functional from the outset. Indeed, the Council of Regulatory Impact Analysis had a very busy year in 2022.

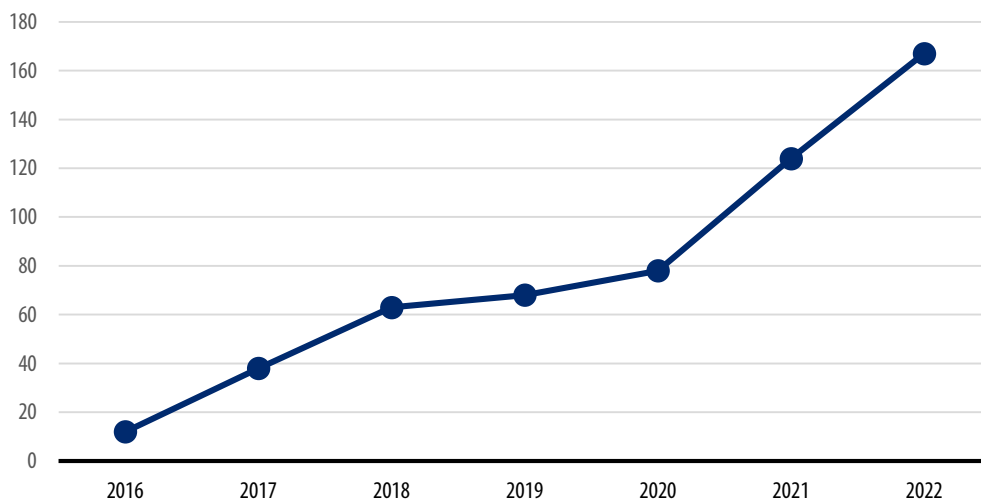
In 2022, the Council issued a total of 42 statements on draft government proposals and reached its target for the number of statements. The end of the government's term of office led to the Council having numerous proposals to process especially in the summer and early autumn of 2022. However, no statements on government proposals were issued after October. In early December, the Council issued its first statement on a draft government decree. The number of statements fell away after October because of the deadline by which government proposals must be submitted to Parliament as the government's term approaches its end.

The Council started 2022 with 49 draft proposals on its agenda, selected for processing in the preceding years. In addition, the Council selected 21 new draft proposals for review in the early part of the year, three more in the summer, and one draft government decree in the autumn. Sixteen draft government proposals were left unprocessed due to the busy schedule or the technical nature of the proposal. This was more than in the previous years. The Council had to cancel its review of draft government proposals especially in the summer due to work piling up as the end of the government's term of office drew near. In some cases, the extremely technical nature of the draft government proposals led to their review being cancelled. Moreover, 11 draft government proposals were not reviewed because the proposal lapsed or was postponed to the next term of government. Fewer than ten draft government proposals failed to be presented for review by the Council. These proposals were not submitted to Parliament either.

After its establishment, the Council of Regulatory Impact Analysis has issued a total of 167 statements. As indicated in Figure 1, the number of statements issued by the Council has increased notably in the past two years, because the Council has systematically increased the number of draft government proposals selected for review and has made changes to its method of work. This has been a conscious choice. In 2020, the Council received

only ten draft government proposals for review due to the Covid-19 pandemic. In 2019, the number of government proposals reviewed was small because of the change of government, which meant that legislative drafting did not get up to speed until the end of 2019. A large number of draft proposals selected for review means that the Council has a steady flow of proposals to process. However, during peak periods, the Council has been forced to cancel more reviews of draft government proposals than before.

**Figure 1.** The total number of statements issued by the Council of Regulatory Impact Analysis in 2016–2022.

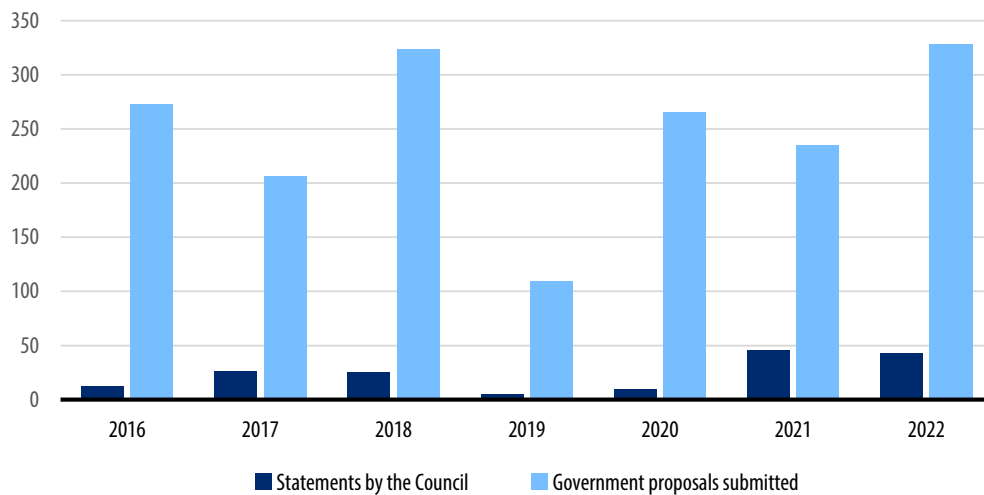


The total number of pages in the government proposals reviewed by the Council exceeded 6,000 in 2022. The Council only reviews a subset of government proposals, but it strives to select comprehensive draft proposals of societal and economic significance for its review. The Council also selects draft proposals of a more limited scope if they are considered to carry societal or economic significance. In the Council's experience, many of the government proposals submitted to Parliament are technical, recurring and routine-like. The conclusion drawn from this is that the proposals reviewed by the Council are more significant than a comparison with the overall number of government proposals might suggest. Appendix 1 provides further details about the statements issued.

In 2022, the statements issued by the Council accounted for approximately 12 per cent of the government proposals submitted to Parliament. The year before, the Council's statements accounted for a fifth of all government proposals even though the number of statements issued was nearly the same as that in 2022. The explanation is that the overall

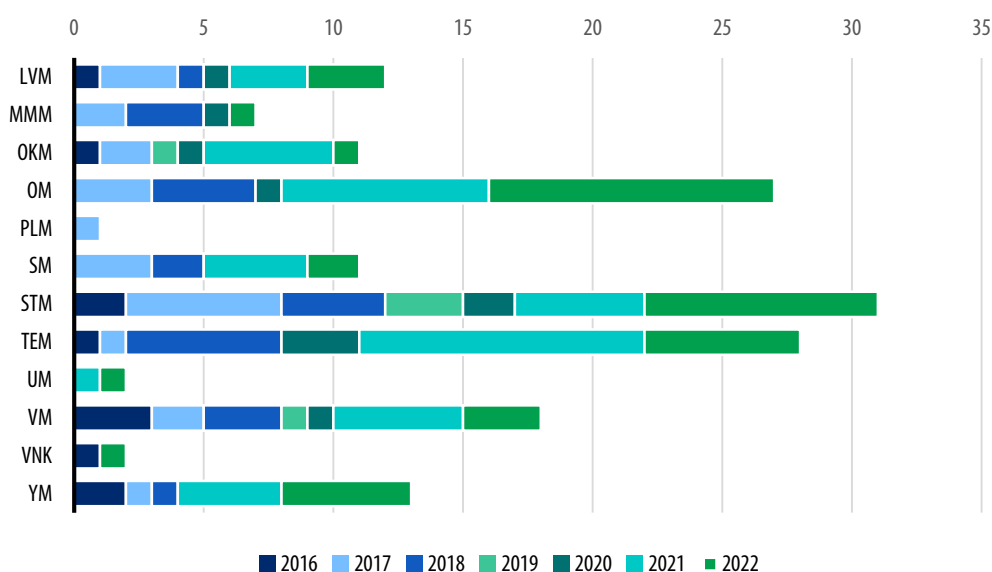
number of government proposals increased by nearly one hundred in 2022 from the previous year. As indicated by Figure 2, not only the number of statements issued by the Council but also the number of government proposals submitted to Parliament has varied from year to year.

**Figure 2.** The statements issued by the Council of Regulatory Impact Analysis and the government proposals submitted to Parliament annually.



## 1.2 The Council of Regulatory Impact Analysis issues statements to all ministries

The 43 statements that the Council issued in 2022 concerned eleven ministries. With the exception of the Ministry of Defence, all ministries received at least one statement from the Council. The largest number of statements were issued to the Ministry of Justice (11), the second largest to the Ministry of Social Affairs and Health (9) and the third largest to the Ministry of Economic Affairs and Employment (6). As indicated in Figure 3, these are the ministries that have received the greatest number of statements throughout the Council's existence.

**Figure 3.** Proposals assessed by the Council of Regulatory Impact Analysis in 2016–2022.

The Council considers it important to issue statements to all ministries, even though the volume of legislative drafting varies for different ministries. Some ministries receive a greater number of statements simply because they engage in more legislative drafting. In turn, the Ministry of Defence, Prime Minister’s Office and Ministry for Foreign Affairs do not carry out as much legislative drafting, which is why their projects are not selected for assessment by the Council every year. The Ministry of Finance, Ministry of Agriculture and Forestry and Ministry of Education and Culture have received slightly fewer statements than the volume of their legislative drafting would have merited. The Council is likely to select slightly more projects for assessment from these ministries in the future.

### 1.3 The number of second best statements increased

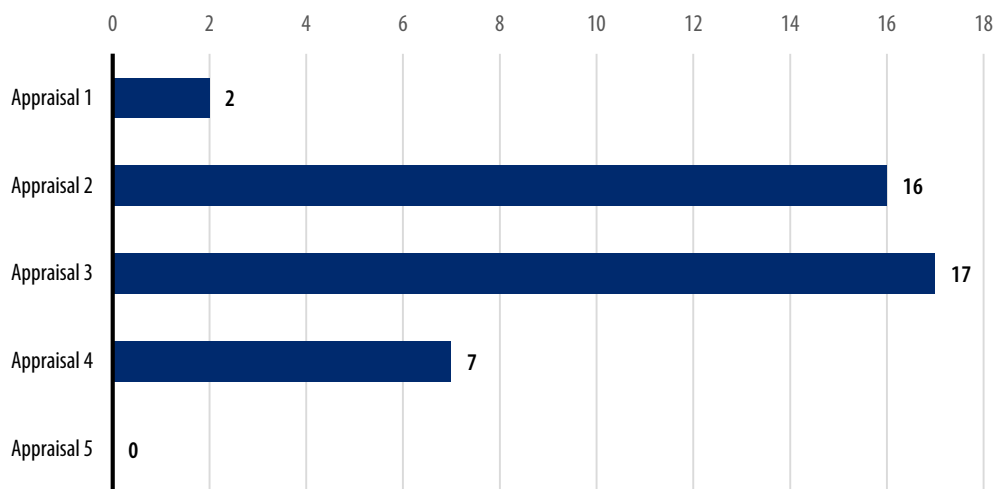
In spring 2018, the Council adopted a set of standard appraisals to describe its opinion on the quality of the draft proposal. The standard appraisals make reference to the guidelines for impact assessment in legislative drafting (Ministry of Justice 2022). One of the following appraisals is appended to each statement:

1. The Council finds that the draft government proposal meets the requirements of the guidelines for impact assessment in legislative drafting. The Council has only minor suggestions for additions to the draft proposal.
2. The Council finds that the draft government proposal to a large extent complies with the guidelines for impact assessment in legislative drafting. The Council recommends that the draft government proposal be supplemented in accordance with the Council’s statement prior to its submission to Parliament.

3. The Council finds that the draft government proposal to some extent complies with the guidelines for impact assessment in legislative drafting. The Council recommends that the draft proposal be corrected in accordance with the Council’s statement prior to its submission to Parliament.
4. The Council finds that the draft government proposal is deficient from the perspective of the guidelines for impact assessment in legislative drafting. The draft proposal must be corrected in accordance with the Council’s statement prior to its submission to Parliament.
5. The Council finds that the draft government proposal is highly deficient. The draft proposal is unlikely to provide a foundation for any sufficient and reasoned understanding of the proposal or its economic and social impacts. Unless the shortcomings are addressed, submission of the proposal to Parliament is discouraged.

The Council’s observations indicate that the quality of impact assessments included in government proposals improved slightly from the previous year. The average of the standard appraisals improved and was 2.7 (on a scale of 1 to 5, where 1 is the highest and 5 the lowest standard). The average for the year before was 3. In 2021, the level of standard appraisals dropped most likely due to the exceptional circumstances caused by the Covid-19 pandemic. The average may have improved partly because the pandemic-induced pressure on ministries’ legislative drafting subsided in 2022.

**Figure 4.** Distribution of standard appraisals issued by the Council in 2022



The Council is pleased to note that the number of second best statements increased significantly from the previous year. More than a third of the Council's statements received the second highest appraisal. These were distributed across eight ministries. Two draft government proposals earned the highest appraisal: the draft proposal on remote participation and online meetings in limited liability companies, limited liability housing companies and cooperatives prepared by the Ministry of Justice, and the draft proposal on the Pilotage Act prepared by the Ministry of Transport and Communications. In its statements, the Council made positive remarks such as:

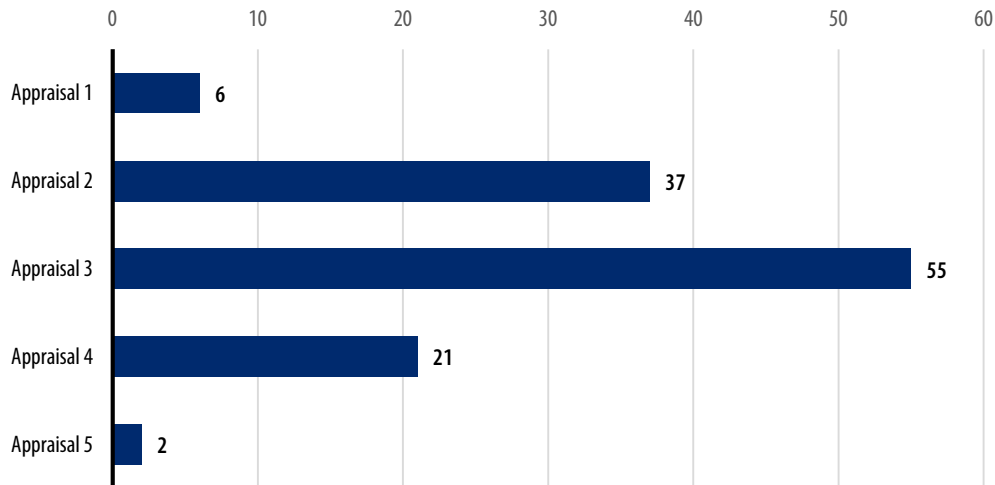
*"The draft proposal on remote meetings is of a high standard overall. The matter has been examined in detail from many different perspectives, making the proposal's goals and suggestions well justified. The impact assessments have been carefully prepared and the alternatives have also been assessed skilfully."*

*"The draft proposal on the Pilotage Act is well prepared. The proposal provides adequate insight into the goals and key suggestions of the overall reform. The current state has been skilfully described. The key types of impact have been well identified. The impacts are amply discussed from different perspectives."*

As indicated by Figure 5, the distribution of standard appraisals closely follows a normal distribution in 2018–2022.

Most of the draft government proposals are of average quality, followed by proposals to which the Council has issued the second highest appraisal. The Council has issued the highest appraisal six times, and the lowest appraisal twice. If a ministry risks being issued the lowest standard appraisal, the Council's Chairperson contacts the minister in charge of preparations before the Council publishes its statement to ask whether the ministry wishes to withdraw its proposal for further preparation. In 2022, one draft government proposal was at risk of receiving the lowest appraisal. The ministry in question decided to withdraw the proposal for further preparation after it was contacted by the Chairperson.

**Figure 5.** Distribution of appraisals issued by the Council in 2018–2022

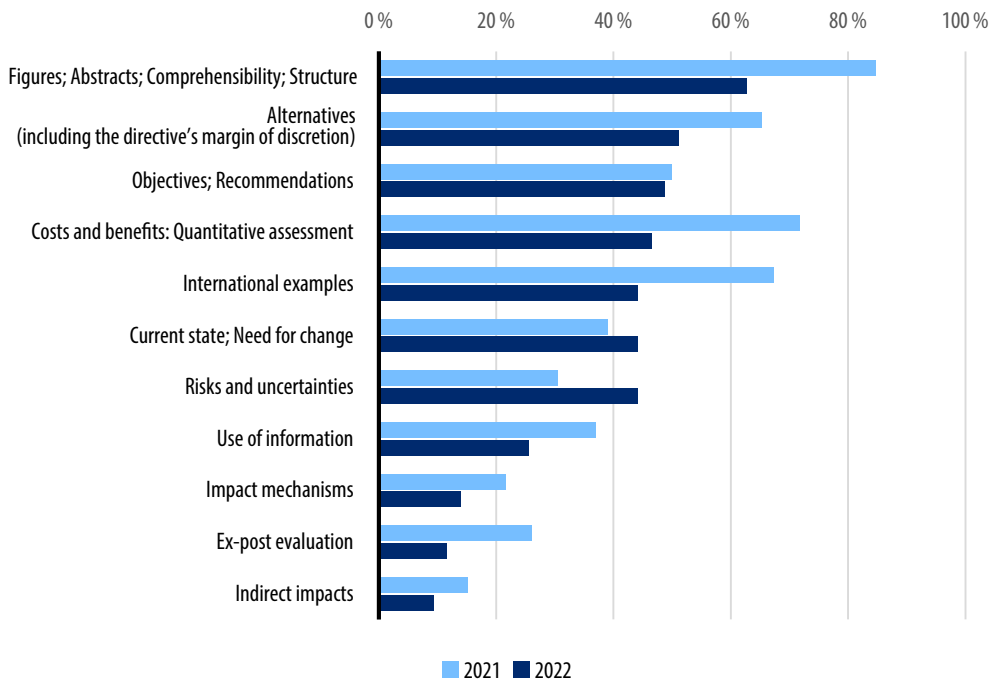


## 1.4 Continued shortcomings in the assessment of business impact

In 2022, the number of the Council's improvement recommendations per statement decreased from the previous year. As indicated in Figure 6, the four most common areas of development were the same in 2021 and 2022: the comprehensibility and technical aspects of proposals, the discussion of alternatives, quantitative assessments, and aspects concerning objectives and proposed options. The Council's recommendations still focused most commonly on the comprehensibility, structure and technical aspects of the proposal. In more than 60 per cent of the statements, the proposal was considered to lack clarifying figures and tables, the text to be difficult to comprehend or the proposal as a whole to be difficult to grasp. However, things had improved from the previous year, when more than 80 per cent of the proposals called for improvement in their comprehensibility and technical aspects.



**Figure 6.** The most common areas for improvement in draft government proposals by field of assessment in 2021 and 2022. Percentage of all statements.



The discussion of alternatives was the second most significant area for improvement. In around half of the Council's statement, the discussion of alternative ways to achieve the objective was found to be inadequate. This also includes the discussion of the national margin of discretion in the case of EU regulation. In EU-related proposals, attention was focused on whether national regulation exceeded the requirements of directives and how the matter had been discussed in the draft proposal.

The third most common area for improvement concerned quantitative assessment and the discussion of objectives and proposed options. Shortcomings in quantitative assessments means that the proposal does not provide an adequate picture of the scope or scale of change, the number of target groups or the allocation of costs and benefits. In 2022, around half of the proposals assessed gave rise to recommendations to improve the quantitative assessments. However, improvement has been made in this respect in recent years. For example, 75 per cent of the statements the previous year included recommendations for improving quantitative statements. The inadequate handling of objectives and proposed options means, for example, that the proposal does not clearly

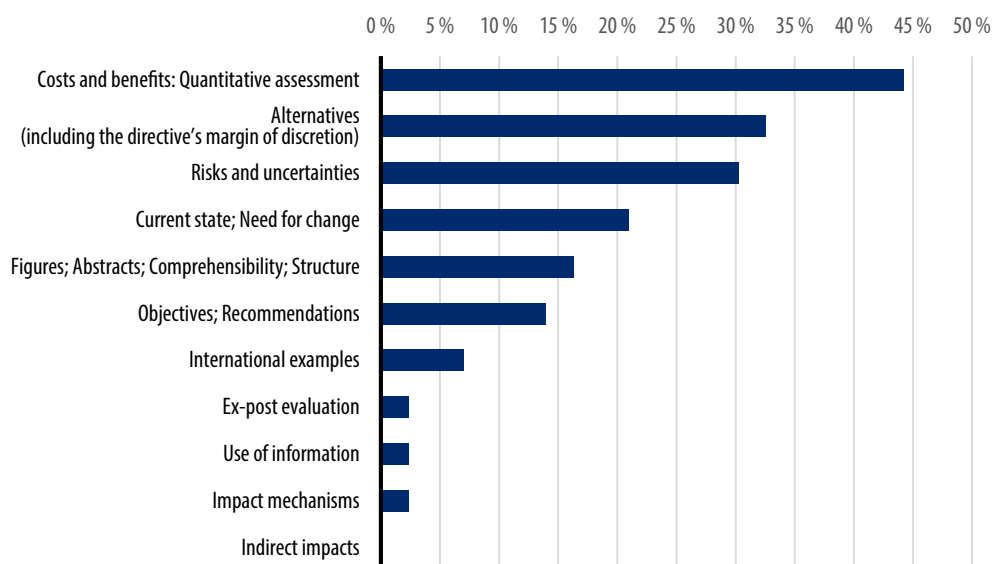
describe what it seeks to achieve or makes it difficult to perceive the key proposed options and their actual significance. The share of improvement recommendations concerning the objectives and proposed options of draft proposals remained the same in 2022 and 2021.

Overall, the quality of impact assessments included in government proposals improved in 2022, and the number of recommendations for improvement was lower than average. However, the number of recommendations increased in 2022 compared to the previous year in two categories: in recommendations concerning the description of risks and uncertainties, and in recommendations concerning international examples. The inadequate description of risks and uncertainties means that the risks and uncertainties relevant to the proposal are not mentioned, or they are discussed only superficially. Risks and uncertainties must be discussed to assess whether they pose significant uncertainties concerning the achievement of the objectives. In some cases, international examples were described in great detail, but experiences from other countries were not discussed much. Section 2.4. deals with this matter in more detail. Moreover, it was often unclear how the international models had been used in legislative drafting in Finland.

The recommendations provided in the statements are not directly comparable. In the Council's view, listing the recommendations for improvement as described above may give too one-sided a picture of the Council's recommendations. A Council recommendation may be very fundamental in nature or it may be of a more technical kind, carrying less importance. With this in mind, the Council also examined the recommendations outlined in the summaries of statements to determine the most significant recommendations.

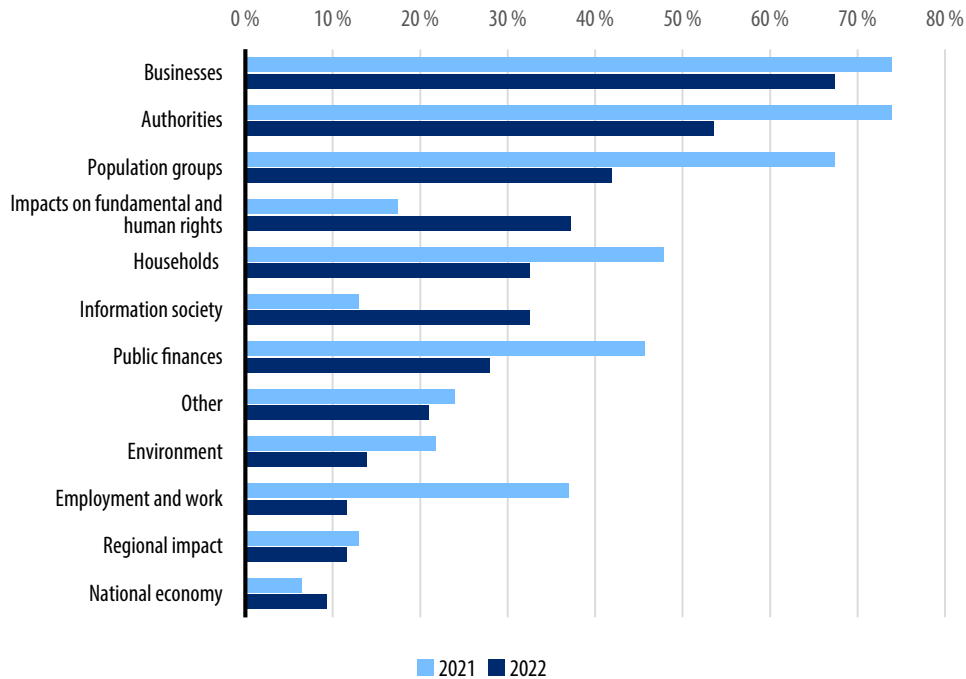
As indicated in Figure 7, quantitative assessments were mentioned most frequently in the summaries, even though their share decreased overall in the statements. Of the recommendations for improvement mentioned in the summaries, nearly 45 per cent concerned quantitative assessments. In other words, the Council considers shortcomings in quantitative assessments to make it considerably more difficult to understand the impacts of the draft proposal. The second most common area for improvement mentioned in the summaries was the inadequate discussion of alternative ways of achieving the objectives. Mentions of inadequate information about risks and uncertainties were nearly as common. These three categories were by far the most common improvement recommendations in the summaries.

**Figure 7.** The most significant areas for improvement in draft government proposals by field of assessment, i.e., the areas for improvement mentioned in summaries, in 2022



In more than a fifth of the government proposals, the current state and need for a regulatory amendment were described so deficiently that the Council mentioned them as a significant shortcoming in the summary. In contrast, the comprehensibility of the text and technical shortcomings were highlighted like this in only 15 per cent of the statements. In other words, even though comprehensibility and technical deficiencies were relatively common in the draft government proposals, they were rarely significant enough to weaken the overall comprehensibility of the proposal.

As indicated in Figure 8, business impacts were the most common area for improvement in comparisons of different areas of impact in 2022. Two thirds of the statements included recommendations for improvement concerning business impacts – nearly the same share as in the previous year. Shortcomings related to business impacts were typically related to the superficial nature of the assessment, inadequate definition of target groups and vagueness of impacts on different types of businesses. Slightly more than half of the statements called for improvements concerning the impacts on the authorities. Deficiencies related to the impacts on the authorities usually concerned resource descriptions, the organisation of operations and the ability to cope with new tasks. The third most common type of recommendations concerned impacts on population groups. Impacts on population groups mean those affecting children, young people, seniors, persons with disabilities, different genders, linguistic groups, and people in different socioeconomic positions. These impacts are related to, for example, health, legal protection, equality, language and access to services, all of which affect the ease of people's daily lives.

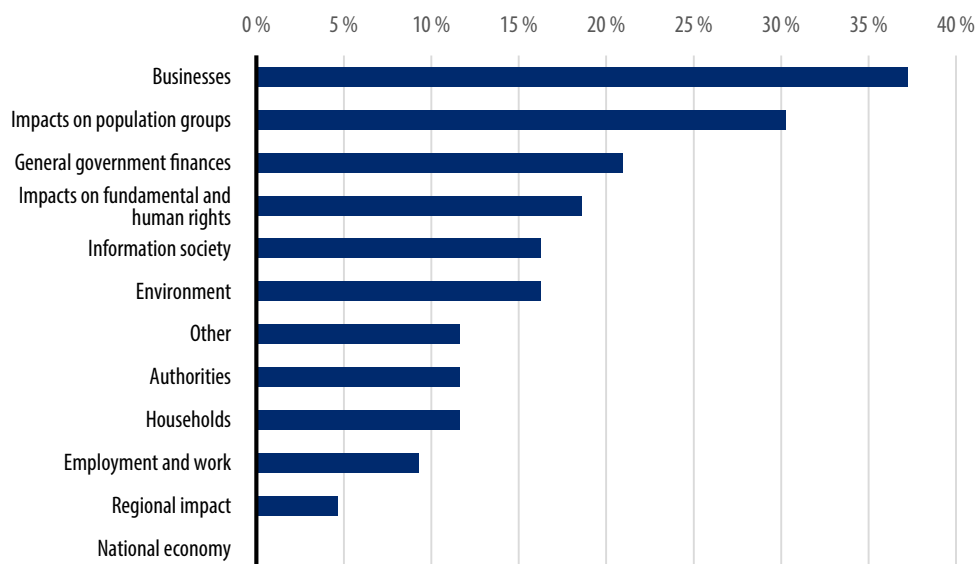
**Figure 8.** The most common areas for improvement by area of impact in 2021 and 2022

As indicated in Figure 8, the number of recommended improvements by area of impact decreased in general in 2022, compared with the previous year, but there was an increase in two categories. Recommendations concerning the description of fundamental and human rights increased, as did those concerning the information society. The recommended improvements concerning fundamental and human rights were typically related to cases in which the proposal's connection to the constitution and the order of enactment of the law had been described, but the concrete impacts on fundamental and human rights were not been adequately discussed. Recommendations concerning the information society were related to the cost estimates and compatibility of new information systems and to aspects concerning data protection.

A point to note in annual comparisons is that the content of draft government proposals naturally influences the kinds of improvement recommendations made. For example, the number of proposals concerning or touching on employment and work was smaller in 2022 than the year before, which may explain why there were fewer recommendations concerning this category. On the other hand, many of the proposals in 2022 dealt with questions concerning information systems and the information society, and this may have resulted in an increase in the number of related recommendations.

Business impacts and impacts on population groups were the most significant areas for improvement mentioned in statement summaries in 2022. Recommendations concerning business impacts were found in more than a third of the summaries. Recommendations concerning population groups were found in around a third of the summaries. As indicated in Figure 9, mentions of other categories were distributed across many different areas of impact. For example, impacts on the authorities, which were the second most common area for improvement overall, were mentioned in only roughly a tenth of the summaries.

**Figure 9.** The most significant areas for improvement by field of impact, i.e., the areas for improvement mentioned in summaries, in 2022



## 1.5 The degree to which statements are followed has not improved

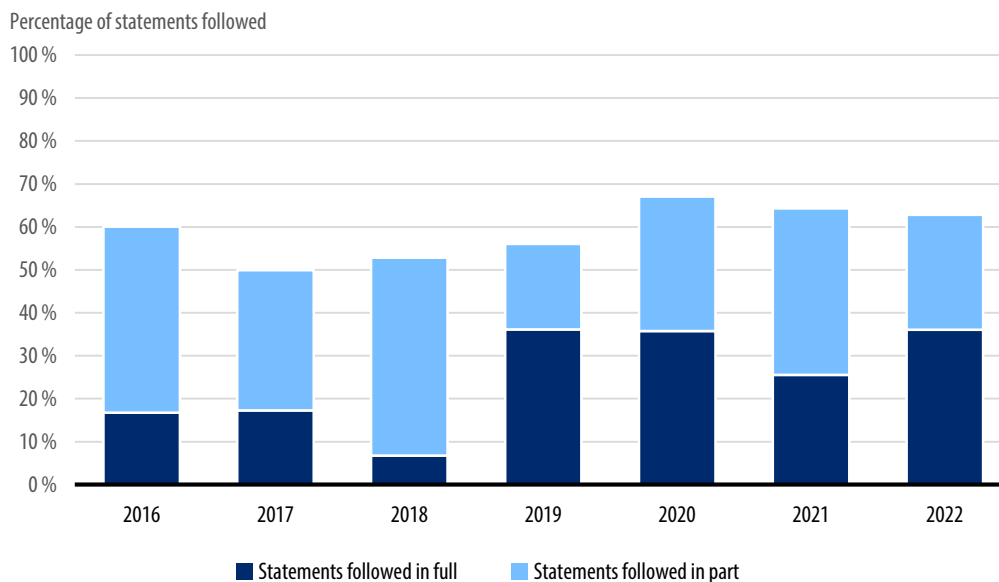
The Council monitors the effectiveness of its statements by comparing government proposals submitted to Parliament with the draft proposals submitted to the Council. The extent to which the recommendations are followed should be considered only as an indicative measure of the effectiveness of the Council's activities, as the recommendations can be very different in nature. Technical deficiencies are usually easy to fix, but observations related to, for example, quantitative assessments or the evaluation of

alternatives may be more difficult to remedy. Moreover, due to the busy schedule at the end of the government's term, law drafters may have run out of time to consider the recommendations when finalising the proposals. In some cases, the 2022 backlog in translation services may have been a reason for the recommendations not being followed, in an attempt to avoid an increase in the number of pages of the proposal.

The Council has found that the recommendations mentioned in the summaries of statements are followed somewhat better than those discussed elsewhere in the statement. However, the Council's statement should be read as a whole, as only a few key observations from the statement are highlighted in the summary. In the future, ministries should ensure they pay more attention to the entire statement.

As Figure 10 indicates, roughly 60 per cent of the Council's recommendations are followed entirely or partly in government proposals. The degree to which recommendations are followed has remained relatively stable in the past couple of years. The share of recommendations followed fully increased slightly in 2022.

**Figure 10.** Following of the Council's recommendations in 2016–2022



Even though the degree to which statements were followed was not very high overall in 2022, the Council was pleased to note that its recommendations had been followed very thoroughly in some government proposals. For example, in the proposal prepared

by the Ministry for Foreign Affairs, all the Council's recommendations were taken into account. The proposal concerned the International Convention for the Protection of All Persons from Enforced Disappearance. The proposal concerning the act on services for persons with disabilities included an illustrative description and table, providing a reader unfamiliar with the topic with a good idea of the groups and numbers of people who the act applies to. The government proposal concerning qualifications in construction clearly described different alternatives and the reasons for choosing the option proposed.

Many of the proposals clearly described how the Council's statement had been taken into account. However, the reasons for not following the Council's recommendations were rarely discussed. The Council suggests that the reasons for not following its recommendations should also be described in the government proposal.

The Council monitors how quickly the government proposal is submitted to Parliament after the Council has issued its statement. No significant difference has been observed between proposals concerning finance and expenditure laws and other laws in this respect. Government proposals were submitted on average 27 days after the Council's statement had been issued. In some cases, the proposal was submitted to Parliament only 10–20 days after the statement. This is quite a short period, as the government proposal must be ready well in advance of the government plenary session. This means that the ministries only had a few days to discuss the changes proposed in the statements.

The Council aims to handle the draft government proposals as quickly as possible. The secretariat first reviews the draft proposals and the comments received during the consultation stage, after which the Council members familiarise themselves with the draft statements and the draft government proposal. In 2022, the statements were processed in an average of 18 days, with a median processing time of 19 days. The average processing time of statements grew longer because some of the proposals were submitted in the summer, right before the holiday season.<sup>1</sup> The Council issued a statement on eight draft government proposals concerning finance and expenditure laws in 2022. The processing of six proposals concerning finance and expenditure laws had to be dropped due to the Council's backlog of work and summer holidays.

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1 The figures include public holidays. In addition to public holidays, the averages and medians of the processing times are extended by the fact that the review includes proposals submitted just before and during the summer holidays, leading to processing times clearly longer than the average. In addition, ministries are informed of the draft statement to be issued 24 hours before its publication, so the processing times are, in practice, a day shorter.

## 1.6 Close interaction with administration and stakeholders

The Council has considered it important to maintain dialogue with the administration, policymakers and other stakeholders. The Council's Chairperson and secretariat regularly met with representatives of ministries and stakeholders. The secretariat participated in working groups dealing with better regulation and provided training to government law-drafters. In addition, the Ministry of Justice, the Ministry of Finance and the Ministry of Economic Affairs and Employment invited the Council's secretariat to discuss the Council's statements and the quality of impact assessments. The Council actively participated in international meetings, both in person and remotely. Appendix 2 contains a detailed description of the Council's interaction in 2022.

The Council's Chairperson was in active contact with the administration's representatives, meeting with the state secretary and permanent state under-secretary of the Prime Minister's Office, as well as the permanent secretaries of ministries. The Chairperson also gave presentations on the Council's operations and the Council's observations concerning impact assessments and took part in several discussion events.

In autumn 2022, the Council introduced a new practice, in which drafters of government proposals have the opportunity to discuss the statement with the Council's secretariat. This has been possible earlier as well, but the Council wanted to further encourage ministries to contact it. In practice, the purpose is to enable proposal drafters to discuss the Council's observations if something in the statement is unclear to them. The purpose of the discussion is not to change the content of the statement or the appraisal issued. Discussions with the secretariat are voluntary and informal. In 2022, only one such discussion was held.

The Council publishes its statements and related press releases in Finnish, with summaries in Swedish, on the Council's website. Press releases are also published on the Government's Twitter account. The website also includes a description in sign language of the Council's operations.

Now and then, the Council's statements are highlighted in the media. For example, the statements on the Copyright Act, the National Genome Center, the Mining Act and the Nature Conservation Act were discussed in the media. In addition, statements related to taxation received attention at the end of 2022.



## 1.7 International activities are important to the Council

International activities are an essential part of the Council's work. As there is no other operator similar to the Council of Regulatory Impact Analysis in Finland, dialogue and contacts with international operators are important. The Council closely follows discussions and research related to legislative drafting, impact assessments and ex-post evaluation. However, these contacts cannot replace discussions conducted with peer councils in other countries concerning good practices and perspectives on the evaluation of impact assessments.

Active international cooperation continued in the field of better regulation in 2022. After the Covid-19 pandemic, remote meetings were replaced with hybrid and in-person meetings. The Council's Chairperson and representatives of the secretariat participated remotely in the OECD's and the EU's events on better regulation. The Council's Chairperson and representatives of the secretariat travelled in person to only a few international events because of the Council's limited budget. The budget also limited the Chairperson's and secretariat's participation in international events considered to be important.

RegWatchEurope (RWE) is a network of European regulatory oversight bodies from eight member states. In the Council's opinion, the network's activities are important and useful, as they enable the participating councils to share best practices and learn from one another. In 2022, RWE was chaired by the Czech Republic, which organised two meetings for secretariats, two meetings for chairpersons, and three workshops. It also organised a conference of DEBR (Directors and Experts of Better Regulation), which the Council's Chairperson and representative of the secretariat attended. DEBR is an unofficial European intergovernmental network for better regulation. Administration representatives, researchers and experts in better regulation are usually invited to the conference.

In addition, the Norwegian Better Regulation Council invited the secretariats of its Nordic sister councils to Oslo in June 2022. The meeting focused on the development of the councils' operations.

The key observation made in international discussions was that the practices due to the recent exceptional circumstances, such as limited hearing and minor involvement of stakeholders, are still followed in some countries. What this means in practice is that legislative drafting has not been open and transparent. Other topics handled at international meetings included the difficulty of making better regulation part of practical drafting processes, as well as behavioural insights and evidence-based approaches.

In 2022, the Council of Regulatory Impact Analysis drew up internal guidelines for itself for handling regulation issued during times of crisis. The inspiration for this came from the conference of DEBR, where experiences of regulation in the period of crisis were discussed. The Council itself has also been of the opinion that it requires clear-cut guidelines for various crises. Representatives of administration were also given the opportunity to comment on the guidelines.

## 2 Observations on legislative drafting during the government terms of Prime Minister Antti Rinne and Prime Minister Sanna Marin.

### 2.1 Do ministries allocate time for legislative drafting?

Legislative drafting is one of the government's most important tasks. High-quality law drafting is a prerequisite for Parliament being able to effectively exercise its legislative power. Carefully prepared, clear and comprehensible legislation that meets high standards is necessary for the rule of law. To solve problems in society effectively and fairly, it is necessary that the various means for solving problems and the impacts of change are genuinely assessed during legislative drafting. Preliminary impact assessments must be made well in advance to allocate law drafting resources to the legislative projects that are believed to offer the best path for achieving the results sought.

High-quality legislative drafting involves adequately weighing regulatory methods and alternatives, as well as assessing the related impacts. This also calls for cooperation between ministries. High-quality legislative drafting is the prerequisite for parliament's access to information, guaranteed in the constitution. At present, the legislative drafting process does not include enough open discussion about the best regulatory method for solving the problem. In addition to legislation, suitable methods can include self-regulation, financial incentives or guidance by information, for example. The Government Programme should not define the specific methods to be used, but give public officials, as part of their work, the opportunity to determine the best and most effective methods.

The Council has repeatedly emphasised that legislative drafting is carried out too hastily and with inadequate resources. The Council finds it odd that there is not sufficiently accurate and reliable information available about the person-years that ministries allocate to legislative drafting. In the Council's view, legislative drafting is primarily assigned to a single law-drafter, without making enough use of a team approach to drafting. Legislative drafting comes under numerous requirements, but it is unclear whether law-drafters receive enough help and support. Legislative drafting is one of the government's most important tasks, but this is not reflected in its resourcing and management.

Nowadays, Government Programmes are wide in scope and very detailed. In ministries, the limited resources available for legislative drafting are predominantly allocated to the key projects in the Government Programme and their completion before the end of the government's term. Few resources remain for other legislative drafting. The continued maintenance of legislation, monitoring of the practicality of legislation and ex-post evaluation have been relegated to a secondary position or are not handled at all during the government's term due to a lack of time.

The Council is under the impression that ministries' legislative drafting is threatened by the sheer number of projects carried out in ministries, and this may undermine the attractiveness of the law-drafting profession and the motivation of law-drafters. In addition to being involved in numerous projects, ministries have had to quickly react to various social crises. This places increasing pressure on the legislative drafting process.

Moreover, the quality of legislative drafting does not benefit from the public officials' work being politically guided too heavily-handedly and at the wrong time. The role of political guidance and planning in legislative drafting should be specified and the responsibilities clarified.

In the Council's opinion, ministries still seem to have trouble integrating the Council's statements in their own legislative drafting schedules – even though the Council has been operating for a full seven years by now. The management of legislative drafting must be improved by developing the related project planning and by ensuring that enough time is available for preparation in both preliminary and continued drafting. Considering the entire duration of the legislative drafting process, usually measured in years, the Council's processing stage cannot explain the haste of drafting, seeing as the average processing time for the Council's statement is 18 days and the median time is 19 days.

The Council recommends that the government pay attention to the resourcing and management of legislative drafting and take the required corrective measures. Law-drafters must receive enough support for both impact assessments and other areas of legislative drafting. What is more, legislative drafting often involves multidisciplinary tasks, meaning that the drafting process must have access to adequately diverse competence in fields other than law. Ensuring the high quality of legislative drafting is also a question of attitude. The ministries must critically review their legislative drafting processes, scheduling, resourcing and prioritisation.

## 2.2 Crises must be taken into account in legislative drafting

During the term of Sanna Marin's Government, legislative drafting has been affected by various social crises, including the Covid-19 pandemic, Russia's war of aggression in Ukraine, the energy crisis, the climate crisis and inflation. Many of the crises will last for a long time. Overall, the world situation has become more unpredictable and gloomier.

Many of the legislative drafting projects began before the current social crises. The present Government Programme was also drawn up before their onset. The ongoing crises were not taken into account in the impact assessments. The Council believes that ministries have found it difficult to change or supplement previous impact assessments while the drafting process is under way in the new situation facing them. Crises affect the schedules, decision-making, knowledge base and impact assessments of legislative drafting. As a result, it is important to react quickly to crises and draw up regulation for changing situations.

Crises also affect the Council's operations. The Council cannot skip the assessment of crisis regulation, because social crises have sweeping impacts on various operations in society. During times of crisis, the Council's process for preparing statements must be accelerated. The unpredictability of crises has also led the Council to select new proposals of topical relevance for assessment midway through its term.

According to the Council's observations, social crises can load legislative drafting to the extreme. Thus, it would be important to allocate adequate resources to legislative drafting in view of the requirements posed by the Government Programme. This would make it easier to prepare for unexpected events throughout the term of government. Uncertain and unexpected impacts as well as risks should be better accounted for in individual legislative projects. Assessments should be made throughout the project, and impact assessments should be adjusted as necessary in the event of a crisis.

Crises have broad social and economic impacts on society, and they also affect the environment and biodiversity. Finland is committed to, for example, the United Nations' Sustainable Development Programme (the 2030 Agenda<sup>2</sup>), adopted in 2015. Dealing with crises concurrently with other broad social changes poses new challenges to legislative drafting.

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2 The 2030 Agenda <https://sdgs.un.org/2030agenda> and the Government Report on the Implementation of the 2030 Agenda: Towards a carbon-neutral welfare society. <https://julkaisut.valtioneuvosto.fi/handle/10024/162575>

Regulatory impact assessments are point-like in nature, and the impacts are often assessed only in terms of the legislative project in question. The combined impacts of regulation are rarely assessed. It is obviously a more challenging task, as well. However, social crises and changes make it desirable to focus attention on the combined impacts of legislative drafting. For example, in its statement<sup>3</sup> concerning amendments to the Aliens Act, the Council was of the following opinion:

*“The draft proposal could contain an assessment of the impacts that the war between Ukraine and Russia and its possible prolongation may have on family reunification. In the Council’s view the war may increase the number of people in need of international or temporary protection and, thus, family reunification. The topic could be considered in the light of, for example, the Council Implementation Decision (EU) 2022/382 on the temporary protection of displaced persons from Ukraine. Will the war, perhaps, increase the number of family reunifications or protract family reunification processes?”*

In its statement on the Mining Act<sup>4</sup>, the Council was of the following opinion:

*“The security situation in Europe was very different at the early stages of the drafting process. A description of the impact that the war between Ukraine and Russia may have on the demand and supply of minerals and of the mining industry’s overall significance to security of supply should be included in the draft proposal. Moreover, the significance of the mining industry in the energy transition could be further specified in the draft proposal.”*

The Council recommends that ministries make better preparations for unexpected social crises so as to avoid an excessive load on legislative drafting. The changing world situation requires the knowledge base of impact assessments to be continuously updated; uncertainties, risks and unexpected impacts to be anticipated; and efforts to be made to assess the combined impacts of legislation. This can mean amending legislation in several fields, which may lead to surprising multiplicative effects on aspects such as demand for services or amount of emissions.

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3 Council’s statement on the Aliens Act: The impact of the Ukraine war on family reunification – Prime Minister’s Office (vnk.fi)

4 <https://vnk.fi/-/arvointineuvosto-kaivoslaista-tavoitteiden-vertaaminen-kustannuksiin-on-tyolasta>

## 2.3 Attention must be paid to the assessment of impacts on fundamental rights

The Council has noted that the impact assessments in draft government proposals usually do not address the proposal's concrete impacts on fundamental and human rights. In other words, the draft proposals do not adequately explain how the proposals will improve, weaken or secure fundamental and human rights. The descriptions of the current state do not always adequately discuss the problems that may have occurred in the implementation of fundamental and human rights. In the description of the current state or in impact assessments, the draft proposal may simply state that fundamental and human rights are secured by law.

Some draft proposals include a skilful description of the legislation or international conventions concerning fundamental and human rights. However, a description of the content of regulation does not tell anything about the proposal's impacts on fundamental and human rights. In some cases, the proposal's goals concerning fundamental and human rights are presented as its impacts, or the proposal's constitutional review is considered to be equivalent to the assessment of its impacts on fundamental and human rights. This leaves it unclear how the government proposal will affect fundamental and human rights in practice.

The Council has also noted that draft government proposals sometimes state that the proposal will not impact fundamental and human rights, as these are secured in the constitution and the authorities must adhere to the law. This leaves it open whether the legislation in force after the amendment will enable authorities to effectively handle their obligations and what risks or unexpected impacts the amendment may cause to the implementation of fundamental and human rights.

In some draft proposals, the content of legislation on the rights of children or indigenous people is described and provided as an impact assessment. A summary of valid legislation or international conventions does not qualify as an assessment of how the draft proposal will affect children in different positions or how it will improve or weaken the rights of indigenous people. Examples of how legislation may affect the target of legislation would better describe the concrete impact on fundamental and human rights.

Impacts on fundamental and human rights are closely related to the impacts on population groups. Impacts should be assessed as a whole, and impacts on fundamental and human rights should automatically be considered when assessing different types of impacts. For example, when assessing impacts on pupils, students, the unemployed,

senior citizens or children, it would be natural to also assess the impacts on the equality, gender equality, linguistic rights or, say, legal protection of the population group in question.

In its statement<sup>5</sup> concerning the Aliens Act and the processing of personal data in immigration administration, the Council was of the following opinion:

*“The draft proposal should also assess the impacts from the asylum seeker’s perspective. A more detailed description is required of the draft proposal’s impacts on fundamental and human rights. At present, the draft proposal does not indicate how the implementation of asylum seekers’ fundamental and human rights might change.”*

The Council also gave its opinion on the Income Tax Act and on the amendment of certain acts due to the introduction of an exit tax for natural persons<sup>6</sup>:

*“The council is of the opinion that the draft proposal should contain an assessment of whether the proposal improves or undermines equality, as the proposed tax focuses on a small group of people. The Council recommends that the draft proposal provide examples discussing the impacts on the protection of taxpayers’ property. For example, how would the proposal affect the protection of property in the case of a person who has lived and accumulated their assets outside of Finland for most of their lives, then moves temporarily to Finland and returns again to the other country? Or, what are the impacts if a taxpayer has assets whose value has fluctuated a great deal, as this may lead to considerable changes in the amount of tax in only a few years?”*

In its statement on the Mining Act<sup>7</sup>, the Council included several observations on impacts on fundamental and human rights, such as the following:

*“The Council believes that fundamental and human rights should be discussed more specifically. The draft proposal should specify the fundamental rights that the proposal affects and determine the impacts of the amendment separately for each fundamental right. For example, the proposal suggests that the landowner’s consent be required for the extension of the mineral prospecting permit. The Council believes*

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5 <https://vnk.fi/-/arviointineuvosto-ulkomaalaislain-ja-henkilotietojen-kasittelysta-miten-muutos-vaikuttaa-turvapaikanhakijaan>

6 <https://vnk.fi/-/arvonnousuveron-perusoikeusvaikutuksia-ei-ole-arvioitu>

7 <https://vnk.fi/-/arviointineuvosto-kaivoslaista-tavoitteiden-vertaaminen-kustannuksiin-on-tyolasta>



*that the proposal's impact on the protection of property should be assessed in greater detail. In addition, the draft proposal could contain an assessment of the potential challenges involved in obtaining the landowner's consent."*

In the Council's opinion, the impact assessments in draft government proposals often present shortcomings in the assessment or proper recognition of equality. Impact assessments often do not pay adequate attention to the impacts on people in different situations and positions. The assumption used is often that of an individual who is aware of the various obligations of administration and who takes care of their matters by the book. In reality, people's circumstances and ability to make rational decisions vary a great deal. People also react to changes in different ways. Impacts on population groups are often assessed at too general a level, which means that the impacts are assessed to be the same for everyone. This is problematic, as legislative amendments may have different impacts on population groups in different positions, and the impacts on a specific population group may be considerable.

In its statement on the act on the supervision of health and social services<sup>8</sup>, the Council gave the following opinion about equality:

*"The draft proposal should more specifically describe the proposal's impacts on fundamental and human rights. As a rule, many fundamental rights, including the equality of clients and patients, the right to social security, and the protection of service providers' property, must be considered in the provision of health and social services. Descriptions concerning the order of enactment of the law cannot be a substitute for the assessment of impacts on fundamental and human rights."*

People from sufficiently diverse backgrounds should be included in legislative drafting. One of the challenges may be addressing the experiences of people in a weaker position. Impact assessments may easily be made from one's own perspective, even though the assessments should take a broader approach and consider the impacts on a variety of people who come from different backgrounds and situations.

## 2.4 Making better use of international experiences of regulation

The Council has noted that draft government proposals often contain quite detailed descriptions of other countries' legislation in the field of law in question. Such legal descriptions can end up being long and detailed. They usually lack an analysis of how

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<sup>8</sup> <https://vnk.fi/-/arviointineuvosto-sosiaali-ja-terveydenhuollon-valvontalaista-perus-ja-ihmisoikeusvaikutusten-arviointia-tulisi-tasmentaa>

the legislation works in its home country or how solutions used in other countries could be applied in Finland. It often remains unclear how the international practices have been utilised when preparing the government proposal. This means that international experiences of regulation are not linked to the content of the proposal.

A more concise and analytical description of international regulatory experiences would improve the quality of impact assessments. A brief description of international regulatory experiences would also promote the goal of government proposals focusing on the essentials.

International experiences of regulation can also be described using research results. Studies and ex-post evaluations are useful when determining the kinds of impacts that regulation has had in the target country. More extensive legal comparisons can be included as separate appendices with other material related to the legislative drafting project, but the government proposal itself should focus on describing how international practices can be of use to the Finnish project.<sup>9</sup>

Experiences of the practicality of legislation in the other Nordic countries or EU countries that closely resemble Finland, as well as the results of ex-post evaluation may indicate what kinds of reactions the regulatory amendment might give rise to in Finland or what kinds of effects from the changes could be expected in Finland. The regulatory practices of other countries may offer inspiration if Finland has not yet issued legislation concerning a new matter or problem. However, it is also useful to identify the kind of regulation in neighbouring countries that may have an impact on the mobility of labour, innovation or investment.

In its statement, the Council commended the draft proposal on raising the employment rate of people 55 or over<sup>10</sup>, as follows:

*“The Council finds the description of employment measures that other countries have taken to improve the employment of older workers to be exemplary. Not only has the legislation been routinely presented but the different measures adopted by each country and the related advantages and disadvantages have also been discussed. The Council considers the decision to limit the presentation to countries relevant to Finland, where the employment rate of older workers is at a high level and that in other respects are also relevant for comparisons.”*

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9 For example, the information service of the Library of Parliament can help find legal information.

10 <https://vnk.fi/-/arviointineuvosto-55-vuotta-tayttaneiden-tyollisyysesitys-on-hyvin-valmisteltu-mutta-ikasyrjinnan-riskia-selvitettava>

The purpose of a review of international regulation is to obtain information about good regulatory solutions as well as of measures that have proved to be problematic. Surprising and unexpected impacts of regulation experienced in other countries are useful for Finland. By learning from other countries, Finland can avoid impractical regulation and choose the most effective methods for solving a specific problem.

## 2.5 Making government proposals more succinct, comprehensible and visual

According to the instructions for legislative drafting, government proposals must be written in good standard language. They must be drawn up succinctly so that they only include the information essential to parliament's decision-making. The Council's observations indicate that some draft government proposals are quite long, and they have not been shortened to make them more readable. Moreover, the impact assessments are superficial, and the visualisation of proposals is deficient. Long and detailed draft government proposals can be difficult to comprehend, and their key proposals and impacts are not clear to the reader. This makes it difficult for a person unfamiliar with the topic to get an overall view of the draft proposal.

In the Council's opinion, a more succinct and condensed presentation of the content would improve the comprehensibility of government proposals. As the Council has often remarked, the proposals, current-state descriptions and objectives are often ambiguously described in government proposals. If a government proposal does not, from the outset, focus on the relevant matters or clearly describe the objectives of the proposal, it is difficult to comprehend overall.

At times, the Council has been told that focusing on the impact assessment during legislative drafting would have made the proposal longer and heavier to read. In its statements, the Council has often pointed out the need to condense the government proposal or even delete unnecessary descriptions from it. A good, well prepared impact assessment usually does not need to be long. A high-quality impact assessment focuses strictly on the essential and meaningful aspects. The Council has compared the number of pages in the draft proposals submitted to it and in the final government proposals. The changes made based on the Council's statements have not essentially increased the number of pages in government proposals.

The clarity and comprehensibility of government proposals can be improved considerably by adding illustrative tables and figures. Tables and figures are particularly useful for describing impact assessments and the changes effected by the proposal. They help make

the content of the government proposal more concrete. Sometimes, lengthy descriptions are necessary because of the wide scope of the substance or the complex chains of impact, for example. In such cases, providing a separate summary of the changes and impacts would help the reader perceive the key parts of the proposal.

The Council is pleased to note that the use of illustrative tables has increased slightly compared to previous years. Figures and summaries were added to some proposals based on the Council's recommendations.

The Council has also observed that the types of impacts are not always presented proportionately in impact assessments. The proposals may contain detailed descriptions of impacts on the authorities, while the impacts on the targets of legislation, such as businesses or population groups, are handled only superficially. To improve the comprehensibility and overall picture of proposals, the essential types of impacts should be presented in a balanced and proportionate manner. Excessively focusing on one specific impact type may distort the significance of the proposal's various impacts.

The Council wants to emphasise that both the Finnish and Swedish versions of the proposal must be written in comprehensible legal language. Government proposals are too often written from the perspective of an expert in the field. A person unfamiliar with the topic will find the terminology and substance of government proposals difficult to understand. Therefore, the terminology should be described in greater detail. The terms and concepts used in proposals have not been adequately defined either because term banks have not been utilised or the importance of terminology work and language revision has been ignored.

Section 9 of the Administrative Procedure Act (434/2003) requires that the language used by authorities is clear, easy to understand and to the point. Despite this, government proposals often contain complex sentence structures, unfamiliar expressions, or familiar words used in an unusual sense. If the government proposal is difficult to understand, the people applying the law and those it applies to will probably have great trouble understanding the content of the provisions and the impact of the proposed changes.

Incomprehensible regulation exhausts the resources of law appliers and those who the law applies to. At worst, the law is not applied correctly or some of the provisions are ignored. Help is needed to interpret the law, and unclear regulation may lead to conflicts. Legal language has a significant impact on society. The language used in government proposals and the comprehensibility of proposals makes a difference to how the expected impacts play out. The Council believes that hearing stakeholders is one way to determine whether the target groups of the regulation understand the content of the draft proposal.

In the Council's opinion, ministries should emphatically focus on the clarity of official language and take it into account in legislative drafting. To use good legal language, law drafters must have a profound understanding of the phenomena they are working with. The Council has been left with the impression that law drafters do not always understand what the government proposals seek to achieve and why. This has a bearing on the fluency of the text in the government proposal. Overly strong or weak policy guidance also influences legal language. Legal language is part of the good management of legislative drafting.

## 2.6 Increasing impacts on information management and the information society

The Council has observed that government proposals increasingly affect various registers, information systems and data resources. The reorganisation of authority duties or new duties assigned to authorities have various impacts on authorities' information management. Moreover, regulation requires businesses to change or build new information systems, as well as produce or compile data in a specific format.

The goal of digitalisation is to enhance society's operations and facilitate people's daily lives by saving time, for example. More and more of society's vital functions, including communications, energy and transport, rely on the services provided by the information society. The impacts of legislative amendments may target the basic structures of the information society by promoting or undermining the information society's development in general or from the target groups' perspective.

The digitalisation of society – that is, the increasing pervasiveness of technology – poses new requirements on regulation. In legislative drafting, it is important to recognise the impacts of proposed amendments on the information society and the information management of authorities. The assessment of these impacts will be further highlighted in the future. The guidelines on impact assessment in legislative drafting state that digitalisation plays a key role in many societal reforms effected through legislation. Legislative projects should therefore assess whether the proposed regulation sets up unnecessary obstacles to the use of digital procedures or whether it can help promote the use or improvement of digital services.

Under section 8, subsection 2 of the Act on Information Management in Public Administration (906/2019), the ministry in charge of the mandate must draw up an assessment on the impacts on information management if the provisions being prepared have an impact on datasets and information systems. In the Council's view, government

proposals do not clearly indicate whether an assessment has been carried out as required by the Act on Information Management in Public Administration and what the result of the assessment is. Moreover, it is difficult to get an overall picture of the combined impacts that different legislative projects have on the information society or information management.

The assessment of the impacts on information management and the functioning of the information society is often superficial in government proposals. The changes to information management or impacts on the information society do not clearly indicate the benefits or costs of the changes, not to mention the impacts on different groups of service users. There are groups of people who do not have the opportunity or the skills to use digital services. Government proposals should include an assessment of the impacts of changes on various groups of people. This also highlights the assessment of equality.

In government proposals, the costs and benefits of digitalisation are often assessed superficially. The Council believes that more detailed follow-up information is required in the future about proposals that have affected information management and the information society to determine the actual costs of changes. This would provide legislative drafting with better information about the success of assessments of the impacts on information management and the information society.

## 2.7 Care to be taken in streamlining regulation

In 2017, the Ministry of Economic Affairs and Employment trialled the application of a principle known as 'one-in, one-out'.<sup>11</sup> It means that the direct increases in regulatory burdens imposed on businesses must be matched by equal reductions in regulatory burdens in another context. The principle was applied to legislation of national origin and legislation that exceeded the EU minimum regulation. Areas such as taxes, fines, penalties, the opening of markets to competition, and the promotion of competition were excluded from the scope of application. The project's key measure was to develop a calculator for estimating business impacts and applying the principle. The project's finding was that the scope of application should be expanded to other ministries to gain experience of it on a wider front.

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11 <https://tem.fi/en/one-in-one-out-principle>

The working group on streamlining legislation<sup>12</sup>, set up by the Ministry of Economic Affairs and Employment, has surveyed ministries' opinions about the one-in, one-out principle. According to ministries, central government should systematically work to curb the increasing regulatory burden on businesses. However, the one-in, one-out model, with its binding obligations to reduce the burden, is considered too mechanical. Instead, an administratively light, simple and resource-efficient model is required. According to the working group, the systematic assessment of the regulatory burden must be further developed and its scope of application must be expanded to all ministries that prepare legislation concerning businesses. In addition, the working group recommends that the trend in the regulatory burden on businesses should be regularly monitored in all administrative branches and the results of monitoring should be reported.

In the Council's opinion, the regulatory costs to businesses should be examined in impact assessments. The regulatory burden calculator developed by the Ministry of Economic Affairs and Employment has been a useful tool for assessing these costs. In its statements, the Council has quite often reminded ministries about the calculator and its use to reduce the regulatory burden on businesses. It might also be worth considering whether the regulatory costs that the administrative burden causes to citizens should be assessed. This means the time spent on providing various types of information or dealing with authorities, for example.

However, the Council is hesitant about adopting mechanical models for reducing the regulatory burden. Such models can reduce the burden in some fields, but the streamlining of legislation should be assessed comprehensively. The reduction of regulation may have unexpected indirect impacts on targets who do not come under the scope of regulation.

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12 The working group's expert member is also a member of the Council's secretariat.

## 3 Looking ahead

### 3.1 The Council's thoughts for the next Government Programme

The third term of the Council of Regulatory Impact Analysis began in April 2022. During its term, just as in previous terms, the Council has brought up its observations about the quality and development of legislative drafting and impacts assessments. The Council brings up its observations in its annual reviews, as well as in discussions with administration, policymakers and stakeholder representatives.

The next parliamentary elections will be held in April 2023. The Chairperson of the Council of Regulatory Impact Analysis has usually met with the leaders of political parties before parliamentary elections. In these meetings, the Chairperson has talked about the Council's work and needs related to its operations. In autumn 2022, in view of the coming parliamentary elections, the Council drew up a memorandum on its thoughts concerning the next Government Programme. The memorandum highlights three development needs related to the development of the quality of legislative drafting and the Council's operations.

#### 3.1.1 Ministries' resources must be allocated to legislative drafting

The Council of Regulatory Impact Analysis considers it unreasonable that legislation is continuously prepared in a great hurry, resulting especially from excessively tight schedules and the shortage of human resources. Political pressure may also rush work, if the political establishment does not understand how demanding the legal side of legislative drafting is. The scheduling of legislative projects requires both competence and insight into a good legislative drafting process. By adequately resourcing legislative drafting, the practicability and impacts of the law can be assessed early enough and ex-post evaluations of legislation can be conducted systematically.

The scope of legislative projects varies, and the resources required for them are determined by the leading officials in ministries. However, legislative drafting should not be assigned to only one law-drafter. In the Council's opinion, the responsibilities and workload of legislative drafting must be shared. Ideally, legislative drafting is done in teams that include not only legal expertise but also other competence concerning, for example the society or the economy. High-quality legislative drafting requires that the



competence of various experts be harnessed for the preparation of impact assessments. Inadequately conducted impact assessments may lead to problems later, such as undesirable impacts when implementing the legislation.

### **3.1.2 The Government Programme should focus on the goals, not the means**

As the Council has observed, Government Programmes are extensive and detailed. This presents challenges to legislative drafting, as the Programmes often agree on measures instead of targets. Determining the measures in advance restricts law-drafters' assessment of different alternatives for achieving the objectives. This undermines the quality of legislative drafting. Good legislative drafting includes comparing different alternatives and assessing their impacts to form a foundation for decision-making.

In the Council's opinion, Government Programmes should agree on the government's objectives, not the measures to be used. If the means to achieve social reforms are determined in the Government Programme, it is impossible to truly evaluate different alternatives in legislative projects. In addition, ministries must have access to such resources that realistically allow them to implement the Government Programme. It is important for the leading officials in ministries and the political leadership to engage in dialogue during legislative drafting to ensure that the prerequisites for good legislative drafting are in place. Dialogue is also important to ensure that political pressure does not hamper legislative drafting.

### **3.1.3 The role of the Council of Regulatory Impact Analysis must be laid down by law**

Spring 2023 marks the seventh year of operations of the Council of Regulatory Impact Analysis. During this time, the Council has established its role in overseeing the quality of legislative drafting. Provisions on the Council of Regulatory Impact Analysis were issued by government decree.<sup>13</sup> To ensure the continuity of the Council's established operations, the role and tasks of the Council should be laid down by law.

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13 [Government Decree on the Council of Regulatory Impact Analysis 1735/2015](#)

This would strengthen the independent status and permanence of the Council. The Council's role as a rule of law institution would also be strengthened, supporting the prerequisites for democracy and good governance. What is more, issuing provisions on the Council by law would improve Parliament's access to information, as the Council would gain a stronger role in the legislative drafting process.

The Council's mandate could also be examined in this connection. An assessment could also be conducted on whether the Council's international duties, including dialogue with various parties working on better regulation, could be laid down by law.

## 3.2 The Council's operations in 2023

As the government's term nears its end, the Council will focus on the assessment of Union communications in the early part of 2023. In addition to government proposals, the Council can issue statements on the impact assessments of other draft legislation. This includes impact assessments related to EU legislation, such as Union communications and Europe communications. To date, the Council has issued a statement on two Union communications – in 2020 and 2021. The Council has chosen six Union communications for assessment in spring 2023.

The Council issues its statement on Union communications while negotiations are still under way in the EU, that is, before the proposal is implemented. The Council assesses Union communications submitted to Parliament. In Union communications and any follow-up Union communications, the Council's assessment is based on the impact assessment guidelines for legislative drafting, as applicable. The Council does not issue standard appraisals for Union communications, as Union communications differ from government proposals in their format and requirements.

The Ministry of Justice guidelines for impact assessments of legislative proposals were replaced with the impact assessment guidelines for legislative drafting<sup>14</sup> in autumn 2022. The revised guidelines include more comprehensive instructions on the assessment stages during the legislative drafting process, the collection of information and methods of assessment, and special topics related to the assessment of EU legislation. In addition, the guidelines were specified for some impact types, including those affecting fundamental and human rights, safety and security, and rural environments. Following the revisions to the guidelines, the Council's statement template was adapted to match the categorisation of impacts in the guidelines.

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14 <https://julkaisut.valtioneuvosto.fi/handle/10024/164423>

The Council will begin handling draft government proposals as soon as ministries initiate their legislative drafting processes during the next term of government. At the beginning of the term, the proposals may be primarily technical, with few essential impacts. The Council's quantitative goal is to issue 30–50 statements annually, but at the beginning of the term of government in 2023, the number of statements concerning draft government proposals is expected to remain lower than this. Nevertheless, the number of statements on Union communications will be higher than before.

The Council will continue to develop its operations in 2023. The Council will be getting a post of secretary-general, which will enable the development of the Council's internal work and operational management.

In spring 2023, the Council will draw up a targeted survey for ministries on their adherence to the Council's recommendations. The purpose of the survey is to determine the reasons for the Council's recommendations not being followed in the further work on government proposals.

## 4 Performance, effectiveness and risk factors of operations

### 4.1 The Council's work requires time and commitment from members

In 2022, the Council of Regulatory Impact Analysis held a total of 17 meetings (20 January, 10 February, 24 February, 24 March, 7 April, 27 April, 5 May, 19 May, 16 June, 30 June, 18 August, 1 September, 29 September, 20 October, 3 November, 1 December and 20 December). The meetings were held as video conferences until the end of February, after which they were organised in person, with the option of participating over a video connection. One meeting (24 February) was also organised in a written procedure, to confirm the draft proposals to be assessed. The meeting attendance rate among Council members was 90 per cent.

In 2022, the Council's workload was high especially in the summer and early autumn, as ministries submitted several government proposals for assessment to ensure the proposals could be handled in Parliament before the end of the government term. The Council members have a high workload, taking into account that they work on the Council in addition to their own duties. They acquaint themselves with draft government proposals and draft statements outside the meetings, which means that independent work plays a big role in the Council's activities.

The Council's expenses mainly consist of the salaries of its secretariat. Other expenses include the Council's fees, and expenses arising from catering for meetings, travel and other activities. The annual fee of the Council's members and specialists is EUR 9,600, that of vice-chairpersons EUR 12,000 and that of the chairperson EUR 19,200. The annual fee is based on a monthly fee, paid for 12 months.

The Prime Minister's Office handles the communication of the Council's statements and provides IT support. In addition, the Prime Minister's Office provides facilities for meetings. There were no travel expenses related to international activities in the early part of the year, but since June, travel has largely returned to the level preceding the Covid-19 pandemic. The Council's chairperson and secretariat assess the necessity of all travel.

## 4.2 Self-assessment provides ideas for the Council's development

The Council also monitors the outputs, quality and effectiveness of its own activities. The Council conducted a self-assessment survey in early 2023. On the basis of the self-assessment survey, an external evaluation of the Council's activities and effectiveness was deemed necessary. The survey indicates that the Council is pleased with its role, methods and effectiveness. The Council believes it is important to continue to monitor the consistency of its work.

By monitoring the degree of compliance with the Council's statements, the Council can determine its effectiveness in terms of a single government proposal.

On a wider scale, the Council's effectiveness can be assessed by examining the preliminary impact of the Council's activities on the legislative drafting of ministries. The Council's primary impact lies in its contribution to improving the quality of government proposals and related impact assessments, as ministries prepare in advance for the possibility of being assessed by the Council. Awareness of the Council's possible assessment leads to impact assessments being carried out more carefully. The high number of Council statements probably increases the Council's advance impact on legislative drafting.

One of the ideas behind the Council's operations is that ministries follow its statements and pay attention to what is expected of impact assessments. If this is achieved, the Council's operations are likely to influence the culture of legislative drafting. In its statements, the Council has also sought to highlight positive findings from impact assessments to help establish good impact assessment practices in other ministries, as well.

Measuring the Council's effectiveness on the legislative drafting culture is challenging. Obtaining a more accurate picture of the Council's effectiveness would require sufficiently objective and scientific studies. The Council considers it important that its work and effectiveness are evaluated regularly, for example each term, by an external body.

The quality of the Council's work can be examined by assessing the consistency of the analyses in its statements. In the Council's opinion, its statements are fairly consistent and pay equal attention to the same issues. However, statements must take into account the special characteristics of draft government proposals, and not all draft proposals are fully comparable. To obtain a reliable evaluation, an external assessment of the quality of statements should be commissioned.

The Council has considered its very diverse range of expertise to guarantee the quality of its work. The different skills and backgrounds of the Council members ensure that different perspectives are considered in the statements and matters are widely approached from various viewpoints. Changes took place in the Council's composition in spring 2022. The Council's new members have further diversified the Council's competence.

### **4.3 The high number of statements improves the Council's effectiveness**

The Council monitors developments in legislative work and impact assessments and evaluates the effectiveness of its work. Statements are the Council's most important means for influencing legislative drafting, and they help improve the quality of impact assessments in government proposals. The increasing number of statements has improved the Council's effectiveness in the last two years. Moreover, ministries are expected to learn more extensively from the Council's statements, that is, by paying attention to good practices highlighted in the statements issued to other ministries.

The high number of statements has increased awareness of the significance of impact assessments. The Council's statements are of interest to the media, Parliament and stakeholders at large. The Council has received positive feedback on its statements.

The secretariat's close connections with ministries increase the effectiveness of the Council's operations. The secretariat participates in various government-level working groups for better regulation, provides training and discusses the quality of impact assessments with administration.

### **4.4 Urgency in legislative drafting is a risk to the Council's operations**

At the moment, the Council's work does not suffer from political pressure or other threats. However, the Council has identified some risks to its operations. Time constraints imposed by legislative drafting is one such risk. The Council is sometimes asked to issue its statement as soon as possible to avoid the statement delaying the drafting process. In the Council's opinion, ministries do not allocate enough time for reviewing the statement, or they completely ignore the statement when finalising the government proposal. If the schedule for legislative drafting is too tight, the Council cannot fulfil its mission of improving the quality of legislative drafting and impact assessments.

In 2022, travel picked up as the Covid-19 pandemic gradually eased. International meetings began to be organised in person or as hybrid events that could be attended over a video connection or in person. However, the sums allocated for travel in the Council's budget remained at pandemic levels, preventing travel to some essential meetings. Maintaining the Council's international relations and interaction also calls for face-to-face meetings. Video meetings cannot fully replace such interaction.

In its previous annual reviews, the Council has brought up the risk caused by inadequate human resources. Limited human resources make the Council's operations vulnerable, especially during a temporary dip in the secretariat's resources due to absences or resources being transferred to other duties, as was done during the early stages of the Covid-19 pandemic. The resources of the Council's secretariat were increased in 2021 by hiring one specialist, reducing the risk related to a shortage of staff. Nevertheless, the Council's human resources are still small compared to equivalent councils in other Western countries.

The number of statements issued by the Council has continued to increase. The Council's members perform their council duties alongside their own duties, which may be a risk to the consistency of work. At times, the increasing number of statements leads to such an accumulation of workload that the Council members are unhappy with their ability to carry out their work properly. However, there has been no wish to reduce the number of statements. What this has meant in practice is that the statements are handled mainly in a written procedure, and the Council focuses on the government proposals with the greatest societal impact.

#### *Report by the Audit Committee*

In February 2022, the parliamentary Audit Committee issued a report<sup>15</sup> focusing on the implementation of impact assessments in legislative proposals – the current state and needs for development. The report discussed the needs for developing impact assessments, but it also touched on the operating methods of the Finnish Council of Regulatory Impact Analysis and on the development of the Council's operations. In its report, the Audit Committee considered it necessary that the Council review its operating processes and ensure that its statements are available at an earlier stage of the finalisation of government proposals so that the Council's recommendations can be taken into account.

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15 [Report of the Audit Committee \(in Finnish\) TrVM 1/2022 vp](#)

In accordance with the government decree on the Council of Regulatory Impact Analysis (1735/2015), the government proposal selected for assessment must be submitted to the Council in a draft format that is as ready and complete as possible. If the Council is to assess the soundness of justifications, the credibility of the conclusions and the transparency of impact assessments in draft government proposals, the draft proposals it assesses must be as close to ready as possible. In the Council's experience, impact assessments are specified and supplemented after the hearing stage, after which they can be considered ready for the Council's assessment.

In the Council's opinion, issuing a statement earlier than this would mean that the Council issued its statement before or during the ministry's consultation process. According to the current practice, draft government proposals are submitted to the Council after the consultation stage, with the comments received from consultation incorporated into the draft proposal. The Council does not consider it appropriate to issue its statement to ministries at an earlier stage than it currently does.

When preparing its statement, the Council reviews the draft government proposal along with the comments from consultation. A review of the comments is an essential part of preparing the statement. The comments are important in terms of the openness of impact assessments, the reliability of justifications, and the practicability of legislation. If the Council did not have access to the comments in its own assessment process, the information that the Council needs to evaluate impact assessments would be decidedly limited.

In its role as an oversight body, the Council cannot be equated with a stakeholder heard in a legislative project. The primary task of an oversight body is to make general observations of the quality of legislative drafting and produce added value to society. Hearing is a stage of legislative drafting which aims to involve key stakeholders and citizens in the drafting or otherwise obtain their opinions as widely and equally as necessary during the drafting process. During the hearing stage, the government proposal is still being drafted, and the draft proposal is unfinished. Issuing a statement while hearing is still under way is not appropriate in view of the Council's oversight role.

The Council's operations are not advisory, but consultative, in nature. The idea behind the establishment of the Council was that the Council's statements could help improve the quality of legislative drafting in the government at large and more extensively than in individual cases. The Council does not issue statements on the content or appropriateness of the draft government proposal, but primarily assesses the impact assessments and their quality, as well as questions related to impact assessment. The purpose of the Council and its statement could become blurred if the statement was issued jointly with the comments of other stakeholders.



The Council of Regulatory Impact Analysis believes that the right and appropriate time for issuing its statement is when the comments from the consultation have been taken into account and the relevant changes and impact assessments have been made to the draft government proposal. The Council is also of the opinion that it cannot operate in conflict with the purpose laid out in the government decree on the Council of Regulatory Impact Analysis by issuing statements to ministries before or during the consultation stage for the draft government proposal.

## 5 Finnish Council of Regulatory Impact Analysis

### 5.1 Tasks and composition of the Council of Regulatory Impact Analysis

The Government Decree on the Finnish Council of Regulatory Impact Analysis (1735/2015) entered into force at the beginning of February 2016. The government plenary session appointed the chairperson and members of the Council of Regulatory Impact Analysis for the first term in April 2016. The Council is tasked with evaluating the impact assessments of draft government proposals. The Council is an impartial and independent body. Administratively, the Council is based in the Prime Minister's Office.

Under the Decree, the Council has the following duties:

1. To issue statements on the impact assessments included in draft government proposals
2. To issue statements also on the impact assessments of other draft legislation
3. To submit initiatives towards improving the quality of legislative drafting, especially the quality and performance of impact assessments
4. To benchmark the impacts of legislation against assessments
5. To monitor the development of the quality of impact assessments and to assess the effectiveness of its own operations
6. To submit an annual review of its operations to the Prime Minister's Office

The Council consists of a chairperson, two vice-chairpersons and a maximum of six other members.<sup>16</sup>The chairperson and other members of the Council are appointed by the Government for a term of three years. The Council must possess expertise in both law drafting and the various impact areas assessed. The Council selects two vice-chairpersons from among its members. The Prime Minister's Office appoints the Council secretaries and any permanent experts. The Council has three full-time secretaries, who are assigned to the Government Session Unit in the Prime Minister's Office.

On 31 March 2022, the Government appointed the Council for its third term of office, running from 15 April 2022 to 14 April 2025. Leila Kostiainen, LL.M., continued as chairperson of the Council. Secretary General Leena Linnainmaa and Professor, Director Mika Maliranta were elected as the vice-chairpersons. Senior Adviser Bo Harald and Professor Ulla Liukkunen continued as members of the Council. Research Director Tuulia Hakola-Uusitalo, Professor Juho Saari and Senior Lawyer Arto Sulonen were appointed

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<sup>16</sup> The duties, composition and appointment of the Council are reviewed in more detail in the Government decree explanatory memorandum (21 December 2015).

as new members to the Council. Senior Government Adviser Arno Liukko continued as the Council's permanent expert appointed by the Prime Minister's Office. Professor Eva Liljebloom and Professor Jyrki Tala withdrew from the Council in connection with the Council's appointment for the third term. Both Liljebloom and Tala were Council members for six years.

Senior Ministerial Adviser Meri Virolainen and Senior Specialist Annika Collin worked in the Council's secretariat. Senior Ministerial Adviser Antti Moisio took leave of absence at the end of December 2021. Senior Specialist Essi Römpötti came on board as the third secretary on 7 March 2022. In addition, the following people contributed to the Council's work: Leona Pälvimäki worked as a planning officer until the end of 2022. Aleksander Heikkinen, MSocSc, worked as a planning officer until the end of March 2022. Suvi Sillanpää, Bachelor of Administrative Sciences and student of Social Sciences, started as a university trainee on 5 December 2022.

**Picture 1.** Photo of the Council of Regulatory Impact Analysis from June 2022. Top row from the left: Research Director Tuulia Hakola-Uusitalo, Professor Juho Saari and Senior Government Adviser Arno Liukko. Second row from the left: Senior Ministerial Adviser Meri Virolainen, Senior Adviser Bo Harald, Senior Lawyer Arto Sulonen and Senior Specialist Annika Collin. Bottom row: Planning Officer Leona Pälvimäki, Professor, Director Mika Maliranta, Leila Kostainen (LLM), Secretary General Leena Linnainmaa and Senior Specialist Essi Römpötti. Professor Ulla Liukkunen is missing from the picture.



## 5.2 Issuance of statements on draft government proposals

The principal duty of the Finnish Council of Regulatory Impact Analysis is to issue statements on draft government proposals. The Council reviews the proposals only after the consultation round but before they are submitted to the Government for adoption. The Council independently selects the draft government proposals to be assessed based on, for example the Government's legislative programme and legislative plans. The emphasis is on the Government's most important legislative projects of economic and social significance. The Council also seeks to ensure equal coverage of ministries and randomness in selection. The Council typically focuses on legislative projects with a scope broader than average. However, the goal is to issue statements on draft proposals of all scope, including less extensive projects.

The Council analyses the quality of impact assessments included in draft legislation. It bases its work on the guidelines for impact assessment in legislative drafting and the guidelines for drafting government proposals. In its analysis, the Council adopts a holistic perspective, taking into account economic, environmental and social impacts. Social impacts include matters such as impacts on authorities, population groups, legal protection, gender equality and the workplace.

In addition to impact assessments, the Council also reviews the other rationale of the draft proposal: the current situation, key proposals, alternative solutions and implementation plan. The council examines the draft proposal's preparation overall. The criteria employed in legislative drafting are similar to the recommendations issued by the OECD.

The Council's work takes place near the end of the legislative drafting process. Therefore, the Council is not involved in drafting the draft proposal. Moreover, weighing in on the constitutionality of draft proposals is not part of the Council's work.

When the Council decides to take a certain government proposal under consideration, the relevant ministry is immediately informed. The ministry is asked to provide the Council with as finalised a version as possible of the draft proposal after the consultation stage. The processing period of approximately four weeks reserved for the Council's analysis begins from the date the draft proposal is received by the Government Registry. The ministry must also reserve time for making any corrections required after the Council issues its statement. Statements are published after their adoption by the Council.

The Council's statements are public and are published on the Council's website [Council of Regulatory Impact Analysis – Prime Minister's Office \(vnk.fi\)](https://www.vnk.fi). The draft government proposals selected for assessment are also listed on the website.

# Appendix

## Appendix 1 Statements issued by the Finnish Council of Regulatory Impact Analysis in 2022

Name of draft government proposal/ government decree	Number of government proposal/decrees	Ministry responsible	Draft proposal received for assessment from ministry	Statement issued, date	Processing time, working days	Number of pages in draft proposal	Standard appraisal
Government proposal to Parliament for acts amending the Student Welfare Act and certain related acts	HE 19/2022	Ministry of Social Affairs and Health	16 December 2021	19 January 2022	22	88	3
Government proposal for a climate act	HE 27/2022	Ministry of the Environment	21 January 2022	4 February 2022	11	86	2
Government proposal on amending the Consumer Protection Act	HE 48/2022	Ministry of Justice	28 January 2022	18 February 2022	16	87	3
Government proposal to Parliament for acts amending the Health Care Act and certain related acts	HE 74/2022	Ministry of Social Affairs and Health	26 January 2022	22 February 2022	20	162	4
Government proposal for an act on fertilisers and related acts	HE 32/2022	Ministry of Agriculture and Forestry	7 February 2022	23 February 2022	13	88	2
Government proposal on the implementation of the directive on the accessibility requirements for products and services	HE 41/2022	Ministry of Social Affairs and Health	14 February 2022	14 March 2022	21	237	3
Government proposal on amending the Driving Licence Act	HE 70/2022	Ministry of Transport and Communications	28 February 2022	17 March 2022	14	121	3

Name of draft government proposal/ government decree	Number of government proposal/decree	Ministry responsible	Draft proposal received for assessment from ministry	Statement issued, date	Processing time, working days	Number of pages in draft proposal	Standard appraisal
Government proposal on legislation to raise the employment rate of people 55 or over	HE 62/2022	Ministry of Social Affairs and Health	28 February 2022	25 March 2022	20	186	2
Government proposal on the implementation of the Transparent and Predictable Working Conditions Directive and on legislation improving the position of variable hours employees	HE 60/2022)	Ministry of Economic Affairs and Employment	7 March 2022	1 April 2022	20	83	3
Government proposal on amending the Copyright Act and section 184 of the Act on Electronic Communications Services	HE 43/2022	Ministry of Education and Culture	4 March 2022	1 April 2022	21	160	4
Government proposal for acts amending the Limited Liability Companies Act, Limited Liability Housing Companies Act and Associations Act	HE 47/2022	Ministry of Justice	9 March 2022	6 April 2022	21	118	1
Government proposal for acts amending the Aliens Act and the act on processing of personal data in immigration administration	HE 49/2022	Ministry of the Interior	25 March 2022	8 April 2022	11	79	3
Government proposal on the adoption and enforcement of the ILO Violence and Harassment Convention	Not issued	Ministry of Social Affairs and Health	28 March 2022	22 April 2022	20	66	3

Name of draft government proposal/ government decree	Number of government proposal/decree	Ministry responsible	Draft proposal received for assessment from ministry	Statement issued, date	Processing time, working days	Number of pages in draft proposal	Standard appraisal
Government proposal on the adoption and enforcement of the International Convention for the Protection of All Persons from Enforced Disappearance and on amending chapter 11 of the Criminal Code	HE 87/2022	Ministry for Foreign Affairs	31 March 2022	26 April 2022	19	103	2
Government proposal for a new Act on the Autonomy of Åland	Not issued	Ministry of Justice	4 April 2022	29 April 2022	18	306	3
Government proposal for an act on the protection of persons who report breaches of Union law and national law and related acts	HE 147/2022	Ministry of Justice	5 April 2022	9 May 2022	22	282	3
Government proposal for legislation limiting household debt exposure	HE 101/2022	Ministry of Finance	12 April 2022	10 May 2022	19	100	2
Government proposal for an act on a transparency register	HE 98/2022	Ministry of Justice	21 April 2022	13 May 2022	17	85	2
Government proposal for an act on the oversight of health and social services and on amending certain acts	HE 299/2022	Ministry of Social Affairs and Health	20 April 2022	18 May 2022	21	141	3
Government proposal for an act on the Genome Center	HE 110/2022	Ministry of Social Affairs and Health	29 April 2022	24 May 2022	18	59	4
Government proposal on amending the Aliens Act	HE 100/2022	Ministry of the Interior	10 May 2022	6 June 2022	20	37	3
Government proposal on the Finnish Climate Fund, a fully state-owned limited liability company	HE 116/2022	Ministry of Economic Affairs and Employment	11 May 2022	7 June 2022	20	32	4

Name of draft government proposal/ government decree	Number of government proposal/deGREE	Ministry responsible	Draft proposal received for assessment from ministry	Statement issued, date	Processing time, working days	Number of pages in draft proposal	Standard appraisal
Government proposal for a building act	HE 139/2022	Ministry of the Environment	13 May 2022	8 June 2022	19	438	3
Government proposal for an act on representative action for injunctive measures and related acts	HE 111/2022	Ministry of Justice	17 May 2022	15 June 2022	21	120	3
Government proposal on amending the Mining Act	HE 126/2022	Ministry of Economic Affairs and Employment	31 May 2022	23 June 2022	18	180	4
Government proposal for an act on services for persons with disabilities	HE 191/2022	Ministry of Social Affairs and Health	27 May 2022	23 June 2022	20	335	2
Government proposal for an act on the waiting period related to the duties of a member of government and for an act to amend section 1 of the Act on the Enforcement of a Fine	HE 192/2022	Prime Minister's Office	17 June 2022	7 July 2022	14	54	3
Government proposal on legislation concerning economic employers	Not issued	Ministry of Finance	23 June 2022	29 July 2022	27	78	4
Government proposal on the tightening of restraining orders	HE 143/2022	Ministry of Justice	1 July 2022	8 August 2022	27	71	2
Government proposal for an act amending the Act on Public Employment and Business Service and related acts and on repealing the Act on Social Enterprises	HE 175/2022	Ministry of Economic Affairs and Employment	11 July 2022	15 August 2022	26	187	3
Government proposal for an act on an environmental damage fund	HE 183/2022	Ministry of the Environment	30 June 2022	15 August 2022	33	189	2



Name of draft government proposal/ government decree	Number of government proposal/decree	Ministry responsible	Draft proposal received for assessment from ministry	Statement issued, date	Processing time, working days	Number of pages in draft proposal	Standard appraisal
Government proposal for acts amending the Consumer Protection Act and the act on certain powers of consumer protection authorities	HE 218/2022	Ministry of Justice	5 August 2022	22 August 2022	12	69	2
Government proposal for an act amending the Limited Liability Companies Act and certain related acts	HE 146/2022	Ministry of Justice	25 July 2022	1 September 2022	29	501	2
Government proposal on amending the Associations Act	HE 200/2022	Ministry of Justice	19 August 2022	12 September 2022	17	95	2
Government proposal for a trade register act and an act on business activities and certain related acts	HE 244/2022	Ministry of Economic Affairs and Employment	26 August 2022	14 September 2022	14	295	2
Government proposal for acts amending the Act on Electronic Communications Services, the act on personal data processing in the Finnish Defence Services and the act on personal data processing in the police	HE 243/2022	Ministry of Transport and Communications	29 August 2022	16 September 2022	15	75	2
Government proposal for a Pilotage Act and related acts	HE 293/2022	Ministry of Transport and Communications	1 September 2022	22 September 2022	16	163	1
Government proposal for an act amending the Restructuring of Enterprises Act and related acts	HE 251/2022	Ministry of Justice	31 August 2022	23 September 2022	18	164	3
Government proposal for an act on the verification of qualifications required in the building act	HE 249/2022	Ministry of the Environment	8 September 2022	28 September 2022	15	59	2

Name of draft government proposal/ government decree	Number of government proposal/deGREE	Ministry responsible	Draft proposal received for assessment from ministry	Statement issued, date	Processing time, working days	Number of pages in draft proposal	Standard appraisal
Government proposal on amending the climate act	HE 239/2022	Ministry of the Environment	2 September 2022	29 September 2022	20	69	2
Government proposal for an act on patient ombudspersons and social services ombudspersons	HE 300/2022	Ministry of Social Affairs and Health	30 September 2022	13 October 2022	10	83	3
Government proposal on amending the Income Tax Act and certain other acts due to the introduction of an exit tax for natural persons	Not issued	Ministry of Finance	7 October 2022	18 October 2022	8	80	4
Decree on the prioritisation of electricity usage locations to be included in the contingency plan	981/2022	Ministry of Economic Affairs and Employment	28 November 2022	5 December 2022	6	15	Not issued

## Appendix 2 Dialogue and interaction of the Finnish Council of Regulatory Impact Analysis in 2022

Date	Event/body	Role/purpose	Participants
5 February 2022	Yle news <a href="https://yle.fi/uutiset/3-12286190">https://yle.fi/uutiset/3-12286190</a>	Interview	Kostiainen
11 March 2022	Discussion with Secretary of State Haapajärvi concerning the establishment of a new Council of Regulatory Impact Analysis and the strengthening of the Council's role	Discussion	Kostiainen
16 March 2022	EK webinar on the survey of the Council	Chairperson's address in the webinar	Kostiainen
16 March 2022	RegWatchEurope workshop: Institutional Cooperation vs Institutional Resistance in Better Regulation	Participation over video connection	Violainen, Römpötti
17 March 2022	RegWatchEurope Secretariat Meeting	Participation over video connection	Violainen, Römpötti, Collin
22 March 2022	Meeting with Secretary of State Haapajärvi	Delivery and presentation of annual review	Kostiainen
24 March 2022	Permanent State Under-Secretary Lankinen	Presentation of annual review	Kostiainen
31 March 2022	Presentation of the Finnish Council of Regulatory Impact Analysis to the Ministry of Economic Affairs and Employment	Presentation of the Council and its assessment practices	Violainen
5 April 2022	Meeting of the LAKE cooperation group	Presentation of the 2021 annual review of the Finnish Council of Regulatory Impact Analysis	Violainen, Collin
5 April 2022	Sitra expert seminar on the elements of a high-quality legislative drafting process	Chairperson's participation in the panel discussion	Kostiainen
6 April 2022	Discussion on impacts on fundamental and human rights with the Ministry of Justice	Discussion	Kostiainen, Violainen
13 April 2022	Permanent Secretary Timonen	Discussion	Kostiainen
25 April 2022	Meeting of Permanent Secretaries	Discussion	Kostiainen

Date	Event/body	Role/purpose	Participants
25 April 2022	Basic course in legislative drafting: Impact assessment I	Provision of training	Collin, Virolainen
10 May 2022	Financial sector	Seminar presentation	Kostiainen
9 June 2022	Presentation of the Finnish Council of Regulatory Impact Analysis to the Ministry of Finance	Presentation of the Council and its assessment practices	Virolainen
8 June 2022	RWE Workshop on Garnering Political Support	Participation in the workshop	Römpötti, Virolainen, Kostiainen
9 June 2022	4th Biennial Conference of the European Evaluation Society, Copenhagen	Video presentation/address	Kostiainen
9 June 2022	RWE Board Meeting, Prague	Participation in the meeting	Kostiainen, Römpötti
17 June 2022	Nordic meeting, Oslo	Meeting of Nordic councils of regulatory impact analysis	Collin, Römpötti, Virolainen
28 June 2022	13th OECD Conference on Measuring Regulatory Performance, Brussels	Conference participation over video connection	Collin
8–9 September 2022	DEBR conference, Prague	Conference participation	Kostiainen, Virolainen
8 September 2022	EPRS online event: First annual conference on better law-making: Forward looking policy-making in times of multiple crises, Brussels	Conference participation over video connection	Collin
14 September 2022	Sitra project: Guidelines for a participatory and deliberative legislative process	Interview with the secretariat of the Finnish Council of Regulatory Impact Analysis	Collin, Römpötti, Virolainen
22 September 2022	Meeting of the RWE secretariat, Prague	Secretariat's participation over video connection	Collin, Römpötti, Virolainen
29 September 2022	Overall assessment of the promotion of equal pay by the Ministry of Social Affairs and Health	Interview with the secretariat of the Finnish Council of Regulatory Impact Analysis	Collin, Römpötti, Virolainen

Date	Event/body	Role/purpose	Participants
27 October 2022	Ministry of Transport and Communications: development of impact assessment	Interview with the secretariat of the Finnish Council of Regulatory Impact Analysis	Collin, Röpötti, Virolainen
2 November 2022	Ministry of Social Affairs and Health/Finnish Institute for Health and Welfare: discussion event on mainstreaming gender impact assessment	Giving a presentation	Virolainen
2 November 2022	Interview for a course at the Faculty of Law: assessment of gender impacts	Podcast	Kostiainen
4 November 2022	Ministry of Justice event: Finnish Council of Regulatory Impact Analysis	Giving a presentation	Collin, Röpötti
10 November 2022	Hearing of the Commerce Committee Government proposal on amending the act on the Finnish Climate Fund	Issuing of statements and hearing in Committee	Virolainen
18 November 2022	Morning coffee session for law-drafters: guidelines for impact assessment in legislative drafting	Participation in the event	Collin, Röpötti
21 November 2022	Basic course in legislative drafting: Impact assessment I	Provision of training	Collin, Röpötti, Virolainen
22 November 2022	Mikkel Näkkäljärvi seminar	Presentation on the quality of legislative drafting	Kostiainen
22 November 2022	Finnish Competition and Consumer Authority seminar on the use of research for better decisions and legislation of a higher quality – examples from competition and consumer policy	Participation in the seminar	Collin, Kostiainen, Röpötti, Sulonen, Virolainen
23 November 2022	Workshop on quality indicators in legislative drafting	Participation in the workshop	Collin, Röpötti, Virolainen
7 December 2022	RWE Workshop on Application of Behavioural Insights in the Implementation and Scrutiny of Regulation, Prague	Participation in the workshop	Collin, Kostiainen, Röpötti

Date	Event/body	Role/purpose	Participants
8 December 2022	RWE Board Meeting, Prague	Participation in the meeting	Collin, Kostiainen, Röpötti
15 December 2022	Ministry of Justice: discussion event on the statements of the Council of Regulatory Impact Analysis	Participation in the discussion	Collin, Röpötti, Virolainen

The Council's secretariat also participated regularly in the meetings of the following working groups:

- Legislative drafting development group (expert member)
- Working group on the streamlining of legislation (expert member)
- Ex-post evaluation development group (expert member)
- Network of expertise in impact assessment (chair)

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