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BILL DRAFTING INSTRUCTIONS

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A 1

HALLITUKSEN
ESITYKSET
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ASIAKIRJAT

A 2

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29–56

ASIAKIRJAT

A 3

HALLITUKSEN
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**BILL DRAFTING INSTRUCTIONS
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TO ALL MINISTRIES

Bill drafting instructions

On 16 June 2004, the Government adopted these Bill drafting instructions upon presentation by the Ministry of Justice. These instructions supersede the earlier Bill Drafting Instructions (“Instructions on the Drafting of Government Proposals”) of 1992. The new instructions should be observed in Bill drafting as of the autumn of 2004; however, the feasibility of this principle regarding individual Bills under preparation should be assessed in view of the drafting stage and the extent of the Bill.

In issuing these instructions, the Government emphasises the objective of Bills being drafted more concisely than has been the situation. In addition, due attention should be given in Bill drafting to the issue of whether the desired objectives require legislative measures, or whether they can be reached in some other manner.

Apart from the exploration of alternatives, the new instructions place a special emphasis on impact assessment. The categorisation of possible impacts in the standard headings is a technical one, and should not be taken as an exhaustive list; instead, all relevant impacts should be considered in Bill drafting. The objective is that, where necessary, a separate impact assessment report is published while the Bill is being drafted; in this event, only a summary of the report need be presented in the Bill itself. In addition, because Treaty matters are nowadays handled in all Ministries, these instructions include a chapter on Treaty Bills and their specific standard headings and related information. Also, these instructions are in compliance with the requirements of the new Constitution of Finland, which entered into force on 1 March 2000.

The Government stresses the importance of observing these instructions, so that the Parliament will receive the information it needs on the legislative proposals it is to consider, and so that the Bills will be of sufficiently uniform quality. No derogations should be made without a good reason. These instructions should be brought to the attention of every official involved in drafting work, as well as of the various drafting organs. Edita Publishing Ltd will issue these instructions in book format. In addition, the instructions will be available over the *Senaattori* and *Oiva* internet portals as soon as possible after their adoption. The Bureau of Legislative Inspection at the Law Drafting Department of the Ministry of Justice will monitor compliance with these Bill drafting instructions.

Minister of Justice
Johannes Koskinen

Director General
Pekka Nurmi

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I PURPOSE OF THE INSTRUCTIONS

These instructions provide general guidance for the drafting of legislative Bills. The instructions cover the specifics of Bill structure and style, such as the various parts of the reasons, their purpose, extent and interrelationship. In addition, the instructions contain a brief description of the stages of a legislative project and of project scheduling. That said, the internal structure and the technical aspects of the proposed Act itself are covered only in outline, because more detailed guidance on these issues is available in the *Legal Drafter's Manual* (1996, "Lainlaatijan opas") and in other similar manuals. In order to make it easier to make sense of Bills, they must be drafted to the same basic structure, using the same standard headings. Derogations from these instructions should not be made unless there is a special reason for the same.

These instructions are complemented especially by the *Legal Drafter's Manual*, the *Legal Drafter's Guide to the European Union* (2004, "Lainlaatijan EU-opas"), the *Legal Drafter's Guide to the Constitution* (2000, "Lainlaatijan perustuslakiopas") and the *Treaty Manual* (2003, "Valtiosopimusopas"), as well as the several instructions on the assessment of a Bill's impact on the economy (1998), the environment (1998), business (1999), regional development (2004) and gender equality (2003, "Suvaopas"), and the other similar instructions issued at later dates. A list of the legislative manuals, guides, instructions and other publications currently in use appears as an appendix to these instructions.

II STAGES OF PREPARATION AND PROJECT SCHEDULING

A Bill is a document where the results and the conclusions of the preparatory work are presented in concise form. The Bill is used as the basis for parliamentary consideration and decision-making. In addition, it serves as a basis for policy debate in the society at large and later as material for interpretation and scholarly study. In order for Bill drafting to succeed, the preparatory work must be properly planned and organised.

When a legislative project is being launched, it is vitally important that the time needed and the resources available for the project are estimated correctly. The project schedule must be flexible enough, so that the possible unforeseen problems in the preparation can be resolved. At the same time, it should be kept in mind that the translation¹, revision and parliamentary consideration of Bills may become congested especially when the end of the parliamentary session or the parliamentary term are approaching.

The preparation and consideration of a Bill is a multi-stage process, which begins with preliminary preparation and ends with the entry into force of the Act, its implementation and follow-up. Legislative work is commenced with an express decision (on the basis of the preliminary preparation), and continues from principal preparation to hearings and to the various stages of continued preparation and finally to Government decision-making on the submission of the Bill to the Parliament. In legislative project scheduling, it is important that due note is taken of the parliamentary stage and its time requirements. This means, *inter alia*, that the law drafter's duties do not end with the submission of the Bill, but continue when it is being considered in a select Committee.

Appendix 7 to these instructions contains a description of the stages of legislative preparation and legislative decision-making processes, including estimates of the proportional time requirements of the various stages. It should be taken into account, however, that legislative projects come in a variety of forms, depending on their extent and significance. Extensive overall reforms often begin with preliminary preparation in the form of a research project; such reforms may require years of work both in the Government and in the Parliament. It is often the case that a special Commission is established in order to carry such projects forward. In contrast, minor legislative amendments may be drafted by a single official and proceed on that basis up to their submission to the Parliament; promptly processed, such amendments may be enacted at relatively high speed. That said, also a minor project may run into unforeseen difficulties and take much longer than anticipated.

The schedule is also affected by a number of factors beyond the drafter's control. For instance, political decision-making and guidance is often closely linked to overarching policy considerations which may have an effect on the scheduling.

In accordance with the decision of the Speaker's Council in the Parliament, the Prime Minister's Office communicates to all Ministries, for both the autumn and the spring parliamentary session, the date when Bills are at the latest to be submitted to the Parliament so that they can be considered during that session. That said, it would be desirable, in view of balance in parliamentary work, that Bills were submitted at a steady pace throughout the session. If most of the Bills are submitted near or at the deadline, the process will be congested at all stages, and especially at the translation and revision stages. Moreover, the processing of the Bills in the Parliament will also be congested, from the introductory debate to the revision of the Parliamentary Reply. In order to support the planning of parliamentary work, it is vitally important that the Ministries keep in contact with the select Committees and consult with them regarding the timing of the submission of the most significant Bills.

The Prime Minister's Office prepares for the Parliament a semi-annual list of Bills to be submitted during the forthcoming autumn or spring session. When this list is being compiled, each Ministry should consider the scheduling of its legislative projects with the utmost realism. It should also be noticed that the spring parliamentary session is normally more practicable for the consideration of matters than the autumn session; during the latter session most of parliamentary time is needed for the consideration of the State Budget Bill and Budgetary Acts. The primary purpose of the list is to enable the Parliament to plan ahead regarding the work during the session. The most important thing for this planning is that the Parliament is informed about the anticipated time of submission of the most extensive and the most significant Bills.

III GENERAL BILL DRAFTING PRINCIPLES

- A good explanation must be given for why the proposed legislation is necessary.
- The Bill must be brief and concise.
- Proper, plain language must be used.
- The factual basis of the Bill must be correct.
- The impact and the alternatives must be assessed and explained.
- The constitutional issues must be settled.
- The proposed legislation must be linguistically and technically complete and legally flawless.

A Bill constitutes *a proposal for a decision to be made by the Parliament*. The Bill must be drafted so that it supports parliamentary decision-making. The Bill must explain, concisely and to the point, what the proposed Act or legislative package is all about, concentrating especially on the issues that are relevant as to the background, objectives and regulatory choices in the Bill.

The current situation and the problems inherent in it must be described and reasons supplied why, precisely, the proposed legislation is the correct solution to the problems. The minimum requirements for appropriate law drafting are that the proposed legislation is indeed necessary, that it achieves the objectives set to it, and that it is the best possible way of achieving those objectives. Bills must be drafted in proper, plain language.

It is very important that a coherent and clear overall picture is provided in the Bill of all of the essential impacts of the proposed legislation. Reasoned justification must be supplied about how the stated objectives can be achieved by the proposed legislation. Open discussion is required about the pros and cons and about the

anticipated costs, not only of the proposed legislation, but also of any alternative legislative or regulatory arrangements.

A Bill must also contain information about its relationship to solutions reached in other countries. If there is a link to EU legislation or other EU decisions, an appropriate account of these circumstances is also necessary. Moreover, the Bill must contain an account of how the proposed legislation is intended to be implemented and how the follow-up regarding the achievement of its objectives is to be arranged.

IV STRUCTURE OF THE BILL

In so far as possible, a Bill should have the following structure (*standard headings*):

Standard headings:

EXECUTIVE SUMMARY

Contents

GENERAL REASONS

1 Introduction

2 Current situation

2.1 Legislation and praxis

2.2 International developments, foreign legislation
and EU legislation

2.3 Evaluation of the current situation

3 Objectives and main proposals

3.1 Objectives

3.2 Options

3.3 Main proposals

4 Impact

4.1 Economic impact

4.2 Impact on the activities of the authorities

4.3 Environmental impact

4.4 Societal impact

5 Preparation

5.1 Stages of preparation and preparatory materials

5.2 Statements and the statement process

6 Relationship to other Bills

DETAILED REASONS

1 Reasons for the proposed legislation

1.1 Act #1

Chapters

Sections

- 1.2 Act #2
- 2 Subordinate regulations
- 3 Entry into force
- 4 Constitutional issues and enactment procedure

PROPOSED LEGISLATION

ANNEXES

- Parallel texts
- Draft Decrees
- Other annexes

The standard headings of a Bill, as presented above, can be varied as required by the nature and the extent of the Bill; however, the order in which the information is supplied must not be changed. All Bills must contain an executive summary. The general reasons and detailed reasons may be merged into one section, “Reasons”. A short version of the reasons must always contain *at least* the following parts (the first two can be combined)

Standard headings, short version:

EXECUTIVE SUMMARY

REASONS

- 1 Current situation
- 2 Proposed changes
- 3 Impact
- 4 Preparation
- 5 Entry into force

As a departure from earlier usage, the heading numbers are no longer followed by a full stop.

V DRAFTING THE VARIOUS PARTS OF THE BILL

EXECUTIVE SUMMARY

There is an executive summary in the beginning of every Bill. It should be noted that its purpose is precisely that, *to summarise* the contents of the Bill. The executive summary outlines the objective of the proposed legislation and its main contents, without going into justifications or details. Also a connection to the State Budget Bill must be mentioned, where appropriate. If the Bill relates to the adoption and implementation of a Treaty or to the implementation of a piece of EU legislation, a mention is required as well. Finally, the executive summary must indicate the date of entry into force, as planned for the legislation.

The executive summary must be drafted in proper, plain language. Legal terms and other professional jargon, as well as references to other legislation, should be avoided. The executive summary should not exceed one printed page in length. If the Bill is minor or simple, the executive summary need not be longer than a few sentences.

Contents

A table of contents is required for longer Bills. The table of contents is based on the headings used in the Bill. The detailed reasons are included in the table of contents at the level of chapters; only in especially long Bills may the table of contents be presented at the level of individual sections. The table of contents follows the executive summary.

GENERAL REASONS

- Factual basis
- Current situation, international background and necessity of the proposed legislation
- Objectives and main proposals
- Assessment of the impact in various areas
- Preparation and preparatory materials
- Relationship to other Bills

The general reasons form a brief and concise entirety, explaining all circumstances necessary for understanding the matter and for making decisions on it. In the course of the preparation of the Bill, sufficient factual basis must be compiled and presented in the reasons. The general reasons must indicate the conditions that are proposed to be changed; there must also be a coherent justification why and how the legislation should be reformed. In addition, the general reasons must describe the main points of the proposal and explain why precisely these points are important. The pros and cons of the chosen regulation are to be discussed with reference to the other available alternatives. The impact of the Bill must be thoroughly explained. The general reasons include a description of the main stages of the preparation of the Bill.

1 Introduction

It is often appropriate to begin longer Bills with an introduction, where the point of the Bill is explained in general terms.

2 Current situation

- Relevant legislation
- Case-law and other praxis relevant to the matter
- International developments, foreign legislation and EU legislation
- Evaluation of the current situation

The current situation must be explained in the reasons of a Bill, both as regards the relevant legislation and as regards practical issues. The relationship of the Bill to international developments must also be discussed. The chapter may be dealt with as a whole or it may be subdivided into the following subchapters in accordance with the standard headings.

2.1 Legislation and praxis

The section on the current situation contains a sufficient account of the *contents of the legislation* in force, its background and development. The depth of the historical view into the legislation depends on the relevance that the history has to the Bill at hand. Normally, this section should also cover the *practice of application* of the legislation and the *societal context* in so far as significant to the legislation.

2.2 International developments, foreign legislation and EU legislation

In so far as necessary, the Bill should contain information on foreign legislation to the same point, as well as pending legislative projects in other countries. Because the purpose of this information is to provide the reader with an outlook to various legislative solutions to the same problem, a mention should be made of whether the foreign examples have had an effect on the solution reached in Finland. The outlook to foreign legislation should describe any corresponding pending or completed legislative projects especially in the Nordic Countries and the Member States of the European Union. If an outlook of this sort has but little relevance to the matter at hand, it can be brief and drafted in general terms. The outlook can likewise be presented in general terms, if a more detailed picture is given already in earlier published preparatory works, such as Commission reports or Working Group papers.

A Bill may also pertain to the implementation of an EU Act, such as a Directive. In this event, the general reasons of the Bill should contain a general description of the contents of the EU legislation to be implemented. The standard headings for Bills pertaining to the adoption and implementation of Treaties are laid out in section VI.

Where the outlook into foreign legislation is extensive in scope, it is appended to the Bill rather than incorporated in it. In this event, a brief summary of the findings can be taken into this section.

When the matter is of the implementation of EU legislation, this subsection should contain a general description of the Directive or other EU Act under the heading “International developments, foreign legislation and EU legislation” or under some other suitable heading.

2.3 Evaluation of the current situation

The legislation, the practical experiences, the possibly available research and, where necessary, the international comparisons serve as the basis of the *evaluation of the current situation*. In this evaluation, any shortcomings in the current situation must be identified and their reasons explained, as must the justification for the reform of the legislation. This section should provide an overall analysis of the present state of affairs.

3 Objectives and main proposals

- What is to be achieved by the Bill and how (objectives and means)
- Alternative solutions and comparisons
- Main proposals by category
- Reasons for the choice of the solution
- Assessment of how the objectives will be achieved in practice
- How the provisions are to be implemented
- How the achievement of the objectives is to be followed up

The point of this section is to explain what is being proposed and why. There must also be a concise account of the alternatives – legislative and other – that have been considered and reasons why precisely the solution adopted in the Bill has been chosen. At the same time, a comparison must be presented of the pros and cons of the chosen solution and the other alternatives, including the alternative of taking no action. The method of cost-benefit analysis can be utilised in the comparison, where appropriate. Such an analysis is especially important in extensive or significant Bills. Where necessary, the analysis may be presented separately as an annex to the Bill.

If the Bill can be subdivided into categories, each of these can be presented as a separate section, by explaining the main proposals and the reasons for each of the categories at a time.

The Bill must make clear the mechanisms and causal links that are expected to bring about the desired societal outcome, as well as describe the circumstances that are anticipated either to promote or to hinder the effective realisation of the provisions. This information is necessary so as to ensure that the objectives, means and impact of the Bill are in harmony and that the proposed legislation is opportune and contains the elements needed for the achievement of the desired change.

The section must contain an explanation of how the legislation is to be implemented and whether there are any special measures foreseen for the promotion of the realisation of the legislation, e.g. by way of information, advice, training or multi-party co-operation.

Moreover, the Bill must indicate whether the impact of the proposed legislation is to be followed up. In some cases, it is possible to take an annex to the Bill outlining the follow-up measures relating to the implementation and the impact.

The proposals should be covered only in general terms in the general reasons. In more extensive Bills, objectives and main proposals should be dis-

cussed under separate headings: **3.1 Objectives**, **3.2 Options** and **3.3 Main proposals**.

4 Impact

A Bill must contain a brief assessment of the anticipated impact of the proposed legislation. In this context, impact means the real, practical consequences of the application of the legislation. The scope and the level of detail of the impact assessment should be in proportion to the contents of the Bill and the significance of the anticipated impact. The assessment should be restricted to the relevant aspects of the impact of the proposed legislation. At the same time, the method of assessment should be described, unless this is evident already from the context. Because the point of legislative projects is societal change, it is very important to assess the impact of the legislation before its adoption. In like manner, it is important to follow up on the impact of the legislation and its rate of success in achieving the desired outcomes.

Impact may take the form e.g. of short-term effects and long-term effects, direct and indirect effects, positive and negative effects (“positive” and “negative” being dependent on point of view), singular or recurring effects, or temporary or permanent effects. Where necessary, the impact may also be presented using tables and graphics.

If a separate impact assessment has been drawn up during the preparation of the Bill, only a summary is taken into the Bill.

This section should contain all of the significant impacts of the proposed legislation. An impact is significant when it has a broad societal extent or an essential effect on an aspect of the society. Some of the most significant impacts of proposed legislation are economic impact, impact on the activities of the authorities, environmental impact and societal impact. In more extensive Bills, these different categories of impact must be discussed separately under their own subheadings. Many types of impact may fall within several impact categories, but for practical reasons, so as to maintain the uniformity of Bill drafting, it is recommended that the subheadings in these instructions be used.

4.1 Economic impact

The Bill must outline the economic impact of the proposed legislation. If the Bill has no economic impact, this should be specifically mentioned in the reasons. Economic impact encompasses all the changes in the economic situation and operations of the society, corporations or individuals that can be ascribed to the implementation and application of the legislation. Depending on the

object, the economic impact of the legislation may be either beneficial or detrimental.

According to the Government Rules of Procedure (262/2003, *valtioneuvoston ohjesääntö*), a Ministry must obtain a statement from the Ministry of Finance when preparing a matter with considerable economic or budgetary implications. Matters that are important economically or in terms of principle must be discussed in the Cabinet Finance Committee. The Government has issued resolutions on the assessment of the economic impact of proposed legislation (1998), as well as on the assessment of the impact of proposed legislation on business activities (1999).

The Bill must contain an account of the effects of the proposed legislation on public finances, that is, State finances and municipal finances. This account should cover also the possible administrative costs to be incurred by the State, municipalities or other public corporations. Where a Bill has an impact on business activities, there should be an evaluation of the effects on different sizes of company. Where a Bill has an impact on the financial situation of households, there should be an evaluation of the effects on different family types and of whether there are gender-specific effects.

If the proposed legislation has an considerable economic impact on society as a whole, an assessment should be provided on the total effects of the Bill on employment, competitiveness, the market, investments and consumption, production and productivity, import and export, prices, income redistribution and the cost burden between demographic groups, as well as regional development.

The economic impact should be presented in Euro terms. If this cannot be done, at least the magnitude of the impact should be given. Various metrics (e.g. service delivery or customer figures) can be used to describe the impact. In addition to quantitative information, the impact should be assessed also in qualitative terms, if necessary.

Both short-term and long-term impacts should be discussed in the assessment. One-off initial costs and recurring annual costs to various parties should be presented separately. The grounds and the assumptions used in the assessment and the related uncertainties should be laid out. If it has not been possible to produce a quantitative assessment of the economic impact, its formation, the relevant factors, the causal links and the magnitude of the effects should nonetheless be described in qualitative terms.

4.2 Impact on the activities of the authorities

If the proposed legislation has an impact on the duties of, or procedures in, the public authorities, this impact must be described. The Bill must contain an evalu-

ation of how the duties will change and how the reform affects the competences and jurisdictions of various authorities. The possible change to the allocation of tasks between the State and the municipalities must likewise be described. The effects on the organisation and personnel in public authorities must be discussed. At the same time, an evaluation should be given as to whether the proposed changes relating to the authorities will have secondary effects on the status or rights of individuals or corporations.

4.3 Environmental impact

The Bill must describe the possible environmental impact. If the proposed legislation has no significant environmental impact, this should be mentioned as well. A Government resolution has been adopted on the assessment of the environmental impact of proposed legislation (1998).

Environmental impact means the effects of the proposed legislation on (1) soil, water, air, the climate, vegetation and living beings, as well as on their interactions and biodiversity, (2) human health, living conditions and well-being, (3) social structures, buildings, the landscape, the urban environment and cultural heritage, and (4) the utilisation of natural resources.

If the proposed legislation has an adverse environmental impact or causes environmental hazards, the Bill must indicate how these are to be prevented or reduced. The Bill should explain the methods used in the assessment of the environmental impact, the underlying assumptions and the uncertainties.

4.4 Societal impact

The Bill must describe the societal impact of the proposed legislation. Societal impact encompasses the effects on people's living conditions, alternatives for action, behaviour, values or attitudes. It is not always easy to distinguish the societal impact from e.g. the Bill's economic impact or environmental impact. That said, any proposed legislation may affect the life or behaviour of human beings in a manner that is not easily categorised or explained under the other headings relating to the impact of the Bill.

This section should cover also the possible impact that the Bill has on employment. For example, the legislation may affect the number of jobs in the public or the private sector, the employment uptake rates or the duration of employment relationships. Likewise, any possible impact on the information society, its development and data security should be discussed.

In addition, the legislation may have an impact on crime prevention. In the assessment of this kind of impact, it is advisable to refer to the report of a Ministry of Justice Working Group relating to the consideration of crime

effects in the preparation of legislation and other public planning (2002).

Furthermore, the proposed legislation may have an impact on regional development. The relevant assessment should be based on the instructions on the assessment of the impact of proposed legislation on regional development (2004).

In the case of Bills relating to social welfare, it is important that the impact of the proposed legislation is discussed at the level of the individual. If the Bill's adoption may result in individuals being treated differently from one another on the basis of sex, age, origin, language, religion, convictions, opinions, state of health, handicap or other personal reason, clear and acceptable justification for the legislation must be provided, and an account given of how the adverse effects are to be prevented or reduced.

The Bill must also contain an account of the impact on the two sexes (gender impact assessment). This assessment may be based on the "Suva" Instructions issued by the Ministry of Social Affairs and Health. The assessment of gender impact in law drafting means the advance evaluation of the effects of the legislation on women and men, so that no inadvertent indirect discrimination of one sex ensues.

5 Preparation

- Stages of preparation and preparatory materials
- Statements

The reasons of a Bill must contain a section describing the preparation of the Bill as a process. Its purpose is not only to account for the stages of the drafting process, but also to list the material that has accrued during the process or otherwise, as well as indicate where the said material is available. The section may have the following subsections:

5.1 Stages of preparation and preparatory materials

The subsection on the stages of the drafting process and the preparatory materials describes the progress of the drafting, the various bodies involved in it at different times (Commissions, Committees, Working Groups) and, briefly and in outline, the proposals of these bodies. If there are earlier withdrawn, lapsed or rejected Bills on the same subject-matter, they must also be mentioned. In addition, any positions taken by parliamentary select Committees and any parliamentary resolutions on the same subject-matter must likewise be mentioned.

5.2 Statements and the statement process

The reasons of the Bill contains also a list of the parties who have provided statements on the matter during the preparation. The providers of statements include Ministries, other central administrative authorities, the central organisation of municipalities, the leading labour market organisations, many significant economic or non-governmental organisations, and other interested parties. When these parties are mentioned in the Bill, it is easier for the parliamentary select Committees to invite experts to give evidence at the Committee stage of the parliamentary process. If hearings of experts or interested parties have been arranged during the drafting process, these must also be mentioned.

In order to avoid unnecessary expansion of the Bill, the general reasons need not explain the contents of the statements in full; instead, only the main thrust of the statements should be discussed. If necessary, justification must be provided for the selection of a given solution that is contrary to the opinions expressed in the statements. If a summary of the statements has been compiled, this must be mentioned.

6 Relationship to other Bills

The reasons must contain a mention of other Bills, already submitted or under drafting, on which the parliamentary work on the Bill at hand or the implementation of the legislation proposed in it may depend. If there are proposals for the amendment of the same provision in several Bills already in the Parliament or to be submitted together, this must be mentioned in the reasons. It should also be noted that the interdependence of several Bills may result in the entry into force of an Act being delayed from that originally planned for it. When amending Acts are being drafted, it should be kept in mind that only legislation that has already entered into force or that has been adopted and confirmed can be amended.

In order to safeguard the principle of budgetary completeness, as well as to promote the efficient processing of the State Budget Bill in the Parliament, it is important that it is clearly indicated in the reasons whether the proposed legislation is a “Budgetary Act” that is intended to be discussed at the same time as the Budget; this can be done e.g. by using the phrase “The Bill pertains to the State Budget Bill for 2006 and is intended to be considered at the same time.” In addition, the linkage of the proposed legislation and the Budget must be described. A Budgetary Act is one with an immediate link to a public finance decision made in the Budget or a supplementary Budget, that is, a Budget Reso-

lution. Such Resolutions include those pertaining to income, expenditures and the reasons contained in the State Budget Bill.

DETAILED REASONS

1 Reasons for the proposed legislation

- The contents of the proposed legislation should be outlined.
- Examples of application situations should be provided.
- Concepts not used in general language should be explained.
- By and large, the detailed reasons should follow the structure of the proposed legislation.
- Repetition of the text of the Act or the contents of the general reasons should be avoided.
- Where necessary, the separate sections of the detailed reasons may begin with an introductory paragraph.

The detailed reasons provide information on the proposed contents of the legislation both to the Parliament and to those applying the legislation. For this reason, the detailed reasons must explain, clearly and concisely, the significance of every individual provision contained in the proposed legislation. The explanation should be supplemented by examples of situations where the new provision would be applicable and where it would not be applicable. At the same time, the change to the current legal situation must also be discussed. If the proposed amendment is mainly technical or linguistic by nature, this should be mentioned. If the contents of the proposed legislation are based on, or otherwise closely linked to, an international obligation binding on Finland, such as an EC Directive, the issue must be made clear.

If the proposed legislation contains concepts or expressions that are not in everyday use or that are used differently from their meaning in everyday language, the appropriate definitions must be provided.

The detailed reasons should be clear of redundancy, so that the contents of the general reasons and, particularly, the information already contained in the text of the proposed legislation are not repeated. That being said, all of the proposed provisions must be justified. It is not appropriate to justify a provision merely by reference to an earlier Bill on the same subject-matter.

The detailed reasons must be provided separately for each of the Acts proposed in the Bill, observing the divisions, e.g. chapters and sections, used in the Act. Normally, the numerical order of the sections should be followed. However, several sections that are connected to one another may be discussed to-

gether, e.g. in the interests of avoiding redundancy. In like manner, the reasons for the sections that are to be amended only in minor detail, with repeated technical changes or otherwise more in form than in substance can be presented at one go, without reference to the ordering of the sections.

In order to enhance legibility, the **section number** is to given in **bold type** in the detailed reasons. This rule does not apply to the numbering in the text of the proposed legislation.

It may sometimes be useful to include a paragraph of general remarks in the beginning of the detailed reasons for each of the proposed Act or of the separate topic areas, such as chapters, in a single proposed Act. It may also be appropriate to discuss earlier proposals or alternatives in the detailed reasons, together with the relevant proposed provision. If expressions used in a Directive are intended to be used verbatim in the proposed legislation, this should be mentioned.

2 Subordinate regulations

- The proposed authorising provisions are to be explained.
- The authorisations are to be drafted precisely and their scope defined clearly.
- In so far as appropriate, drafts for the most significant subordinate regulations should be appended to the Bill.

This section of the Bill provides a comprehensive and concise outline of the proposed provisions authorising the issue of subordinate regulations. The outline should list the provisions that entitle the Government, a Ministry or the President of the Republic, as the case may be, to adopt Decrees. The outline should be broken down by type of Decree. If the proposed legislation contains provisions authorising some other public authority to issue instructions, these should also be accounted for.

It is often appropriate to append a draft of the Decree to the Bill, if the Decree contains provisions that are significant in the context of the proposed legislation taken as a whole. In other cases, the main points of the Decree may be summarised in this section or in the detailed reasons for the relevant authorising provisions. If the draft Decree is due to be completed while the Bill is in Parliament or even later than that, the drafters must be prepared to brief the relevant parliamentary select Committee on the intended contents of the Decree.

It is not necessary to append draft instructions to the Bill. Nonetheless, the main points of the instructions should be summarised in this section or in the

detailed reasons for the relevant authorising provisions, if they are significant in the context of the proposed legislation taken as a whole.

When the draft Decrees are being prepared, it is essential to ensure that the proposed legislation contains an appropriate and adequate authorisation for the issue of the provisions intended to be taken into the Decree. The same applies also to the drafting of official instructions.

The issue of decrees and the delegation of legislative power are covered by section 80 of the Constitution. Under paragraph (1) of the said section, the President of the Republic, the Government and a Ministry may issue Decrees on the basis of authorisations contained in the Constitution or another Act of Parliament. However, provisions concerning fundamental issues of individual rights or obligations must also be adopted by an Act of Parliament, as must provisions on matters that under the Constitution are otherwise to be regulated by an Act.

The formulation of the authorising provisions should be precise and their scope of application clearly defined. The minimum requirement is that the authorising provision contains a sufficiently precise outline of the matters or types of matter that are intended to be regulated by Decree. No delegation of legislative power is possible if the matter is under the Constitution to be regulated by an Act. Hence, for instance, provisions on fundamental issues of individual rights or obligations must always be included in an Act of Parliament. Where the Act contains adequately precise basic provisions on such matters that are to be regulated by an Act, it is possible to authorise an issuer of Decrees to adopt more detailed provisions on the matter at hand. In order to maintain the specificity of the legislation, it is usually advisable to locate the authorising provision next to the relevant substantive provision, e.g. as a separate paragraph.

The main rule is that Decrees are issued by the Government. A Ministry may be authorised to issue Decrees in matters that are technical by nature or relatively insignificant socially and politically. There is reason to raise the level of authorisation to the President of the Republic, if the issue of the Decree pertains to the tasks or competence of the President or to his or her status as the head of state. The issuer of Decrees must be expressly mentioned in the authorising provision.

Under section 80(2) of the Constitution, also another public authority may be authorised by an Act of Parliament to issue regulations on given matters, if there is a special reason pertaining to the subject-matter of the regulation and if the substantive significance of the regulation does not call for the matter being dealt with by an Act or Decree. The premise is that legislative power is

not delegated to authorities below the level of Ministry. In the exceptional event that an authority is authorised to issue instructions, the precision of the provision must be carefully considered. Owing to the specific provision in the Constitution, the authorisation must also be clearly defined as to its scope of application. Normally, an authorisation of this kind pertains to technical or minor particulars that do not involve noteworthy exercise of discretion.

When drafting the authorising provisions in a Bill, due note should be taken of the praxis of the Constitutional Law Committee pertaining to the delegation of legislative power, as well as to the relevant passages in the *Legal Drafter's Guide to the Constitution*

3 Entry into force

- All legislative provisions must include a provision on entry into force.
- The intended date of entry into force of the Act is mentioned in the detailed reasons and in the executive summary.

This section of the Bill contains information on the intended date of entry into force of the legislation. It may sometimes be necessary also to discuss issues pertaining to the determination of the date of entry into force. Such issues include e.g. the connection of the Bill to other legislation still under the drafting process, the continuation of preparations in the matter or the need to spare some time for implementing measures, such as information provision or training.

The date of entry into force should be given as a calendar date in the detailed reasons: “For this reason, it is proposed that the Act enter into force on 1 January 2006.” It is not always possible to pinpoint the date of entry into force so precisely. Nonetheless, for purposes of planning of parliamentary work, it is necessary that the intended date of entry into force is given at least by a year reference: “For this reason, it is proposed that the Act enter into force in the spring of 2006.” If a longer delay is needed between the confirmation of the Act and its entry into force, this should also be mentioned: “It is proposed that the Act enter into force in the autumn of 2006. However, owing to the need for implementing measures, the Act can enter into force no earlier than x months after its adoption and confirmation.”

If the proposed legislation is intended to enter into force with urgency, the need must be accounted for in the reasons. Very persuasive reasons are required for a Bill to be taken up as an urgent matter. The Bill must contain also an assessment of the adverse consequences of any possible delay in the intended entry into force of the legislation.

Every effort should be made to avoid vague expressions of time of entry into force, such as “the Act is intended to enter into force as soon as it has been adopted by the Parliament.” In most cases, a more precise time reference can be substituted. In those rare cases where it is not possible to pinpoint the date of entry into force with any precision, expressions relating to the adoption and confirmation of the legislation should still be avoided, using instead phrases like: “The Act is intended to enter into force without delay” or “The Act should enter into force as soon as possible”.

The intended date of the entry into force must always be mentioned also in the executive summary of the Bill.

According to section 79(3) of the Constitution, an Act of Parliament shall contain a provision indicating its date of entry into force. Even though the date of entry into force is to be taken into the reasons as precisely as possible, the provision in the text of the Act is still to read: “This Act enters into force on DD Month 20YY.” This is because the actual date of entry into force is by tradition and for technical reasons to be set when the Act is confirmed by the President. However, if the Act is absolutely to enter into force on a given date, this is spelled out already in the proposed legislation.

4 Constitutional issues and enactment procedure

- Where necessary, the constitutional issues of the Bill are explained.
- A recommendation for the choice of enactment procedure is given.
- Where necessary, a position is taken as to whether the Bill should be sent to the Constitutional Law Committee.

All Bills are to be drafted in a constitutionally sound manner. Every effort should be made to avoid drafting legislation that contradicts the Constitution and therefore requires the qualified enactment procedure used for exceptions to the Constitution. The exception procedure should be resorted to only in extraordinary situations and for pressing reasons.

This section is to be included in the Bill if the proposed legislation contains provisions whose constitutionality may be an issue to be considered. In this case, the section is drafted even if the constitutional issues have been discussed elsewhere in the Bill. The section summarises the provisions with constitutional issues, as well as presents the grounds for their being considered constitutionally sound. The praxis of the Constitutional Law Committee should be taken appropriately into account in the drafting of the Bill; references should be provided in this section at least to the most important Committee positions taken in like matters.

If the Bill is significant in view of fundamental rights, care should be taken also to avoid controversy with the international human rights obligations binding on Finland. If necessary, the praxis of international human rights bodies, such as the European Court of Human Rights, should be discussed.

At the end of the section, there should be a recommendation as to the choice of enactment procedure. If the recommendation entails the qualified procedure for exceptions to the Constitution, proper justification for the existence of the pressing reasons must be given.

If the relationship of the proposed legislation to the Constitution is open to interpretation, the section may contain a position to the effect that the Bill should be sent to the Constitutional Law Committee. Such positions should be taken, however, only where there is a real need for the same because there is an actual problem of interpretation.

PROPOSED LEGISLATION

- Choice of regulatory level
- Order of provisions

When planning the structure of an Act, due care should be to consider which provisions are to be taken into the Act and which matters can be left to be regulated by Decree or official instruction, as provided in section 80 of the Constitution on the delegation of legislative power.

When setting the provisions in an Act in an order, those pertaining to the same subject-matter should be grouped together. Care should be taken not to mix substantive and procedural norms together. Where necessary, provisions on the objective and the scope of application of the Act appear in its beginning. If it is necessary to define the concepts used in the Act, the definitions appear likewise in its beginning. Substantive provisions follow the opening sections. Provisions on the authorities, their activities, procedure, appeals and enforcement appear towards the end of the Act. Normally, the final sections of the Act concern entry into force and implementation, as well as list the earlier statutes to be repealed. The necessary transitional provisions appear also at the end of the Act. It may sometimes be necessary to derogate from this order, by placing the basic provisions on the authorities enforcing the Act before its substantive provisions.

Unless a very short Act is concerned, it is advisable to divide the Act into chapters. Each chapter is numbered and bears a heading. Arabic numerals are used in chapter numbers. Sometimes it may be enough to insert subheadings

into the Act instead of dividing it into chapters. The subheadings are not numbered.

As a rule, the sections of the Act are numbered consecutively from its beginning to its end, regardless of whether it has been divided into chapters or not. In exceptional cases, it may nonetheless be better to restart the section numbers for each chapter, the first section of a chapter always being section 1. Sections are subdivided into paragraphs, whose number is not to exceed three per section. Paragraphs can be further subdivided into subparagraphs and points. The inclusion of illustrative section headings improves the clarity and usefulness of the Act.

If the Act is divided into chapters, the heading of the first chapter is normally “General provisions”. The provisions that regularly precede the substantive provisions are presented in this chapter. In most cases, the final chapter of the Act is titled “Miscellaneous provisions”. As the name implies, it contains provisions that do not easily fit under any other chapter heading. If, besides the regular provision on entry into force, the Act contains also other provisions concerning its entry into force or transitional period, these may be presented in a separate chapter “Entry into force”.

If there are two or more proposed Acts, they are numbered in the Bill.

Parallel texts

- The parallel texts illustrate the proposed amendments with the deletions from the current text and the changes and additions in the proposed text being italicised.
- The parallel texts are appended to the Bill.

The point of the parallel texts is to illustrate the Bill. They are used when the proposal entails the amendment of existing legislation. They are also used when provisions are repealed or new ones added to existing legislation, in addition to amendments. If the Bill entails only the addition of new provisions, the parallel texts are omitted.

The parallel texts include the provisions to be repealed, amended or added. Those provisions not affected by the Bill at all are not included. When a section is being amended in part, it is exceptionally possible to take also the unamended part into the parallel texts, if this is unavoidable for understanding the amendment. In the parallel texts, the text of the Act currently in force runs down the left column, “Act in force”, and the proposed text runs down the right column, “Proposed Act”. In the current text, the text intended to be repealed or deleted

is italicised; the text intended to be replaced with new text is not italicised. If a section, paragraph or subparagraph is amended in full, the respective current text is not italicised at all. In contrast, if the current text is partially retained and partially amended or possibly added to, the italics in the current text indicate where text has been deleted. The left column should bear the text of the legislation currently in force even if there is another proposed amendment to the same provision pending in the Parliament.

In the proposed text, the proposed amendments and additions are italicised. The sections to be repealed are italicised in the left column and the words “to be repealed” written in parentheses in the right column; if necessary for clarity, the number of the paragraph or subparagraph can be added. If it is proposed that text already in italics (e.g. the rubric of a criminal offence) be amended or added, this is shown in the right column in bold italics. In like manner, the amendment of boldface text, such as the title of the Act or the heading of a chapter is shown in bold italics.

The earlier custom of placing unamended sections in a column centred on the page is to be discontinued. The headings are from now on to appear in both columns, as are those exceptional passages where unamended text is taken into the parallel texts in the interests of clarity.

These rules of parallel texts can be derogated from, if this is necessary for the improvement of the legibility of the parallel texts.

Other annexes

Where necessary, also draft Decrees can be annexed to the Bill, as can charts, maps or various graphics.

VI STRUCTURE OF A BILL FOR THE ADOPTION AND IMPLEMENTATION OF A TREATY

Standard headings are to be used in a Bill for the adoption and implementation of a Treaty or other international obligation; owing to the nature of the matter, these headings differ somewhat from the general standard headings discussed in chapter III. The *standard headings of Treaty Bills* are as follows:

Standard headings of Treaty Bills

EXECUTIVE SUMMARY

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GENERAL REASONS

- 1 Introduction**
- 2 Current situation**
- 3 Objectives and main proposals**
 - 3.1 Objectives**
 - 3.2 Main proposals**
- 4 Impact**
- 5 Preparation**
- 6 Other relevant information**

DETAILED REASONS

- 1 Contents of the Treaty and its relationship to Finnish Law**
- 2 Reasons for the proposed legislation**
- 3 Entry into force**
- 4 Need for parliamentary assent and decision-making procedure**
 - 4.1 Need for parliamentary assent**
 - 4.2 Decision-making procedure**

PROPOSED LEGISLATION

TEXT OF THE TREATY

As has been noted in chapter IV on the general standard headings, also the standard headings of Treaty Bills can be varied in accordance with the nature and extent of the Bill. In fact, there may be more scope for variation in the reasons of a Treaty Bill than there are in a regular Bill. It should also be noted

that a Treaty or other international obligation may sometimes require parliamentary assent even in the absence of provisions of a legislative nature and, therefore, without a proposal for implementing legislation. That being said, a Bill must always contain the short version of the headings listed in chapter IV, as well as an account of the contents of the Treaty and its relationship to Finnish law, as well as an assessment of the need for parliamentary assent and a recommendation for the choice of enactment procedure. The standard headings above are a “basic model” which can be used in the adoption of a Treaty and the implementation of those of its provisions that are of legislative nature. If the Bill pertains to some other matter, e.g. the termination of the Treaty or the cancellation of a reservation, the standard headings should be used in so far as appropriate. If the matter is of the adoption and implementation of an international obligation other than a Treaty, the designation of that obligation is of course to be used in the headings and text instead of the word “Treaty”. While the final section of the Bill, *the text of the Treaty*, appears after the signatures, it is not an appendix but an essential part of the Bill proper.

The following sections contain guidelines on the various parts of the Bill and their drafting, similar to those given above in chapter V. The information already given in chapter V will not be repeated; instead, the discussion concentrates on the aspects where Treaty Bills differ from regular Bills. More guidance relating to Treaties can be found in the *Treaty Manual* issued by the Ministry for Foreign Affairs.

EXECUTIVE SUMMARY

The section is drafted in accordance with the instructions in chapter V. Note, however, that the title of the Treaty should be mentioned and the origins of the Treaty very briefly described. The contents of the Treaty should be outlined. If the title of the Treaty is exceedingly long or convoluted, a short title may exceptionally be used in this section. The section should also indicate the date of entry into force of the Treaty or obligation, as well as the planned date of entry into force of the legislative proposals contained in the Bill; the latter date should in normal cases be the same as the former.

GENERAL REASONS

The section is drafted in accordance with the instructions in chapter V, in so far as appropriate. The section outlines the objective and aims of the Treaty or other international obligation, as well as their background. There should also be a general description of the main provisions of the Treaty and how these are

used in the realisation of the objective of the Treaty. In addition, the section describes the international and national preparation processes leading to the Treaty, as well as the chosen manner of implementation and the reasons for that choice.

DETAILED REASONS

1 Contents of the Treaty and its relationship to Finnish law

The section describes the contents of the Treaty or other international obligation, normally article by article. In respect of extensive Treaties, the description of the contents may exceptionally proceed chapter by chapter or in accordance with some other suitable ordering system. The relationship of the provisions to Finnish law must likewise be described, as must the changes in Finnish law that will occur if the Treaty is implemented, as well as what legislative measures, beyond implementation, are to be anticipated.

2 Reasons for the proposed legislation

The implementation of a Treaty or other international obligation is usually effected by way of a “Blanco Act”, where it is enacted that all Treaty provisions that are legislative by nature are in force as legislation in Finland. The reasons for this type of Act are normally very brief, merely stating the contents of the relevant sections. In contrast, if the proposed legislation contains substantive provisions, or if also other Acts are being proposed in the same Bill, the reasons are to be drafted in accordance with the instructions in chapter V.

3 Entry into force

The Bill must indicate when the Treaty enters into force as an international instrument or, as the case may be, when it has entered into force. If the Treaty has not yet entered into force as an international instrument, the preconditions for its entry into force must be listed in the Bill. In the cases where a Treaty is already in force as an international instrument, its estimated date of entry into force in Finland must be supplied.

Because the date of entry into force of the implementing Act should normally be the same as the date of entry into force of the Treaty itself, it is usually not possible to indicate the date of entry into force very precisely. In this case, the relevant passage in the reasons may read e.g. as follows: “The proposed Act is intended to enter into force as provided by a Decree of the President of the Republic, to coincide with the entry into force of the Treaty”. If the Treaty has

been drafted as an European Union instrument, but it is not an establishing Treaty, the implementing legislation enters into force as provided by a Decree of the Government.

When discussing the preconditions for the entry into force of the Treaty, due note must be taken also of the need for the assent of the Åland Parliament; this procedure is required if the Treaty contains provisions that fall within the scope of the autonomy of the Åland Islands.

4 Need for parliamentary assent and decision-making procedure

Treaties and other international obligations must both be adopted in Finland and implemented domestically. According to section 94 of the Constitution, the Parliament adopts the Treaties that contain provisions of a legislative nature, are otherwise significant or require parliamentary assent for some other reason mentioned in the Constitution. Adoption requires a majority of the votes cast in the Parliament. However, if the Treaty Bill has constitutional implications or relates to changes in the territory of Finland, adoption requires a two thirds majority of the votes cast in the Parliament.

Provisions of a legislative nature in a Treaty or other international obligation are according to section 95 of the Constitution implemented by an Act of Parliament. In most cases, this is effected by a “Blanco Act”, which states that all legislative provisions in a Bill are thereby implemented as domestic legislation.

According to section 95(2) of the Constitution, a Bill on the implementation of an international obligation is dealt with under ordinary enactment procedure. However, if the Bill has constitutional implications, adoption requires a two thirds majority of the votes cast in the Parliament, without leaving the Bill in abeyance (*restricted enactment procedure for constitutional amendments*).

4.1 Need for parliamentary assent

When proposing the adoption and implementation of Treaties, it is important that the provisions that are of legislative nature are explained and justified in the Bill in sufficient detail and with due regard to the established praxis of the Constitutional Law Committee of the Parliament. It is not sufficient merely to note that the Treaty contains several provisions of a legislative nature, as this does not help the parliamentary decision-making process or the application of

the Treaty. This section should outline also the possible other reasons why parliamentary assent is necessary under the Constitution.

When Treaties concluded in the context of the EU are concerned, due note should be taken also of the division of competence between the Union and the member states. “Mixed agreements” contain provisions both in the competence of the EU and in the competence of the member states. The provisions that fall within the competence of the EU are not adopted or implemented in Finland, and they do not therefore require the Parliament to take any measures. For this reason, at least an outline of the Treaty provisions that do fall within the domestic competence should be supplied.

4.2 Decision-making procedure

This section summarises the Treaty provisions or the provisions in some other international obligation that have constitutional implications, and evaluates these implications. The praxis of the Constitutional Law Committee must be considered, with references supplied at least to the most significant Committee positions to the point. At the end, there should be a recommendation for the choice of adoption and enactment procedure. If the relationship of the Treaty or the Bill to the Constitution is open to interpretation, the section may contain a mention of it being sent to the Constitutional Law Committee for consideration.

In Treaty Bills, the heading of this section is “Decision-making procedure”, as it pertains either to the adoption procedure for the Treaty, or to adoption procedure and the enactment procedure relating to the implementing Act.

If there is no question about the constitutionality of the Treaty, it is possible merely to state this fact and recommend a decision-making procedure in the preceding section. In this event, there is no need for a separate section on decision-making procedure.

VII APPLICATION OF THE INSTRUCTIONS

These instructions are to be applied in the drafting of Bills as of the autumn session of 2004. If a Bill has already been drafted to the earlier instructions and is almost complete, the drafting may be brought to a close in accordance with the earlier instructions.

VIII APPENDICES

Appendix 3: Sample of a large Bill

(Based on Bill 111/2001)

Government Bill to the Parliament for an Act on the Establishment of Rescue Service Regions

EXECUTIVE SUMMARY

The Bill contains a proposal for the enactment of an Act on the Establishment of Rescue Service Regions.

The Act would serve as the basis for the organisation of municipal co-operation for the provision of municipal rescue services, as referred to in the Rescue Services Act. The Act would not be applicable to the municipal emergency response centres, which operate in accordance with the Rescue Services Act.

According to the Bill, the Government would decide on the division of the country into rescue service regions. The municipalities assigned to the same rescue service region would be under the obligation to enter into an agreement on the arrangements of rescue service co-operation by the end of 2007. The co-operation would proceed in accordance with the relevant provisions in the Local Government Act. Thus, the rescue service tasks of the municipalities would be entrusted to one municipality or to a joint municipal board. According to the Bill, the municipal co-operation would commence as of the beginning of 2008. The pertinent Bill for the amendment of the Rescue Services Act and certain other legislation is intended to be submitted later, so that the proposed legislation could enter into force at the commencement of the municipal co-operation.

The Act is intended to enter into force on 1 January 2005.

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2 Entry into force
3 Constitutional issues and enactment procedure

PROPOSED LEGISLATION

GENERAL REASONS

1 Introduction

According to the legislation in force, rescue services are the responsibility of individual municipalities. In emergencies, the municipalities are liable to provide rescue assistance to other municipalities. However, co-operation beyond the occasional rescue operation has been rare. The proposed Act would oblige the municipalities to see to their rescue service tasks in statutory co-operation within rescue service regions established by the Government. The strategic goal of the reform is to influence the rescue service provision mechanism so as to improve the efficiency of rescue services and the effectiveness of their operations. The creation of adequate capability in rescue departments necessitates the organisation of rescue services in much larger units than is the case today. The new regional organisation offers the possibilities e.g. to set up duty officer posts required for effective leadership, to develop expertise in demanding inspection and planning jobs and to undertake accident prevention work.

2 Current situation

2.1 Legislation and praxis

Rescue service legislation and its recent development

The Rescue Services Act (561/1999), which entered into force on 1 September 1999, has superseded the earlier Acts on Fire and Rescue Services (559/1975) and on Civil Defence (438/1958). The Rescue Services Act is a generally applicable Act governing rescue services, accident prevention and civil defence; it determines e.g. the division of tasks between the State and the municipalities in the organisation of rescue services. There are provisions relating to rescue services also in the special legislation of various fields of administration, such as the legislation on maritime rescue and response to oil and chemical spills. Moreover, various specific tasks have been assigned to the rescue authorities in such sectoral legislation.

The Act on the Technical Specifications and Fire Safety of Rescue Equipment (562/1999) governs the requirements of equipment safety and the compatibility of equipment and systems.

According to the Act on Emergency Response Centres (157/2000), the emergency response operations of the rescue service, the police, and the social welfare and health authorities will be centralised to State-run joint emergency response cen-

tres over a transitional period that ends in 2006. As a result, the municipal emergency response centres based on the Rescue Services Act will discontinue their operations, with the exception of the Capital Region, where the municipalities in the region will continue to maintain their emergency response centre.

Rescue services are defined in the Rescue Services Act as the prevention of fires and other accidents, rescue operations, and civil defence. The prevention of fires and other accidents falls within the scope of rescue services in so far it has not been assigned as a task of someone else in another Act or Decree. Rescue operations are further defined as urgent measures undertaken so as to protect and rescue individuals, property and the environment, to limit damage and to mitigate losses in an ongoing or imminent emergency. Civil defence, for its part, is defined as the protection of individuals and property, the securing of offices, facilities and installations important to the functioning of the society, the performance of rescue services under emergency conditions as referred to in the Emergency Powers Act (1080/1991) and the Wartime Powers Act (1083/1991), as well as the preparation for all of the same.

The joining of the Act on Fire and Rescue Services and the Civil Defence Act regularised the merger of peacetime rescue operations and emergency civil defence, which had begun already in the 1970s. At the same time, the supervision and regulation of the municipalities by the State was decreased. It became the task of the municipality to investigate and assess the threats in its area and set the required level of rescue services accordingly. The level of rescue services must correspond to the accident threats existing within the municipality. The prevention of accidents was broadened in scope, to cover also other accidents than fires, in so far as these had not been provided to be the job of some other authority. The reform of the legislation did not bring about any significant changes to the system of financing of rescue services.

Municipal emergency response centres have been seeing to the dispatching tasks of the rescue services. Between 1996 and 2001, an experiment of State-run joint emergency response centres was carried out in four regions under a special experimentation Act (1257/1993). By means of the Act on Emergency Response Centres, these were transformed into regular emergency response centres as of 1 April 2001. In the other regions, emergency response operations will be taken over by the State, as provided in the Act, no later than the end of 2005. A municipally operated emergency response centre will remain in the Capital Region.

Municipalities and fire departments

Chapter 2 of the Rescue Services Act contains general provisions on the tasks of municipal rescue services and on the organisation of the service in a municipality. A municipality is responsible for rescue services in its area and must, to this end, see to

tasks relating to rescue operations, maintain civil defence readiness, co-ordinate the various authorities and other rescue service operatives, perform fire safety inspections and other accident prevention measures, participate in personnel training and offer education and advice.

The municipal rescue service officers include the fire chief, the designated municipal rescue officials and the multi-member municipal body with responsibility over this sector.

According to the provisions on the organisation of rescue services, a municipality must have a fire department and a full-time fire chief; the latter position can be a joint appointment in several municipalities. The municipal fire department can be either the local full-time service, or a volunteer fire brigade, facility fire brigade or factory fire brigade under contract with the municipality.

In respect of accident prevention, the focus of the work of the municipal rescue services is these days in fire safety inspections. According to the Rescue Services Act, the rescue authorities are tasked to prevent not only fires, but also other types of accident. Thus, for instance, in the context of a fire safety inspection, advice can be given both on the prevention of fires and on the prevention of various other accidents.

The civil defence readiness measures to be carried out under normal conditions include planning and training for emergencies, the construction of protective facilities, the maintenance of command, control and alarm systems and telecommunications facilities, as well as preparation for evacuations, rescue operations, first aid, emergency supply delivery, debris removal and cleanup. A municipality must have a control centre for the management of civil defence measures. In addition to rescue authorities, also certain other authorities are under the obligation to participate in civil defence. The civil defence arrangements are based on the normal organisation of each responsible authority, more precisely their duty to see to their tasks also under emergency conditions. The co-ordination of the various sectors with civil defence functions is a task for the municipal mayor.

Some 60 of the most populous municipalities have established fire departments with mainly full-time personnel. In some 250 municipalities rescue services are provided under contract by volunteer fire brigades, and in the remaining 150 municipalities firefighting capability is maintained on the basis of part-time personnel.

In all, there are some 5,000 full-time personnel and some 4,000 part-time personnel involved in emergency response. The total number of rescue personnel in the contract fire brigades is some 13,000.

The main equipment of the fire departments, their fire and rescue engines, number some 1,300. In addition, there are 450 tanker units. The fire departments have also some 1,300 personnel carriers and other vehicles. These operate from 850 fire stations. Some of the fire stations are municipal property, while others are owned by the volunteer fire brigades occupying them.

There are some 47,000 emergency rescue responses made every year (11,500 fires, 18,000 other accidents and 17,500 checks). In addition, the fire departments perform a considerable number of medical transportations under contract with the social welfare and health sector, as well as other missions assigned to the rescue services in other legislation (e.g. oil spill responses).

Under the Rescue Services Act, municipalities may have a joint organisation for the performance of their rescue service tasks, in accordance with the relevant provisions in the Local Government Act (365/1995).

In addition to these voluntary co-operation arrangements between municipalities, the Rescue Services Act contains provisions on certain mandatory co-operation arrangements.

The main issue here is that a municipality must provide rescue and civil defence assistance to another municipality, if need be.

In order to secure the command and control of rescue operations and to improve the efficiency of rescue service co-operation, the provinces are divided into co-operation regions. A co-operation region has a regional fire chief, whose job is to coordinate rescue service planning and, if necessary, take command of rescue operations in the co-operation region. The municipalities may agree also on the assignment of other tasks to the regional fire chief. The costs of the activities of the regional fire chief are borne by the municipalities in proportions agreed among themselves. The State Provincial Office appoints the regional fire chief.

Costs of rescue services

The costs of rescue services are EUR 300 million. About two thirds of this sum is composed of personnel costs. The estimated rescue service income to the municipalities is 20 per cent of the costs of the services. The per-capita costs paid by the municipalities for rescue services, gross of tax, are about 54 euros, while the median is about 47 euros. The highest per-capita cost is 170 euros and the lowest, 17 euros. The variance of the costs is the highest among the smallest municipalities. The per-capita income of rescue services was about 11 euros and the average costs, net of tax, about 44 euros. In 1998, the operating costs of the rescue services exceeded FIM 20 million (EUR 3.4 million) in twelve municipalities; the costs ranged between FIM 1 million and 20 million in 262 municipalities. The costs were lower than FIM one million (168,000 euros) in 178 municipalities. The estimated value of the equipment of the municipal rescue services is EUR 84 million and the construction value of the fire stations owned by the municipalities EUR 210 million, excluding the value of the land.

The direct costs to the State for rescue services amount to EUR 25 million per year; this sum breaks down to the costs of the Emergency Services College (7.5

million), the costs of the emergency response centres (10 million) and the appropriations to the Rescue Services Departments of the Ministry of the Interior and the State Provincial Offices (4.2 million). In 2009, the State will be liable for EUR 33.9 million in the costs of the emergency response centres, once the system has been taken over by the State.

According to the Act on State Transfers and Subsidies to the Municipalities for the Costs of Fire and Rescue Services (560/1975), the municipalities receive State transfers for the operating costs of their rescue services, as provided in the relevant legislation, as well as discretionary transfers, within the bounds of the State budget, for the extraordinary costs incurred in rescue equipment procurement. The annual budgetary appropriation for the subsidisation of municipal rescue equipment procurement is approximately 3.4 million euros. Moreover, the Fire Protection Fund may grant subsidies to municipalities and volunteer fire brigades for procurement and construction projects.

According to an estimate in the report of special rapporteur Pekka Myllyniemi, the total outlays from the public purse towards rescue services amount to FIM 1.8 billion (EUR 300 million) and the total outlays from private sources likewise FIM 1.8 billion (EUR 300 million).

2.2 International developments, foreign legislation and EU legislation

General remarks

The following paragraphs contain brief descriptions of the basics of the rescue service system in a number of foreign countries, as well as of the arrangement of cooperation in the municipalities or other similar units responsible for the organisation of rescue services. The information covers the Nordic Countries, as well as a number of relevant Western European countries.

The Finnish system of rescue services should be seen as a broad concept. Unlike many other countries, Finnish rescue services cover both traditional fire response (mainly, firefighting) and other rescue and prevention work, as well as civil defence under emergency conditions.

Fire response is usually a task for publicly funded fire departments or for fire brigades operating on a voluntary basis; in addition, Denmark makes use of the services of a private rescue company. In many countries, the full-time and the voluntary fire response arrangements are used in parallel.

In the countries covered in the descriptions, the society has normally imposed relatively strict requirements for the service capability of the fire departments and fire brigades, so as to ensure that citizens receive a given standard of fire service within the set maximum response times.

Sweden

For many reasons, the Swedish rescue service system lends itself very well to comparison with the Finnish system. The municipalities (numbering 288) are responsible for rescue services both in normal times and under emergency conditions. However, maritime rescue, airborne rescue and mountain rescue are functions separated from the municipal responsibility; these tasks are seen to by the State. The rescue personnel are either full-time or part-time. Voluntary fire brigades were discontinued in Sweden already in the 1960s. An important issue relating to the co-operation arrangements is that the average population of a Swedish municipality is much larger than that of a Finnish municipality. There have been active efforts to enhance municipal co-operation in rescue services; as a result, there has been a marked increase in such co-operation in recent years. In 1998, 66 municipalities in Sweden were involved in rescue service co-operation, in the context of 19 different co-operation arrangements.

Norway

Norway has separate systems for fire response and for civil defence. Fire response is a task for the municipalities and civil defence mainly for the State. The rescue personnel are either full-time or part-time. In addition, Norway operates a separate command and control system for responding to catastrophic accidents. The police are in charge of the command and control centres established for this purpose (mainly for maritime rescue and airborne rescue). In the field of fire response, the municipalities are obliged to agree on mutual assistance with neighbouring municipalities, industry and State authorities. In densely populated areas (20,000+ pop.), the fire and rescue services must be organised on the basis of full-time duty personnel.

Denmark

In Denmark, fire response and civil defence are administered jointly. The activity is governed by the 1993 Emergency Management Act.

However, maritime rescue, airborne rescue, oil and chemical spill response in maritime areas, and the rescue service in nuclear facilities are arranged as separate functions, outside of the scope of the Emergency Management Act. The municipalities are responsible for rescue services in their area.

The command and control responsibility in respect of catastrophic accidents on land lies with the police. Most of the fire and rescue operations in Denmark are performed by Falck, a commercial security company.

Great Britain

In Great Britain, the Fire Brigades are tasked to fight and to prevent fires. In practice, however, the Fire Brigades are also general rescue organisations, providing

service also in other accidents. Fire service has been organised regionally by County and by the seven metropolitan regions. Rescue service in England and Wales has been organised into 49 regions, each of which with its wholetime and part-time rescue stations. The funding is provided by the Counties and the metropolitan regions (local authorities), sometimes with support from the central administration. Fire service falls within the sector of the Home Office, with the planning for catastrophic accidents being directed by a unit based in the Home Office.

The Netherlands

In the Netherlands, the municipalities (numbering 538 on 1 January 1999) are responsible for rescue services. There are six permanent fire departments with full-time personnel and 230 fire brigades with part-time personnel. There are 285 fire departments with both full-time and part-time personnel. The municipalities are under a statutory obligation to co-operate in case there is a catastrophic accident (regional rescue service). The regional rescue service (in 39 regions) sees to the organisation and co-ordination of rescue operations in catastrophic accidents. According to the legislation covering catastrophic accidents and emergency conditions, the municipalities must prepare readiness plans for such situations. Under emergency conditions, war included, the same rescue services would remain in operation.

Germany

The 16 German States have each their own legislation on rescue services. The municipalities are responsible for rescue services in their area. In larger conurbations (100,000+ pop.) the personnel are full-time, in other localities the personnel are mainly volunteers. If necessary, the municipalities seek rescue assistance from one another. The Federal Government is responsible for readiness for emergency conditions (state of war). The readiness for emergency conditions builds on the readiness in normal times, with the Federal Government being liable to support the States' readiness efforts under emergency conditions (personnel, special equipment and other material readiness). In addition to the fire departments, rescue services other than fire response are provided also by Technisches Hilfswerk THW. Its operations are geared specifically for dealing with problems in the water supply, electricity, gas and oil networks.

The European Union

The EU has no Community legislation to the point at hand.

2.3 Evaluation of the current situation

As the society develops, the requirements set to rescue services will increase. There is need for broader expertise, so that the various accident risks can be managed and accidents prevented. It is no longer enough that fires are put out and that fire safety inspections are carried out on schedule. In addition to inspection work, more and more resources must be allocated to risk assessment, safety planning and correctly targeted education. Under the present municipal organisation, it is not possible adequately to develop the service to this direction, or such development would be much too expensive. Even if a small municipality were able to see to the inspection duties, education, rescue operations and civil defence preparations, it would not have the resources needed for the development of safety endeavours.

Most of the municipalities are financially and operationally too small for them to serve as the basic unit of the organisation of rescue work. Only the largest municipalities have the financial flexibility to development their rescue services. The operational co-operation between the municipalities functions quite well, but more extensive co-operation has been achieved only on a few occasions, despite many attempts. At times, it has been necessary to regulate the municipalities in quite some detail so as to guarantee the required level of rescue service.

The main task of the rescue authorities is to prevent fires and other accidents. Fire safety inspections are a major part of this preventive work. Nevertheless, approximately a half of the statutory fire safety inspections have not been carried out in recent years.

A senior official tasked to command and control rescue operations is not available on a 24/7 basis in the municipalities where there is only one full-time senior rescue official. This problem has been remedied in some areas by organising the duty officer rotation jointly for several municipalities.

The numbers of volunteers and part-timers are decreasing especially in the municipalities where the population numbers are decreasing and the inhabitants ageing.

There are efficiency problems in the use of the working hours of full-time personnel in the fire departments. In the smallest municipalities, the fire chief may be the sole full-time employee, with much of his or her time being consumed by administrative matters. Rescue officials are involved in many planning tasks, training, licensing and consultation; it is not reasonable to expect that one person would be able to perform all these tasks. In the largest municipalities, 90 per cent of the personnel are working daily shifts and do not normally participate in preventive work.

Rescue equipment is becoming obsolescent. For instance, about one half of the vehicles are at the end of their useful life, but there have not been enough funds to replace them.

Medical transportation (non-urgent patient carriage) by the full-time fire departments of small municipalities compromises their emergency readiness.

If an accident occurs, a municipality is under the obligation to assist another municipality. The municipal co-operation has been reinforced by the provision in the Emergency Service Act stating that a municipality must draw up alerting instructions together with the neighbouring municipalities, the regional fire chief, the rescue authorities and the emergency response centre, said instructions covering the dispatching of rescue resources and the co-operation of the municipalities so that the emergency response centre can dispatch the closest suitable units regardless of their home municipality. That said, municipal co-operation beyond the merely operational has been rare. According to special rapporteur Pekka Myllyniemi, who looked into the arrangements of rescue services, “the failure of co-operation has many reasons, the major ones being disagreement over cost distribution, aversion of the personnel and the general inability of the municipalities to co-operate. The same reasons have been identified also in Sweden as barriers to municipal co-operation in rescue services”.

3 Objectives and main proposals

3.1 Objectives

The ultimate objective of the reform is to decrease the number of accidents and limit the loss and damage caused by accidents, as well as to maintain a safe living environment. The strategic goals of the reform relate to the effectiveness of rescue services, their efficiency and the system of service provision. Efficiency should be improved, so that the resources, personnel, professional expertise and equipment of the rescue services are put to the best possible use. The system of service provision should cover the entire country in accordance with the local risk profiles and with professionalism throughout. Civil defence preparations must be in line with the security policy of the nation.

In order for these objectives to be achieved, the rescue services must have adequate resources. Especially, the number of personnel must be large enough for the service to be able to perform its fundamental tasks of accident prevention, including the arrangement of a senior duty officer rotation for each area, so that a senior official is always on call to take charge of the command and control functions in accident situations. In addition, the personnel must have broad and deep competence, so that the service can see to its tasks without the need for micromanagement. The skills and ability of the personnel must be maintained by way of training, not forgetting the training of volunteers. The annual budget of a fire department should have an adequate reserve component, so that flexibility is possible in unforeseen circumstances and that equipment is kept up to date.

Moreover, a rescue service region should be able to arrange appropriate oil and chemical spill response and to see to urgent medical transportation. It is another objective that the regional system will allow the effective utilisation of volunteer rescue operatives and that there is more scope for the development of voluntary activity.

In order to guarantee the essential functions of rescue dispatch and inter-authority co-operation, the regional divisions should be in concord with the other regional arrangements, such as the emergency response centre divisions, the province divisions, the rural region divisions, the state local district divisions and the medical district divisions. There are 13 emergency response centre regions under the Act on Emergency Response Centres. One rescue service region should not comprise municipalities in different emergency response centre regions. The provincial divisions should be respected in so far as feasible. That said, derogations would be allowed for special reasons, provided that the boundaries of the emergency response centre regions remain intact. The regional divisions of the rescue services should comply, as well as possible, with the rural region, state local district and medical district divisions.

3.2 Options

In principle, the objectives of the reform would be reachable also in a State-funded system. State-run rescue services would be a major change to the system currently in place and require major administrative adjustments. For this reason, it has not been deemed feasible to transfer rescue services to the responsibility of the State; this option should be considered further only in the event that municipal co-operation for some reason will not result in the reform being implemented.

3.3 Main proposals

In order to achieve adequately capable fire departments, it is proposed that the system be adjusted so that the services are provided in municipally funded rescue service regions, established by the Government. A region would have primary responsibility of all tasks referred to in the Rescue Services Act or in other legislation as municipal rescue service tasks. There may be some scope for more detailed provisions relating to civil defence and to the division of responsibility between the administrative sectors of a municipality as regards the performance of civil defence tasks.

Adequate levels of service should be maintained in all of the municipalities in a region. It would be a task internal to the region that this standard is reached in every municipality. To this end, a common risk profile should be prepared for the entire region.

When defining the size of the rescue service region, the main criteria would be the numbers of full-time personnel and senior officials in the area, as well as the other

resources available in the area. The new system makes it easier to set up a duty officer rotation for the region so as to ensure the functioning of command and control, to specialise in demanding inspection and planning tasks, to work towards the prevention of accidents, and to allow for the rotation of ageing firefighters out of field duty. An adequate funding base is essential for financial flexibility. In addition, each area should comprise one larger locality which already has a full-time fire department. The expertise available in the locality will speed up the development of the region, when the competence can be drawn from by operatives in the entire region. Initial assessments suggest that a region should have at least 100 full-time officials, 25 to 30 of them in senior positions, for the region to be able to see to the tasks referred to above by itself. The annual budget should be at least EUR 4.2 million to 5 million. According to these criteria, Finland would comprise about 20 rescue service regions.

The municipalities belonging to a rescue service region should conclude a contract on co-operation, with the practical arrangements of the co-operation being governed by the relevant provisions in the Local Government Act. The rescue service tasks of the region could be contracted to one of the municipalities or a joint municipal board could be established for this purpose. The general administration of the reform would be a task for the Ministry of the Interior.

4 Impact

4.1 Economic impact

It is an objective of the reform to improve the efficiency of rescue services. Hence, the premise must be that the overall costs of the municipal rescue services do not rise as a result.

Under the legislation in force, a municipality is responsible for rescue services and for their costs in its area. The municipality will receive general State transfers, as provided in the Act on State Transfers to the Municipalities (1147/1996). The general State transfers are intended also for paying for the costs of rescue services. During the past few years, State funds have been appropriated for municipal rescue equipment procurement to the amount of 3.5 million euros. Also the Fire Protection Fund has assisted the municipalities and their contract fire brigades in procurement and the municipalities in fire station construction projects.

Rescue services provided by co-operation among the municipalities would remain funded by the municipalities. The basic idea is that the contract among the municipalities in a rescue service region would contain provisions also on the allocation of the cost burden among them. The same contract would govern also the ownership and leasehold structures of equipment and fire stations in the rescue service region.

4.2 Impact on the activities of the authorities

The basic idea of the operative planning of the rescue service region is that the current rescue personnel, equipment and other resources of the municipalities would be available to the new rescue service regions. According to the Bill, the municipalities of the region must enter into a contract on the organisation of rescue service co-operation. The administrative tasks in the region would be assigned to a joint municipal board to be established for this purpose, or to one of the municipalities in the region.

A joint municipal board would be established in accordance with the provisions of the Local Government Act, by a charter adopted by the municipal councils, determining *inter alia* the decision-making procedures in the joint municipal board, representation and voting rights of the municipalities, and the duties and competences of a board assembly, if one is envisaged. The power of decision in a joint municipal board is used by the municipalities sitting in board assembly, or by an organ designated for this purpose in the charter and appointed by the municipalities. A joint municipal board could have also other organs as defined in its charter. Under the Local Government Act, the funding for those costs of the joint municipal board that cannot be covered by other means are to be paid for by the municipalities in the liability proportions set out in the charter. The rescue personnel of a joint municipal board would be in a public service relationship or a private employment relationship to the board as required by their duties – the duties of rescue authorities are also in the future to be performed by public servants.

Besides a joint municipal board, the administrative tasks could be assigned to one of the municipalities in the rescue service region. In this event, it can be agreed that the other municipalities in the region appoint some of the members in the organ with oversight over the administration of rescue services. The membership of this organ could consist of persons eligible to serve in the corresponding organ in their home municipalities. The rescue personnel would be in a public service relationship or in an employment relationship to the municipality in charge of the administration of the rescue services.

The status of the rescue personnel of the municipalities would be laid down in the contract on municipal rescue service co-operation. The same contract would govern also the other matters relevant to the arrangement of the co-operation. Following the conclusion of the contract, it would be possible to begin with the preparations for later practical planning and operations in the rescue service region.

The personnel arrangements to be carried out as a part of the reform have no significance to the pension rights of rescue personnel, if they transfer directly from one member corporation of a pensions institution to another. According to the Municipal Pensions Act (549/2003), a municipal service relationship is not considered

terminated if a public servant or an employee transfers from the service of one member corporation of a pensions institution directly to the service of another member corporation, if the transfer arises from the assignment of a given function of the former member corporation to be performed by the latter. Accordingly, the service relationship of transferees will be considered as an uninterrupted whole in the assessment of their pensions, regardless of the change of employers. It is likewise not significant whether a municipal official transfers to another municipality or to a joint municipal board.

Under the Municipal Pensions Act, the costs of a pensions institution are distributed to be covered by the member corporations in proportion to the total of the salaries and other remuneration paid by the member corporations and of the pensions paid out on the basis of service with the member corporations. In addition, a member corporation is liable to pay to the pensions institution a 50% deductible based on the number of persons retiring from its service on certain types of pension. If the municipalities in a rescue service region decide to assign the rescue service to be provided by a given municipality, the contribution taken from the transferred personnel's payroll and the possible deductible for disability pension, unemployment pension or individual early retirement pension will as of that moment be the liability of that municipality. The situation is somewhat different regarding the payments based on the pensions paid out to those already retired. This payment will be borne by the municipality performing the rescue service only in so far as pensions have been paid out to its own retirees, that is, only after someone has retired from the new organisation, and also then only for the duration of the time served in the new organisation. The municipalities of the rescue service region can agree among themselves how the payroll contributions and the possible deductibles are to be divided. The liability towards a municipal pensions institution lies with the member corporation in whose service the personnel is. If the municipalities decide to establish a joint municipal board, the payments will thus be borne by the board. In this event, the municipalities may agree at the establishment stage on the payments to be made by the municipalities towards the contribution based on payroll and pensions paid out, as well as the possible deductible. Even now, the joint municipal board will be liable to make the payments to the pensions institution.

The municipality or joint municipal board performing the rescue service in the region would enter into the requisite contracts with the voluntary fire brigades. The use of volunteer rescue operatives in the provision of rescue services would continue as is, with volunteer fire brigades (contract fire brigades) continuing to see to the rescue operations in their area.

4.3 Environmental impact

The ultimate objective of the reform is to decrease the number of accidents and diminish losses and damage ensuing from accidents through preventive measures. Many accidents have adverse environmental effects. For instance, oil spills and chemical spills, radiation accidents and forest fires have a negative effect both on the environment and on human health.

More intensive education and advisory efforts will make it possible to prevent environmental risks with greater effects. For instance, between 1996 and 2002 there were on average 3,000 forest fires in the country, with the figure for 2002 being 5,116. Oil spills have also been on a steady increase over the past decade; in 2002 there were 2,408 recorded incidents. Most accidents arise from human activity. Even a 5 to 10 percent cut in accidents would prevent adverse environmental effects in hundreds of cases.

As a part of the reform, the education efforts of the rescue services will be intensified and a specific handbook on the relevant planning distributed to the municipalities. Long-term effects in the prevention of accidents will be sought especially by more intensive safety education in day-care centres and in schools.

4.4 Societal impact

By the exertion of a more intensive influence on the safety skills and competence of individuals, as well as on their attitudes, it will be possible to achieve a reduction of dangerous situations and of accidents.

It is an objective of rescue services to promote a positive attitude towards safety and the maintenance of safety. The result of the education and advice should be that individuals are better motivated – in their various roles as family members, employees, employers, inhabitants or customers – to take better note of safety issues in their everyday life. Over the longer term, this will result in the emergence of a safety-conscious culture.

The evaluation of the operating environment in the accident prevention work of a rescue service region will take due note of any regional characteristics, demography, and the various aspects and risks relating to the business environment and traffic.

With a decrease in accidents, there will also be a decrease of financial losses and human suffering.

5 Preparation

5.1 Stages of preparation and preparatory materials

With reference to the Government Programme, the Government appointed on 2 June 1999 Mr Pekka Myllyniemi M.Pol.Sc. as a special rapporteur to inquire into the transfer of rescue services to be taken care of by the State. In his final report, dated 29 February 2000, the special rapporteur proposed that the rescue service system be made more efficient by establishing some 30 rescue service regions, with statutory provisions on municipal co-operation on rescue services in the area. The special rapporteur proposed certain changes in the detachments, more efficiency in the use of resources, and the development of command and control structures. In contrast, he did not propose that rescue services be taken over by the State. According to the special rapporteur, the transfer of rescue services to be taken care of by the State should be reconsidered in the event that the statutory establishment of municipally structured rescue service regions proves to be impracticable either politically or otherwise.

The reform has been prepared in the Ministry of the Interior, in close co-operation with the Association of Finnish Local and Regional Authorities. The preparation has proceeded in a number of working groups, with representation from the various stakeholder groups, such as rescue NGOs, municipalities, State Provincial Offices and voluntary operatives.

5.2 Statements and the statement process

The Bill was sent out in draft to all municipal executives, Ministries, State Provincial Offices, associations of regions and the Government of Åland, the Association of Finnish Local and Regional Authorities, the Local Authority Employers in Finland, the Emergency Response Centre Service, the Local Government Pensions Institute, and the Emergency Services College. Statements from the NGO sector were requested from the regional rescue associations, Finlands svenska brand- och räddningsförbund (Swedish fire and rescue association), Nuohousalan Keskusliitto (association of chimney cleaning businesses), Suomen Palokalustoliikkeiden yhdistys (association of firefighting equipment businesses), Suomen Palopäällystöliitto (association of senior fire officials), Suomen Pelastusalan Keskusliitto (association of rescue operators), the Finnish Red Cross, Suomen Sopimuspalokuntien Liitto (association of voluntary fire brigades), and Suomen Vakuutusyhtiöiden Keskusliitto (association of insurers). Statements from organised labour were requested from AKAVA-JS (central union for University graduates), Kunnallisvirkamiesliitto (union of municipal officials), Kuntalan Ammattiliitto KTV (union of municipal workers), and Tekniikan ja

Peruspalvelujen Neuvottelujärjestö KTN (union of technical and service employees).

At the same juncture, statements were requested also on the draft division of rescue service regions, as proposed by a Working Group established by the Ministry of the Interior. The Working Group has proposed that the territory of Finland be divided into 21 rescue service regions.

Most of the statement issuers support a system of regional rescue services, as outlined in the Bill.

All Ministries either support the Bill or have no position on it. The Ministry of Defence and the Ministry of Transport and Communications consider that the scope for co-operation will be considerably broader in a regional organisation. The Ministry of Finance opined that the project can be carried out without need for State funding. The State Provincial Offices, except for the Office of Oulu, are in support of the reform. The regional authorities are in favour of the reform, with the exception of Lapland, Northern Bothnia and Central Finland.

The labour organisations support the Bill. However, Kunta-alan ammatiliitto KTV considers that an even better model would be one where the municipalities agree on rescue service mergers on a voluntary basis.

A majority of the municipalities are of the opinion that the Bill is justified. About one hundred municipalities take a categorically negative attitude towards the proposal. Most of the municipalities in Lapland are against the project. Also in the Province of Oulu, more than half of the municipalities have issued negative statements on the matter. In the Central Finland region, a significant part of the municipalities are either totally against the reform or object to the manner in which it is being carried out. In contrast, there are regions where no negative statements have been given at all, for example Pirkanmaa and Kymenlaakso.

The reasons to the negative statements in the less densely inhabited areas have centred on doubts of the usefulness of co-operation over long distances and of anticipated cost increases. Some of the municipalities have expressed wishes for additional municipality-specific studies or the pursuit of an experiment in a few regions. Other fears have related to the weakening of the position of voluntary fire service and to the question whether voluntary fire brigades are willing to enter into contracts with regional rescue authorities.

After the statement round, the Bill has been further revised on the basis of proposals from the Ministry of Justice and the Cabinet Office, relating to decision-making procedure in Government and to the need for transitional provisions.

6 Relationship to other Bills

The plan is to reform rescue service legislation in two stages.

In the first stage, legislation would be adopted on the basis of this Bill on the division of the country into rescue service regions and on the obligation of the municipalities to agree on co-operation arrangements in the production of rescue services in the region. The agreements would be finalised during 2005; there would then be time until the end of 2006 to plan the launch of the operations. Co-operation would commence under the new agreements in the beginning of 2007.

The second stage would consist of the enactment of the necessary amendments to the Rescue Services Act and to other legislation relevant to rescue services. The Act on the Amendment of the Rescue Services Act and the other amendments are intended for entry into force in the beginning of 2007, i.e., when the fire departments based on municipal co-operation are launched.

The Rescue Services Act requires the amendment of the provision on the duty of an individual municipality to provide rescue services, as this would be a joint task of all municipalities of the region. In the same context, it is possible to carry out possible other legislative amendments that promote the achievement of the objectives of the reform. The drafting work for these amendments is under way.

Detailed reasons

1 Reasons for the proposed legislation

Section 1*Objective.* The objective of the Act is to improve on the efficiency of the use of the resources of rescue services by arranging them to be provided in larger units. Co-operation will improve the service.

It is possible to achieve efficiency gains by centralising administration, procurement and technical systems, as well as by planning the use of rescue service equipment and other resources in larger units. In addition, a larger personnel makes it possible to specialise in various tasks, such as planning, accident prevention, training and other areas requiring special expertise.

Section 2*Scope of application.* For purpose of arranging municipal co-operation, the proposed Act would apply to the provision of municipal rescue services as referred to in the Rescue Services Act, with the exception of emergency response centres. Under the Rescue Services Act, rescue services comprise the prevention of fires and other accidents referred to in the Act, rescue operations, and civil defence.

The municipal rescue services have been enumerated in section 4 of the Rescue

Services Act. Under that provision, a municipality is responsible for rescue services in its area and shall, to this end:

- 1) see to the tasks falling within the concept of rescue operations;
- 2) maintain civil defence readiness and, where necessary, make the necessary preparations for the same;
- 3) co-ordinate the rescue service tasks of various authorities and other parties taking part in rescue operations;
- 4) perform fire safety inspections and other accident prevention within the responsibility of rescue authorities;
- 5) take responsibility, for its part, of the training of rescue personnel; and
- 6) see to the provision of education and advice on rescue services.

Emergency response centres, which under the Rescue Services Act are in the responsibility of the municipalities, would remain outside of the scope of application of the Act. According to the Act on Emergency Response Centres, the municipally maintained centres will be taken over by the State during the period 2001-2005, with the exception of the municipalities of Espoo, Helsinki, Kauniainen, Kirkkonummi, Siuntio and Vantaa, where the emergency response centre will remain the responsibility of the municipalities themselves also after 2005.

Section 3*Rescue service regions.* In order to arrange the municipal co-operation, the territory of the country would be divided into rescue service regions, to be designated by the Government after having heard the municipalities. The decision of the Government would be an administrative decision that would be served on the municipalities in accordance with the provisions on the Administrative Procedure Act (434/2003). The intention is that the Government would also decide on the publication of the decision in the *Statutes of Finland*, in accordance with the provisions in section 6(2) of the Act on the *Statutes of Finland* (188/2000). The decision would be open to appeal to the Supreme Administrative Court in accordance with the provisions on the Administrative Judicial Procedure Act (586/1996). At the entry into force of the Act, the Rules of Procedure of the Government (262/2003) would be amended so that the plenary session of the Government would be competent to decide matters pertaining to the formation of rescue service regions. The regions should be relatively large for the objectives of the reform to be met. On the basis of the current criteria, there would be approximately 20 rescue service regions.

Section 4*Obligation to arrange rescue services.* The municipalities in a rescue service region should enter into an agreement on the arrangement of rescue service co-operation no later than on 31 December 2007. The co-operation would be arranged in accordance with the provisions of the Local Government Act on municipal co-operation. Thus, the rescue service tasks would be assigned to one of the municipalities in the region or to a joint municipal board. The Act would not pertain to the substance of the agreement. The municipalities would be expected to agree on ad-

ministration, the division of costs, personnel matters and other issues relevant in the arrangement of rescue service operations.

If the municipalities in a rescue service region were not able to reach an agreement, the Government would issue an order on the terms of rescue service co-operation. A new provision would be added to the Rules of Procedure of the Government to the effect that the plenary session of the Government would be competent to decide matters pertaining to the terms of rescue service co-operation in the event that municipalities do not reach an agreement on the same. The idea is that the order would lapse at once when the municipalities reached such an agreement.

Section 5.*Direction of planning.* The Ministry of the Interior would see to the general direction of the launching, planning and regional divisions of co-operation under the proposed Act. In this task, the Ministry would be assisted by the relevant State Provincial Office, if necessary. The purpose is that the municipalities arrange their affairs without detailed management by the State.

Section 6*Entry into force.* It is proposed that the Act enter into force on 1 January 2005. Paragraph 2 of the section contains a standard provision on entry into force.

Section 7*Transitional provision.* According to the provision on entry into force, the co-operation referred to in the Act would have to be commenced on 1 January 2008.

Under section 5(3) of the Rescue Services Act currently in force, the municipalities may see to their rescue service tasks in co-operation, as provided in the Local Government Act. Under section 10 of the Rescue Services Act, a municipality must provide assistance to another municipality in rescue operations and civil defence, if necessary. In order to secure the command and control of rescue operations and to intensify rescue service co-operation, a State province is according to section 11 of the Rescue Services Act divided into co-operation areas. The relevant division and the core municipality in the area shall be laid down by the State Provincial Office. Section 13 of the Rescue Services Act contains provisions on alerting instructions. According to the section, a municipality shall co-operate with the neighbouring municipalities, the regional fire chief, the rescue service authorities and authorities providing executive assistance, as well as the emergency response centre, so as to draw up alerting instructions for the dispatch of rescue assets in emergency situations and on the provision of inter-municipal assistance.

The Rescue Services Act and its provisions on co-operation would remain in force in their current form until 2004. Because the proposed legislation, which is intended to enter into force in the beginning of 2005, contains specific provisions on rescue service co-operation, legislative clarity requires that the proposed Act contain a transitional provision to the effect that the co-operation in its current form is to continue until the end of 2007.

2 Entry into force

It is proposed that the Act enter into force on 1 January 2005. The municipalities in a rescue service region would have to agree on co-operation no later than on 31 December 2007, with municipal co-operation commencing on 1 January 2008.

3 Constitutional issues and enactment procedure

The proposed legislation would expand the duty of the municipalities to co-operate in rescue services. The municipalities in a rescue service region, as established by a decision of the Government, would be obliged to see to the tasks referred to in the Rescue Services Act in co-operation whose form is governed by the Local Government Act. Accordingly, the municipalities could decide that rescue services be assigned to one of the municipalities in the region or that the task be given to a joint municipal board. The Rescue Services Act already contains certain obligations for municipal co-operation. Where necessary, rescue operations shall be carried out regardless of municipal boundaries. Where necessary, one municipality must assist another in rescue operations and civil defence. The emergency response centre must dispatch the closest appropriate unit and, if necessary, the regional fire chief may take over the command and control of the rescue operation.

In the reasons of the Bill for the Rescue Services Act (Bill 76/1998), the Act has been discussed also from the point of view of municipal self-government. In the reasons relating to enactment procedure, it was stated that the praxis of the Constitutional Law Committee pertaining to municipal self-government tends to the view that constitutional protection requires the prevention of encroachment, by regular legislation, to those central and particular characteristics of a municipality, so that self-government would become effectively a nullity (CLC report 14/1986). It was held in the Bill that the Rescue Services Act does not encroach to any of the central issues of municipal self-government. In its statement, the Constitutional Law Committee did not consider the legislation to be contrary to municipal self-government.

At present, the main provisions defining the status of municipalities can be found in the new Constitution of Finland, which entered into force on 1 March 2000. The self-government of the municipalities is enshrined in sections 121 and 122 of the Constitution. According to the Constitution, Finland is divided into municipalities, whose administration is based on the self-government of the municipal population. The main principles of municipal administration and the tasks assigned to the municipalities shall be laid down by an Act. When the administration is being reorganised, the Constitution requires compatibility in the regional divisions so that both the Finnish-speaking and the Swedish-speaking populations can obtain services in their

own language in accordance with the same premises. In addition, the fundamental issues of municipal divisions must be laid down by an Act.

municipal administration and the most important participation rights of the population are defined at the level of parliamentary legislation. That said, the municipalities are entitled to make the detailed arrangements of their administration without statutory provisions to the point.

The proposed legislation cannot be deemed to encroach on constitutionally protected municipal self-government so that it would restrict the right of the inhabitants to decide on the administration and finances of their municipality. The general principles of municipal administration and the tasks assigned to the municipalities in the sector of rescue services would be laid down by an Act, as required by the Constitution. Because this matter may be open to differing interpretations, it is advisable to obtain a statement from the Constitutional Law Committee to the issue of enactment procedure.

On the basis of the aforementioned, the following proposed legislation is submitted to the Parliament for enactment:

Act on the Establishment of Rescue Service Regions

In accordance with the decision of the Parliament, the following is hereby enacted:

Section 1

Objective

The objective of this Act is to gain efficiency in the use of the resources of rescue services and to improve the availability and quality of the service.

Section 2

Scope of application

For purpose of arranging municipal co-operation, this Act applies to the provision of municipal rescue services as referred to in the Rescue Services Act (561/1999), with the exception of emergency response centres.

This Act does not apply in the Åland Islands.

Section 3

Rescue service regions

In order to arrange the co-operation referred to in this Act, the territory of Finland shall be divided into rescue service regions, to be designated by the Government after the municipalities have been heard.

Section 4

Obligation to arrange rescue services

The municipalities in the same rescue service region shall enter into an agreement on the arrangement of rescue service co-operation no later than on 31 December 2007. The agreement shall be governed, in so far as appropriate, by the provisions of the Local Government Act (365/1995) on municipal co-operation.

If the municipalities cannot reach an agreement referred to in paragraph 1 before the deadline, the Government shall issue an order on the terms of rescue service co-operation.

Section 5

Direction of planning

The Ministry of the Interior shall see to the general direction of the launching, planning and regional divisions of co-operation under this Act; in this task, the Ministry shall be assisted by the relevant State Provincial Office.

Section 6

Entry into force

This Act shall enter into force on DD Month 20YY. The co-operation under this Act shall commence on 1 January 2008.

Measures necessary for the implementation of this Act may be taken before its entry into force.

Section 7

Transitional provision

The provisions on rescue services co-operation in the Rescue Services Act and the subordinate regulations based on that Act shall remain in effect until the end of 2007.

Signed in Helsinki, on 22 October 2005

President of the Republic

TARJA HALONEN

Minister of the Interior *Ville Itälä*

Appendix 4: Sample of a concise Bill

(based on Bill 19/2003)

Government Bill to the Parliament for an Act on the Amendment of Section 6 of the Burial Act

EXECUTIVE SUMMARY

It is proposed that a provision be added to the Burial Act to the effect that the parishes and parish federations of the Evangelical Lutheran Church could continue to observe tradition and to grant full or partial exemptions from burial fees if the deceased has been a combat veteran or if there is another comparable reason.

The Act is intended to enter into force in the beginning of 2005.

REASONS

1 Current situation and proposed changes

According to section 6(2) of the Burial Act (457/2003), the bases for burial fees shall be the same for all persons who are by law entitled to be buried in a cemetery of a parish or parish federation of the Evangelical Lutheran Church.

Until now, the parishes and parish federations of the Evangelical Lutheran Church have applied variable bases in their burial fees. Observing long tradition, some of the parishes and parish federations have granted free grave sites to combat veterans. According to the available information, some parishes have given free grave sites to all combat veterans, while some have granted these only to their own parishioners. Some of the parishes have not granted free grave sites at all. In yet other parishes, also the spouses of combat veterans have been granted free grave sites.

Owing to section 6(2) of the Burial Act, after the entry into force of the Act the parishes and parish federations would be prevented from granting exemptions from burial fees. In the report of the Parliament's Administration Committee on the Burial Act (AC report 21/2002), it has been considered important that the current tradition of many parishes regarding the provision of free grave sites to combat veterans can continue also in the future.

It is proposed that a new paragraph 3 be appended to section 6 of the Burial Act; under that paragraph, a parish and a parish federation could grant full or partial exemptions from burial fees notwithstanding the provision in paragraph 2, if the deceased has been a combat veteran or if there is another comparable reason for the same. In this manner, the parishes and parish federations would be able to carry on with the tradition, if they so wish.

The exemption could be granted if the deceased has been a combat veteran or if there is another comparable reason for the same. By custom, a person is considered a combat veteran if he or she has been awarded a combat badge, a front service badge, a front badge, a veteran's badge or a foreign national's combat badge. The same provision would be applicable also to other persons who have served in the Finnish wars. Under the provision, a fee exemption could be granted also to the spouse of a person entitled to the exemption.

The provision would not confer on anyone the right to demand an exemption from burial fees. The discretion relating to exemptions would continue to be exercised by the parishes and parish federations. Nonetheless, the bases for granting exemptions should be applied equitably, without regard to whether the deceased was a parishioner or not.

2 Impact

The objective of the proposal is to make possible the continuation of the tradition so that the parishes and parish federations can grant exemptions from burial fees, if the deceased has been a combat veteran or if there is another comparable reason. The provision has no impact on State finances.

3 Preparation

The Bill has been drafted by officials in the Ministry of Education. A statement on the Bill has been requested from the Church House.

4 Entry into force

It is proposed that the Act enter into force at the same time as the Burial Act, that is, in the beginning of 2005.

On the basis of the aforementioned, the following proposed legislation is submitted to the Parliament for enactment:

**Act
on the Amendment of Section 6 of the Burial Act**

In accordance with the decision of the Parliament,
a new paragraph 3 is *added* to section 6 of the Burial Act of 6 June 2003 (457/2003), as follows:

Section 6

Notwithstanding the provision in paragraph 2, a parish or parish federation may grant a full or partial exemption from the fees referred to in paragraph 1, if the deceased has been a combat veteran or if there is another comparable reason.

This Act enters into force on DD Month 20YY.

Signed in Helsinki, on 22 June 2004

President of the Republic

TARJA HALONEN

Minister of Culture *Tanja Karpela*

Appendix 5: Sample of a Bill for the adoption and implementation of an international obligation

For Treaties, substitute “Treaty” for “MOU” throughout (based on Bill 4/2003)

Government Bill to the Parliament for the adoption of the Memorandum of Understanding between the United Nations and the Government of Finland contributing Resources to the United Nations Mission in Ethiopia/Eritrea (UNMEE) and for an Act on the implementation of the legislative provisions therein

EXECUTIVE SUMMARY

It is proposed that the Parliament adopt the Memorandum of Understanding (MOU) between the United Nations and the Government of Finland contributing Resources to the United Nations Mission in Ethiopia/Eritrea (UNMEE), signed in New York in May 2003, as well as enact an Act on the implementation of the legislative provisions therein.

UNMEE was established in July 2000. The President of the Republic decided in December 2002 that Finland would contribute in the mission through the assignment of a staff and guard company. The purpose of the MOU is to establish the terms and conditions of Finland’s contribution in UNMEE.

The Bill includes a legislative proposal regarding the implementation of the legislative provisions in the MOU. The MOU is to take effect on a date specified by an exchange of letters. The objective is that the MOU would be in effect when the Finnish staff and guard company deploys for UNMEE in June 2003. The Act is intended to enter into force at the same time as the MOU takes effect.

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PROPOSED LEGISLATION

MEMORANDUM OF UNDERSTANDING (normally, "TEXT OF THE TREATY")

GENERAL SUMMARY

1 Introduction

The disputes between Ethiopia and Eritrea erupted in 1998 into a border conflict, which led into a war from 1998 to 2000. The estimated loss of life during that war was about 100,000 people. Mediated by the Organization for African Union (OAU), Ethiopia and Eritrea agreed on a ceasefire on 18 June 2000. That agreement was followed by a peace accord on 12 December 2000.

Following the Ethiopia-Eritrea ceasefire, the Security Council of the United Nations (UN) adopted on 31 July 2000 Resolution 1312 (2000) on the establishment of a UN mission (UNMEE) at the border between Ethiopia and Eritrea. According to the original Resolution, the mission was to consist of no more than 100 military observers, plus civilian support personnel. The mission was considerably expanded by Security Council Resolution 1320 (2000), adopted on 15 September 2000, to the effect that the mission would consist of no more than 4,200 troops and no more than 220 military observers. The mission mandate covered the monitoring of the ceasefire, the monitoring of the implementation of security commitments entered into by the parties to the conflict, the monitoring of the withdrawal and redeployment of Ethiopian forces, the monitoring of Eritrean troop movements, so that there would be a 25-kilometre buffer zone between them and the redeployed Ethiopian forces, the monitoring of the temporary security zone, the chairing of the Military Co-ordination Commission, the co-ordination of humanitarian mine clearance, the provision of technical assistance in the temporary security zone and nearby areas, as well as the co-ordination of the operations of UN humanitarian relief and human rights organisations and other NGOs in the area. By resolution 1430 (2000) of 14 August 2002, the Security Council expanded the mission mandate so that it would cover also mine clearance in given areas to support boundary demarcation and the provision of administrative and supply support to the field office of the boundary commission. Latest, the Security Council issued Resolution 1466(2003) on 14 March 2003 on the extension of the mandate of UNMEE until 15 September 2003.

Finland has had development projects in Ethiopia since the 1970s and limited projects also in Eritrea since the 1990s. The evaluation report relating to the Finnish-Ethiopian development programme stresses the importance of stability and recommends that increasing stability be added to the development objectives. UNMEE promotes directly both regional and internal stability, thus supporting the own development aspirations of the two countries and the successful pursuit of donor countries' development projects. At first, the Finnish contingent in UNMEE was quite small: Two staff officers and seven military observers. On 3 December 2003, the President of the Republic decided to assign a staff and guard company to UNMEE

for an initial period of one year as of June 2003. The terms of the Finnish contribution were laid down in the MOU signed between the UN and Finland.

2 Current situation

Under section 2 of the Peacekeeping Act (514/1984), the decisions on Finnish participation in peacekeeping operations and on the termination of the participation are made on a case-by-case basis by the President of the Republic upon proposal by the Government. Before a proposal for the establishment of a peacekeeping contingent is made, the Government must hear the Foreign Affairs Committee of the Parliament or, in cases referred to in section 2(2) of the Act, the entire Parliament, by submitting a report on the matter. According to section 4 of the Act, Finland's participation in peacekeeping operations is restricted to the availability of funds in the appropriate budget lines in the budget chapters of the Ministry for Foreign Affairs and the Ministry of Defence. The reimbursement of peacekeeping costs incurred by Finland proceeds in accordance with the general criteria laid down by the UN or the OCSE or with the specific criteria that have been agreed.

The decision on Finland's contribution to UNMEE has been made in accordance with the procedure in section 2(1) of the Act, by hearing the Foreign Affairs Committee. The member states of the UN have adopted a model MOU submitted to the General Assembly of the UN on 27 August 1997, concerning the rights and obligations of the UN and the member states in UN peacekeeping operations (A/51/967). The MOU relating to Finland's UNMEE contribution is the first agreement based on the new model MOU, relating to Finland's contribution to a new mission and concluded when the new Constitution of Finland is in force. Before the model MOU was adopted, the financial obligations of the UN were arranged through mission in-out surveys. Sections 2 and 4 of the Peacekeeping Act do not contain clearly delimited and specific authorisations, as required by the new Constitution, for the issuance of Decrees on the legislative matters in a MOU. Hence, the MOU relating to Finland's contribution to UNMEE should be submitted to the Parliament for assent.

3 Objectives and main proposals

The purpose of the MOU is to establish the administrative, logistical and financial terms that govern the contribution of personnel, equipment and services in support of UNMEE. It lays down the personnel and material resources that Finland assigns to the mission. The MOU contains also the detailed reimbursements that the UN will make to Finland for its personnel and material contribution. The MOU defines the allocation of liability in damages between Finland and the UN in the event that third parties or the property of the UN suffer loss or damage.

The purpose of the Bill is to obtain parliamentary approval of the MOU. The bill contains also a proposal for a “Blanco Act” that would implement the legislative provisions in the MOU.

4 Impact

The Bill does not bring about any new costs to the State, nor does it have other impact with more than minor significance. The decision on Finnish participation in UNMEE has already been made.

Moreover, the full financial impact of participation has already been taken into account in the decision-making relating to Finland’s contribution to the mission. In the budget for 2003, appropriations for participation in the mission have been included in the budget chapter of the Ministry for Foreign Affairs (24.99.22) to the amount of EUR 4,665,000 and in the budget chapter of the Ministry of Defence (27.30.22) to the amount of EUR 7,775,000 (Parliamentary Letter 33/2000, Bill 132/2002, Bill 249/2002, Bill 253/2002). The MOU between Finland and the UN lays down in detail the reimbursements to be made by the UN to Finland for personnel and material, the matters remaining the responsibility of Finland, and the allocation of liability in case of loss or damage.

5 Preparation

The President of the Republic and the Foreign and Security Policy Committee of the Government discussed the continuation of Finland’s participation in UNMEE on 20 September 2002. On 7 October 2002, the UN notified Finland of its acceptance of the proposal of assigning a staff company for UNMEE. The Foreign Affairs Committee of the Parliament considered the matter on 15 November 2002. On 3 December 2002, the President of the Republic decided on the assignment of a staff and guard company to UNMEE for an initial period of one year as of June 2003.

During the spring of 2003, representatives of Finland and of the Secretariat of the UN prepared the MOU on Finland’s contribution on the basis of the model MOU. The Permanent Representative of Finland to the UN signed the MOU on 9 May 2003 after the President of the Republic had conferred the necessary signature powers.

The Bill was drafted in the Ministry for Foreign Affairs, in co-operation with the Ministry of Defence. Statements have been obtained from the Ministry of Justice and the Ministry of Defence. The points made in the statements have been taken into account in the final formulation of the Bill.

DETAILED REASONS

1 Contents of the MOU and its relationship to Finnish law

The contents of the annexes to the MOU are described in the context of the relevant Articles, in so far as necessary.

Article 1. *Definitions.* Under the Article, the definitions listed in Annex F apply for the purpose of the MOU. That annex lists and defines the main terms used in the MOU. The definitions have a bearing on the scope of application of the legislative provisions in the MOU and therefore delimit also the laws of Finland.

Article 2. *Documents constituting the Memorandum of Understanding.* The MOU is constituted by the memorandum proper, plus Annexes. Annex A deals with personnel, Annex B the major equipment provided by the Government, Annex C self-sustainment provided by the Government, Annex D performance standards for major equipment, Annex E performance standards for self-sustainment, Annex F definitions, and Annex G guidelines for troops-contributing countries, as issued to the Finnish authorities in January 2003. In view of the technical nature and exceptional detailedness of the Annexes, the annexes to this Bill include only the MOU proper and its Annexes A-C and F, which have significance as regards the parliamentary assent.

Article 3. *Purpose.* The purpose of the MOU is to establish the administrative, logistical and financial terms and conditions between Finland and the UN, to govern the contribution of personnel, equipment and services provided by the Government in support of UNMEE.

Article 4. *Application.* The MOU is to be applied in conjunction with the Guidelines (Aide-Memoire) for troop-contributors issued by the UN. These Guidelines are not legally binding. They contain information e.g. on the mission, the mandate, troop constitution, administration, supply and personnel. The reference to the Guidelines in Article 4 of the MOU relates to the constitution and the duties of the troops sent to the mission. Owing to their extent, the Guidelines have not been appended to this Bill.

Article 5. *Contribution of the Government.* Under paragraph 1 of the Article, Finland contributes to UNMEE the personnel listed at annex A, numbering 200 guard and administrative troops, providing the mission staff with signal, security and transport services.

Under paragraph 2 of the Article, Finland contributes to UNMEE the major equipment listed in annex B, consisting e.g. of vehicles, heavy weaponry, electrical generators, storage containers and other containers (a total of 37 units), and the related less significant material. If Finland contributes major equipment above the level indicated in Annex B, that equipment is a national responsibility and thus not subject to reimbursement by the UN.

Under paragraph 3 of the Annex, Finland contributes to UNMEE, against reimbursement, the minor equipment and consumables related to the self-sustainment of the Finnish guard and administrative contingent. Minor equipment and consumables consist e.g. of victuals, signals equipment, office supplies, electrical supplies, laundry and cleaning supplies, linens and medical supplies. Finland is to ensure that the minor equipment and consumables meet the performance standards set out in Annex E. If Finland contributes such equipment above the level indicated in Annex C, that equipment is a national responsibility and thus not subject to reimbursement by the UN.

Article 6 *Reimbursement and support from the United Nations.* Under paragraph 1 of the Article, the UN undertakes to reimburse Finland in respect of the personnel provided under the MOU at the rates stated in annex A, article 2. The reimbursement is USD 1,028 per month per person. In addition, there is a outfitting and equipment reimbursement of USD 68, a personal weaponry and ammunition reimbursement of USD 5 and a reimbursement for specialists of USD 303. In addition, the personnel receive a per diem of USD 1.28 directly from the peacekeeping mission.

Under paragraph 2 of the Article, the UN is to reimburse Finland for the major equipment provided as listed in annex B. The reimbursement rates for the major equipment will be reduced, if the equipment does not meet the required performance standards set out in annex D or if the equipment listing is reduced. Under paragraph 3 of the Article, the UN is to reimburse Finland for the provision of self-sustainment goods and services for the Finnish guard and staff contingent, at the rates and levels stated at annex C. Paragraphs 4 to 7 of the Article govern the duration of the UN's liability to make the reimbursements.

Article 7. *General conditions.* The contribution of Finland and the support from the UN are governed by the general conditions set out in the relevant annexes.

Article 8. *Specific conditions.* The Article lays down the specific condition factors applicable during the mission, for purposes of increasing the reimbursements payable. The UNMEE environmental condition factor, based on cost increases arising from extreme mountain, climate or terrain conditions, is 1.80%. The UNMEE intensity of operations factor, arising from the extent of the mission, the length of the logistical chain, the lack of commercial repair and maintenance facilities and other operational dangers or conditions, is 0.80%. The UNMEE hostile action/forced abandonment factor is 2.90% and the incremental transportation factor 2.25% of the reimbursement rates. Paragraph 5 of the Article defines the entry and exit points of the troops and equipment.

Article 9. *Claims by third parties.* Under the Article, the UN will be responsible for dealing with any claims by third parties where loss of or damage to their property, or death or personal injury, was caused by the personnel or equipment provided by Finland in the performance of services or any other activity or operation under the MOU. However, if the loss, damage, death or injury arose from gross negligence or

wilful misconduct of Finnish personnel, Finland will be liable for such claims. Under section 16(6) of the Peacekeeping Act, loss and injury arising in peacekeeping operations is compensated in accordance with the provisions of the Tort Liability Act (412/1974). In the application of that Act, peacekeeping personnel are considered to be soldiers, as referred to in chapter 4 of the Act. The liability of the State in damages is governed by chapter 3 of the Tort Liability Act (the liability of employers and public corporations). Article 9 is in harmony with the Tort Liability Act. The provisions in the Article are legislative by nature.

Article 10.*Recovery.* Under the Article, Finland is to reimburse the UN for loss of or damage to UN-owned equipment and property caused by Finnish personnel or equipment if the loss or damage occurred outside the performance of services or any other activity or operation under the MOU. Finland is liable to make a reimbursement also if the loss or damage arose or resulted from gross negligence or wilful misconduct of Finnish personnel. In practice, according to the established interpretation of the Peacekeeping Act, the peacekeeping personnel are in service throughout their participation in the mission; accordingly, loss or damage caused by Finnish personnel caused in service under the laws of Finland, and the State is thus liable under the Tort Liability Act. Again, the provisions in the Article are legislative by nature.

Article 11.*Supplementary arrangements.* Possible supplementary arrangements to the MOU can be concluded by the parties in writing.

Article 12.*Amendments.* Possible amendments to the MOU can be agreed on by the parties in writing.

Article 13.*Settlement of disputes.* Under the Article, UNMEE is to establish a two-level dispute resolution mechanism, to discuss and resolve amicably by negotiation differences arising from the application of the MOU. At the first level, the Chief Administrative Officer (CAO) and the Commander of the Finnish contingent attempt to reach a negotiated settlement of the dispute. At the second level, if the negotiations at the first level not resolve the dispute, a representative of the Permanent Mission of Finland and the Under-Secretary-General, Department of Peacekeeping Operations, attempt to reach a negotiated settlement of the dispute. If the negotiation still does not lead to a resolution, the dispute may be submitted to a mutually agreed conciliator or mediator appointed by the President of the International Court of Justice. Failing this, the dispute may be submitted to binding arbitration at the request of either party. The provisions in paragraph 3 of the Article are legislative by nature.

Article 14.*Entry into force.* The MOU becomes effective on a date to be specified in an exchange of letters. The objective is that the MOU would be in force when the Finnish guard and staff contingent deploys to UNMEE on 5 June 2003, so that Finland may receive the personnel and equipment reimbursements from the UN di-

rectly after the Finnish company arrives on location. The MOU corresponds to the model MOU adopted by the member states of the UN. It is assumed in the model that Article 14 would indicate a precise date when the national peacekeeping contingent is supposed to deploy and when the MOU enters into force. However, as the MOU requires adoption by the Finnish Parliament, it is not possible to lay down a precise date of entry into force when the MOU is signed. In the negotiations between Finland and the UN it was specifically agreed that the entry into force would be governed by agreement in an exchange of letters once the constitutional procedures required in Finland have been completed. Hence, the MOU contains an implicit acceptance clause.

The financial obligations of the UN with respect to reimbursement of personnel and equipment will remain in effect until the personnel and serviceable equipment depart the mission area as per the agreed draw-down plan or the date of effective departure where the delay is attributable to the United Nations.

Article 15.*Termination.* The modalities for the termination of Finland's contribution will be as agreed to by the parties.

2 Reasons for the proposed Act

Section 1 Section 1 of the Act contains the regular provisions of a Blanco Act, indicating the enactment of the MOU provisions that are of a legislative nature. The provisions of a legislative nature are described below in the section relating to the need for parliamentary assent.

Section 2 It is proposed that the Act enter into force on the date set by a Decree of the President of the Republic, to coincide with the entry into force of the MOU.

3 Entry into force

The MOU is to enter into force on the date designated by an exchange of letters. The objective is that the MOU would be in force when the Finnish guard and staff contingent deploys for UNMEE on 5 June 2003. The Act is intended to enter into force at the same time as the MOU.

4 Need for parliamentary assent and decision-making procedure

4.1 Need for parliamentary assent

The agreement between Finland and the UN has been entitled a "Memorandum of Understanding" (MOU). In international relations, a MOU often constitutes a legally non-binding instrument, indicating the political agreement of the parties, but not a Treaty as defined in the Vienna Convention on the Law of Treaties (TrS 32-33/1980). Nonetheless, the title or heading of an instrument is not decisive regarding its legal nature; instead, this evaluation must be made on the basis of the contents of the instrument, with due regard to the volition of the parties as to whether the instru-

ment is to be binding on them as subjects of international law. According to the cover letter by the Secretary-General of the UN, the present MOU involves legally binding rights and obligations and it is binding on the signatories (A/51/967). Accordingly, the instrument must be dealt with in Finland as provided in sections 93 to 95 of the Constitution.

Under section 94(1) of the Constitution, the Parliament adopts e.g. the Treaties and other international obligations that contain provisions of a legislative nature. According to the praxis of the Constitutional Law Committee of the Parliament, the competence of the Parliament to adopt such instruments covers all provisions in an international obligation that are substantively of a legislative nature. The provisions of a Treaty must be considered legislative, (1) if the provision concerns the exercise or restriction of a fundamental right guaranteed in the Constitution, (2) if the provision otherwise concerns the basic elements of individual rights or obligations, (3) if the subject-matter of the provision must under the Constitution be governed by legislation, (4) if there is existing legislation on the subject-matter of the provision, or (5) the subject-matter of the provision must according to the opinion prevailing in Finland be governed by legislation. In this respect, whether a Treaty provision is in contrast or in concord with an existing legislative provision in Finland is beside the point (CCL reports 11, 12, and 45/2000).

According to Article 1 of the MOU, the definitions in its Annex F are to be applied. That annex lists and defines the main terms used in the MOU. Such provisions, which have an indirect bearing to the interpretation and application of substantive, legislative provisions, are themselves also legislative by nature (CCL report 6/2001).

Articles 9 and 10 of the MOU and Articles 6 to 9 of Annex B concern the allocation of liability between the UN and Finland. The obligation in Article 9 does not constitute a derogation to the provisions in chapter 3 of the Tort Liability Act relating to the liability of employers and public corporations. Under Article 10(a) of the MOU, the Government of Finland undertakes to reimburse damage to UN property, if caused by conduct extraneous to the mission itself. In practice, under established usage, peacekeeping personnel is in service for the duration of their participation in the mission, which means that damage caused by Finnish personnel is for the purposes of Finnish law damage caused in service, and hence subject to the liability of the State to make the appropriate compensation. Articles 9 and 10 pertain to subject-matter that is in Finland governed by legislation, and they are thus legislative by nature.

Article 13(2) of the MOU contains a provision on mandatory arbitration, whose outcome is binding on both parties. The Constitutional Law Committee holds the primary opinion that such arrangements are natural elements in international cooperation (CCL report 10/1998). Because the MOU contains provisions of a legislative nature, the dispute resolution mechanism may result in ruling, binding on Fin-

land, as to how a given legislative provision in the MOU is to be applied. Such dispute resolution provisions have been deemed legislative by nature, even though they are a natural part of international co-operation and thus not necessarily in contrast to modern conceptions of state sovereignty.

4.2 Decision-making procedure

The MOU does not contain provisions that would concern the Constitution, as referred to in section 94(2) or 95(2) of the Constitution. It is the opinion of the Government that the MOU can be adopted by a simple majority of the votes cast, and that the proposed implementation Act can be enacted under the regular enactment procedure.

In the light of the preceding, and on the basis of section 94 of the Constitution, it is proposed that

The Parliament adopt the Memorandum of Understanding, signed in New York on 9 May 2003, between the United Nations and the Government of Finland contributing Resources to the United Nations Mission in Ethiopia/Eritrea (UNMEE).

Because the MOU contains provisions that are legislative by nature, it is further proposed that Parliament adopt the following Act:

Act
on the Implementation of the Legislative Provisions in the Memorandum of Understanding between the United Nations and the Government of Finland contributing Resources to the United Nations Mission in Ethiopia/Eritrea (UNMEE)

It is enacted in accordance with the decision of the Parliament:

Section 1

The provisions of a legislative nature contained in the Memorandum of Understanding, signed in New York on 9 May 2003, between the United Nations and the Government of Finland contributing Resources to the United Nations Mission in Ethiopia/Eritrea (UNMEE) shall be in force as parliamentary legislation in the form that Finland has undertaken to observe.

Section 2

This Act shall enter into force as provided by a Decree of the President of the Republic.

Helsinki, 29 May 2004,

President of the Republic

TARJA HALONEN

Minister for Foreign Affairs *Erkki Tuomioja*

YHTEISTYÖPÖYTÄKIRJA
Yhdistyneiden Kansakuntien ja
Suomen hallituksen välillä voimavarojen
antamisesta Yhdistyneiden Kansakuntien
operaatioon Etiopiassa ja Eritreassa
(UNMEE)

Ottaen huomioon, että Yhdistyneiden Kansakuntien operaatio Etiopiassa ja Eritreassa (UNMEE) perustettiin Yhdistyneiden Kansakuntien turvallisuusneuvoston päätöslauselmalla S/RES/1320 (2000) ja turvallisuusneuvoston päätöslauselmalla S/RES/1434 (2002);

Ottaen huomioon, että Suomen hallitus (jäljempänä "hallitus") on Yhdistyneiden Kansakuntien pyynnöstä sopinut avustavansa UNMEE -operaatiota sen tehtävän suorittamisessa antamalla sen tueksi henkilöitä, varusteita ja palveluita;

Ottaen huomioon, että Yhdistyneet Kansakunnat ja hallitus haluavat sopia avustuksen ehdoista;

Tämän johdosta Yhdistyneet Kansakunnat ja hallitus (jäljempänä yhteisesti "sopimuspuolet") sopivat seuraavaa:

1 artikla

Määritelmät

1. Tässä yhteistyöpöytäkirjassa (jäljempänä "pöytäkirja") noudatetaan F liitteessä lueteltuja määritelmiä.

MEMORANDUM OF
UNDERSTANDING
Between
THE UNITED NATIONS AND
THE GOVERNMENT OF FINLAND
Contributing
RESOURCES TO THE UNITED
NATIONS MISSION IN ETHIOPIA/
ERITREA (UNMEE)

Whereas, the United Nations Mission in Ethiopia/Eritrea (UNMEE) was established pursuant to the United Nations Security Council resolution S/RES/1320 (2000), and the Security Council Resolution S/RES/1434 (2002),

Whereas, at the request of the United Nations, the Government of Finland (hereinafter referred to as the "Government") has agreed to contribute personnel, equipment and services in support of UNMEE to assist UNMEE to carry out its mandate.

Whereas, the United Nations and the Government wish to establish the terms and conditions of the contribution.

Now therefore, the United Nations and the Government (hereinafter collectively referred to as the "Parties") agree as follows:

Article 1

Definitions

1. For the purpose of this Memorandum of Understanding, (hereinafter referred to as the "MOU") the definitions listed in Annex F shall apply.

Appendix 6: Sample parallel texts

*Annex
Parallel texts*

Act **on the Amendment of the Act on the Financing of Sustainable Forestry**

In accordance with the decision of the Parliament

the following provision is repealed: section 29(4) of the Act on the Financing of Sustainable Forestry (1094/1996),

the following provisions are amended: section 9(1), section 11, section 12(4), section 23(5), and section 29(3), and

the following new provisions are added to the Act: section 29a and section 29b, as follows:

Act in force

Proposed Act

Section 9

Section 9

Amount and basis of financing

Amount and basis of financing

The country shall be divided into zones for the purpose of setting the amount of the subsidy for realisation costs. At a maximum, the subsidy shall equal 70 per cent of the actual costs or the corresponding mean costs, as laid down annually by the Ministry with competence over forestry affairs. However, in the harvesting of wood for fuel, the maximum subsidy shall be the amount in marks, as laid down by the Ministry, per one solid cubic metre of wood supplied for fuel.

The country shall be divided into zones for the purpose of setting the amount of the subsidy for realisation costs. At a maximum, the subsidy shall equal 70 per cent of the actual costs or the corresponding mean costs, as laid down annually *by Decree of the Ministry of Agriculture and Forestry*. However, in the harvesting of wood for fuel, the maximum subsidy shall be the *amount in euros laid down by Decree of the Ministry of Agriculture and Forestry*, per one solid cubic metre of wood supplied for fuel.

Section 11

Section 11

Financing of job-creation

Financing of job-creation

The management of young forests by employing otherwise jobless workforce, *as provided in greater detail by Decree of the Ministry of Labour* (job-creation), may be subsidised by a maximum of 80 per cent of the realisation costs. In the harvesting of wood for fuel by way of job-creation,

The management of young forests by employing otherwise jobless workforce may be subsidised by a maximum of 80 per cent of the realisation costs. *The use of jobless workforce for the management of young forests* (job-creation) *shall be governed by a Decree of the Ministry of Labour*. In the

the maximum subsidy referred to in section 9(1) may be increased by the amount in marks laid down by Decree of the Ministry of Agriculture and Forestry, per one solid cubic metre of wood.

Section 12

Lending terms and conditions

Provisions shall be issued by Decree on the minimum lending amount, *the overdue interest rate*, the commencement and collection of annual repayments, the full or partial repayment of the loan out of schedule, and the other lending terms and conditions.

Section 23

Amount of the subsidy

In the mechanical chipping of fuel wood, the maximum amount of subsidy shall be the amount in marks laid down by the Ministry with competence over forestry affairs, per loose cubic metre of chipped wood. More detailed general instructions on the prerequisites for the granting of the subsidy may be issued by the Ministry.

Section 29

Recovery sanctions

In respect to continuous or repeated acts, the four-year statute of limitations referred to in paragraph 2 shall begin on the date when the misuse has ended. *However, in respect of multi-year programmes under European Union legislation, the statute of limitations shall continue until the final conclusion of the programme.* A final decision on the sanction shall remain enforceable for three years.

More detailed provisions shall be issued by Decree on when a subsidy or an interest benefit ordered to be recovered may be recovered with interest and when said interest may be increased as a penal measure. Provisions shall

harvesting of wood for fuel by way of job-creation, the maximum subsidy referred to in section 9(1) may be increased by the amount in euros laid

Section 12

Lending terms and conditions

Provisions shall be issued by *Decree of the Government* on the minimum lending amount, the commencement and collection of annual repayments, the full or partial repayment of the loan out of schedule, and the other lending terms and conditions.

Section 23

Amount of the subsidy

In the mechanical chipping of fuel wood, the maximum amount of subsidy shall be the *amount in euros laid down by Decree of the Ministry of Agriculture and Forestry*, per loose cubic metre of chipped wood. More detailed *provisions* on the prerequisites for the granting of the subsidy *may be issued by Decree of the Ministry of Agriculture and Forestry.*

Section 29

Recovery sanctions

In respect to continuous or repeated acts, the four-year statute of limitations referred to in paragraph 2 shall begin on the date when the misuse has ended. A final decision on the sanction shall remain enforceable for three years.

(Paragraph 4 to be repealed)

also be issued by Decree on the overdue interest payable on State receivables.

Section 29a

Recovery interest rate

A subsidy ordered to be recovered on the basis of section 15(3), 15(4), 16, 28(1) or 28(2) and an interest benefit ordered to be recovered on the basis of section 29(1) shall bear annual interest at the rate referred to in section 3(2) of the Interest Act (633/1982), plus three percentage points, calculated from the date when the subsidy has been fully paid or the interest benefit ordered to be recovered.

Section 29b

Overdue interest

If the repayment of the loan is overdue, the overdue amount shall bear annual interest, as of the due date, at the rate referred to in section 4 of the Interest Act. If a subsidy ordered to be recovered, another State receivable, or a part thereof is not paid on time, the amount to be recovered shall bear annual interest, as of the due date of each instalment, at the rate referred to in section 4 of the Interest Act. Instead of overdue interest, an overdue charge of 5 euros may be collected, if the amount of overdue interest would not exceed that sum.

This Act shall enter into force on DD Month YYYY. However, if the financing has been granted before the entry into force of this Act, the provisions on interest and overdue interest shall be applied as they were before the entry into force of this Act.

Appendix 7: The stages of a law drafting project

Law drafting is a process of many stages, beginning from the initiation of the project and continuing, after the confirmation and publication of the Act, with implementation and follow-up. In summary form, the stages can be listed as follows:

- 1 Preliminary preparation
- 2 Principal preparation
- 3 Comments
- 4 Continued preparation
- 5 Translation
- 6 Revision
- 7 Preparation for presentation
- 8 Consideration by the Government, decision of the President of the Republic
- 9 Delivery and introductory debate in the Parliament
- 10 Committee
- 11 Tabling, first reading, second reading
- 12 Revision and Parliamentary Reply
- 13 Confirmation
- 14 Publication in the *Statutes of Finland*
- 15 Entry into force
- 16 Implementation and follow-up

Enough time should be reserved for all of the stages of the law drafting project. It is especially important that the preliminary preparation and principal preparation are carried out with due care. The preliminary preparation involves an assessment of the need for the project in the first place, the choice of organisational form and the writing of the terms of reference. Already at this stage, the possible earlier positions and proposals should be collected and a brief outlook prepared into international developments and into the current situation, the problems with the current situation, the possible need for change and the impact of the proposed change. The principal preparation builds on the preliminary preparation, with the core issue being the drafting of the proposed legislation and its reasons.

The later stages of the project will be smoother if the choices made are substantively justifiable and technically correct also during parliamentary consideration. For this reason, it is important that principal preparation is allocated enough time when the project plan is being set up. It is not advisable to present

an unfinished Bill to the Parliament merely for the reason that the schedule can be kept to only by cutting corners.

Enough time must also be reserved for translation and legislative revision. If the Bill is concise, containing only the essential information needed for decision-making, also translation and revision times will be shorter. If the Bill is to be submitted to the Parliament towards the end of a parliamentary session, due consideration must be given to congestion, sending the Bill for translation and revision so that there in fact is time both for translation and for revision. It should also be noted that the draft Bill may require fine-tuning also after revision, if the comments of the reviser so warrant. This issue is the same also in respect to “Budgetary Acts”, which must be dealt with in the autumn, before the State Budget is adopted. In the autumn term of the Parliament, legislative work is geared towards Budgetary Acts. It should be kept in mind also that only finished draft Bills should be sent in for revision. The Finnish and the Swedish versions should be sent at the same time.

The different stages of parliamentary consideration should be taken into account in the scheduling of the project. In addition, the Bill must be submitted early enough so that the Parliament has time to consider it even under congested circumstances.

In addition, one should be prepared for the eventuality that the revision work to take place after the Parliament accepts the Bill may take a long time, especially with regard to the Swedish text, e.g. if the Parliament has adopted a lot of alterations to the original text of the Bill. In this event, the Parliamentary Reply may be delayed. A consequence may be that the planned entry into force of the Act must be postponed, unless the eventuality has been taken into account already at the scheduling stage.

Every project must be planned on the basis of its own characteristics. It is important to ensure that the resources are available for careful preliminary preparation and principal preparation, that enough time is reserved for translation and legislative revision, and that the various stages of parliamentary consideration are taken appropriately into account. One should beware of underestimating the time required for the drafting process; if the allocated time is not enough, the first reaction should be to obtain the necessary extension to the deadline rather than to submit an unfinished Bill.

The following chart is an estimate of the time proportions that the various stages of the drafting process within the entirety of the project. The chart is a schematic only, because every project is different. [...]

Chart 1

Time needed for the various stages of a drafting process (example).

- 1-2 Preliminary preparation and principal preparation
- 3-4 Statements and continued preparation
- 5-6 Translation and legislative revision
- 7-8 Preparation for presentation, consideration by the Government,
decision by the President of the Republic
- 9-10 Delivery, introductory debate and committee work
- 11-12 Tabling, first and second readings, revision and Parliamentary Reply
- 13-14 Confirmation and publication in the *Statutes of Finland*

In the chart, the stages of parliamentary consideration are separate from the stages of consideration in Government organs. As a rule of thumb, it can be said that three quarters of the total drafting time are used before the Bill is submitted to the Parliament and, of that time, two thirds are needed for preliminary preparation and principal preparation. The parliamentary consideration takes about one quarter of the total drafting time.

[...]

Appendix 8: Law drafting manuals

General manuals

Lainlaatijan opas. (*Legal Drafter's Manual*)
Ministry of Justice – Edita, Helsinki 1996.

Lainlaatijan EU-opas. (*Legal Drafter's Guide to the European Union*)
Ministry of Justice publication 2004:6, Helsinki 2004.

Lainlaatijan perustuslakiopas. (*Legal Drafter's Guide to the Constitution*)
Ministry of Justice recommendation, February 2000.

Ohjeita lausunnon valmistelijalle. (*Guidance for the drafting of statements*)
Ministry of Justice, Operations and Administration 2002:6

Svenskt lagspråk i Finland. (*Legal Swedish in Finland*)
Statsrådets svenska språknämnd – Schildts, Jyväskylä 2004

Valtioneuvoston esittelijän opas. (*Government Presentation Manual*)

Valtioneuvoston päätöksentekojärjestelmän opas (PTJ). Liitteenä Lainlaatijan työvälineen käyttöopas. (*Manual of the Government IT-aided decision-making system "PTJ". Annex: Instructions for the use of the Legal Drafter's style sheet*)

Treaties

Valtiosopimusopas. (*Treaty Manual*)
Ministry for Foreign Affairs publication 3/2003

Impact assessment

Ohjeet säädösehdotusten taloudellisten vaikutusten arvioinnista (*Instructions on the assessment of a Bill's impact on the economy*)
Ministry of Finance, Helsinki 1998

Ohjeet säädösehdotusten yritysvaikutusten arvioinnista (*Instructions on the assessment of a Bill's impact on business activities*)
Ministry of Trade and Industry, Helsinki 1999

Ohjeet säädösehdotusten ympäristövaikutusten arvioinnista (*Instructions on the assessment of a Bill's impact on the environment*)
Ministry of the Environment, Helsinki 1998

Ohjeet säädösehdotusten aluekehitysvaikutusten arvioinnista (*Instructions on the assessment of a Bill's impact on regional development*)
Ministry of the Interior, Helsinki 2004

Sosiaali- ja terveysministeriön opas sukupuolivaikutusten arvioimiseksi lainsäädäntöhankkeissa (Suvaopas). Liite valtavirtaistamisohjeeseen. (*Ministry of Social Affairs and Health instructions on the assessment of a law drafting project's impact on gender equality ("Suva" instructions). Annex to the Mainstreaming Guide*)
Ministry of Social Affairs and Health, 16 April 2003

Rikollisuusvaikutusten huomioon ottaminen säädösvalmistelussa ja muussa julkisessa suunnittelutyössä. (*Consideration of crime effects in law drafting and other public planning*)
Ministry of Justice, Statements and reports, 2002:9



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