

**NB: Unofficial translation, legally binding texts are those in Finnish and Swedish**  
**Ministry of the Environment, Finland**

**Act on Water Resources Management**  
**1299/2004**

**Given in Helsinki on 30 December 2004**

**Chapter 1**  
**General provisions**

**Section 1 - Purpose**

- (1) This Act lays down provisions on water resources management and on the related analysis work, cooperation and participation within the water resources management regions, and on international cooperation in water resources management. The general aim of water resources management is to protect, improve and restore waters, thereby avoiding any deterioration in the status of surface waters and groundwaters and ensuring that the status of these waters does not fall below the classification 'good'.
- (2) The purpose of this Act is that water resources management should take into account not only the quality of waters but also their sufficiency and sustainable use; water services provision and an economic analysis of these services; flood protection; recreational use of waters; diseases spread through water; protection of aquatic ecosystems; and protection of terrestrial ecosystems

and wetlands in direct contact with aquatic ecosystems.

## **Section 2 - Definitions**

In this Act,

1) *surface water* means water-covered areas, coastal waters and territorial waters;

2) *groundwater* means water that is below ground in a saturated zone and in direct contact with the bedrock or soil;

3) *coastal water* means surface water on the landward side of a line, every point of which is at a distance of one nautical mile on the seaward side from the nearest point of the baseline from which the breadth of territorial waters is measured, and which at some point is bounded by a river;

4) *body of surface water* means a discrete and significant element of surface water such as a lake, reservoir, stream, river or canal, a part of a stream, river or canal, or a stretch of coastal water;

5) *body of groundwater* means a distinct volume of water within a porous and permeable soil or bedrock formation that allows a significant flow of groundwater or a significant abstraction of groundwater; and

6) *river basin* means an area from which all surface run-off flows into the sea via a stream, lake, river or estuary.

### **Section 3 - Water resources management regions**

A water resources management region shall consist of one or more river basins. Bodies of coastal water and bodies of groundwater shall be included in the most appropriate water resources management region bounding them. An international water resources management region shall be formed where river basins extend into the territory of another country, as separately provided.

### **Section 4 - Authorities**

- (1) Control and monitoring of the enforcement of this Act shall be undertaken by the Ministry of the Environment and the Ministry of Agriculture and Forestry within their respective spheres of operation. For the purposes of enforcing this Act, the Finnish Environment Institute will be responsible for the duties designated to it by the Ministry of the Environment and the Ministry of Agriculture and Forestry, and the Finnish Game and Fisheries Research Institute for the duties designated to it by the Ministry of Agriculture and Forestry.
- (2) The regional environment centres shall attend to duties laid down in this Act within their respective operating areas. The fisheries units of the Employment and Economic Development Centres shall attend to duties necessary for enforcement of this Act within their respective spheres of operation.
- (3) The State and municipal authorities operating within each water resources management region shall

participate in water resources management as referred to in this Act within their respective spheres of operation.

#### **Section 5 - Duties of regional environment centres**

- (1) In each water resources management region, the duties of the regional environment centres shall include:
  - 1) drawing up an account of the characteristics of the waters;
  - 2) drawing up accounts of the effects of human activity on the waters;
  - 3) compiling economic analyses of water use;
  - 4) collecting information on areas to be protected under Community legislation which are prescribed by Government decree;
  - 5) collecting the necessary information on areas designated for household water abstraction;
  - 6) preparing a classification of water status;
  - 7) organizing water monitoring and draw up a water monitoring programme;
  - 8) preparing a water resources management plan and a programme of measures;
  - 9) managing other duties designated by the Ministry of the Environment and the Ministry of Agriculture and Forestry for water resources management purposes.

- (2) The Finnish Environment Institute shall provide expert assistance to the regional environment centres in the duties referred to in subsection 1 and maintain a register of the information referred to in subsection 1(4).

#### **Section 6 - Government decree on water resources management regions**

Further provisions on water resources management regions and the coordinating regional environment centres for these regions shall be issued by Government decree.

### **Chapter 2 Status of waters**

#### **Section 7 - Characteristics of waters**

For water resources management purposes, surface waters shall be divided into different categories according to their geographical and scientific characteristics. In the case of groundwater, the characteristics to be determined are the location and boundaries of important groundwater areas and other groundwater areas suitable for water supply, and the general bedrock and soil characteristics. In determining these characteristics, waters may be examined as entire entities.

#### **Section 8 - Classification of the status of waters**

- (1) Surface waters and groundwaters shall be classified according to the extent of modification caused by human activity. The surface water classification shall be based on the ecological or chemical status, whichever is the poorer of the two.

- (2) The ecological status of surface water shall be classified as excellent, good, satisfactory, passable or poor. The classification shall be made in relation to a comparison state. The comparison state for heavily modified and artificial bodies of surface water shall be the best achievable ecological status, against which the waters shall then be classified as good, satisfactory, passable or poor.
- (3) The chemical status of surface water shall be good if it meets the environmental quality standards for hazardous substances specified in the Community legislation, which shall be separately provided by decree.
- (4) The status of groundwaters shall be classified according to their chemical and quantitative characteristics as either good or poor.

#### **Section 9 - Monitoring**

- (1) Monitoring of surface waters and groundwaters in a water resources management region shall be organized in such a way that a consistent and diverse overall picture is gained of the status of these waters.
- (2) The water monitoring programmes drawn up by the regional environment centres shall be coordinated within each water resources management region and appended to the water resources management plan. Supervision by economic operators under other legislation shall be taken into account, as appropriate, in drawing up the monitoring programme.

## **Section 10 - Government decrees on the status of waters**

(1) Further provisions on the following shall be issued by Government decree:

1) the division of surface water categories according to geographical and scientific characteristics, the examination of artificial and heavily modified surface waters, determination of the comparison state peculiar to each surface water category, and selection of areas for comparison;

2) examination of groundwater characteristics;

3) detailed content of the accounts drawn up on the status and use of waters and of the economic analysis of water services, and the drawing up of this information;

4) monitoring of waters and the monitoring programme;

5) the criteria for classifying surface waters and groundwaters.

(2) Further provisions may also be given by Government decree on factors corresponding to those presented in subsection 1 if this is necessary for the enforcement of Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy.

## Chapter 3

### Water resources management plan and programme of measures

#### Section 11 - Water resources management plan

- (1) A water resources management plan shall be drawn up for each water resources management region.
- (2) A summary of the following shall be presented in the water resources management plan:
  - 1) information about the water resources management region;
  - 2) information about the examination of water body characteristics drawn up in the water resources management region and about their classification and the environmental objectives, and about other factors concerning water status and use;
  - 3) plan modifications compared with previous plans;
  - 4) measures implemented, interim additional measures implemented and an assessment of the effects of any exceptional circumstances;
  - 5) an assessment of progress in achieving the environmental objectives referred to in Chapter 4 and an explanation of the choice of alternatives;
  - 6) an account of the views presented during preparation of the plan and of negotiations with neighbouring countries, and on how this has affected the content of the plan and the choice of alternatives.
- (3) An environmental report shall be presented as part of the water resources management plan. The



environmental report will be subject to the relevant provisions of Directive 2001/42/EC of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment.

- (4) Information held by the authorities and other parties that is necessary for drawing up the water resources management plan shall be given to the regional environment centres free of charge. Notwithstanding the confidentiality provisions of the Act on the Openness of Government Activities (621/1999), the authorities are obliged to hand over information. Information that is not specific to particular premises or real estate shall also be provided, notwithstanding the confidentiality provisions of the Act on the Rural Business Register (1515/1994).

## **Section 12 - Programme of measures**

- (1) A programme of measures shall be drawn up for achieving the environmental objectives of water resources management, taking due account of the economic analyses made. The programme of measures may be a programme covering one or more river basins. The programme shall be treated as part of the water resources management plan.
- (2) The programme of measures shall contain:
- 1) basic water resources management measures, such as those required under the water and environmental protection legislation;
  - 2) measures to supplement water resources management, such as other administrative and economic measures, agreements, water resource

maintenance work, and training and research projects;

3) contingency measures for exceptional situations;

4) combinations of alternative measures.

### **Section 13 - Preparing the water resources management plan**

For the purposes of preparing the water resources management plan, each regional environment centre shall draw up:

1) a timetable and work programme for drafting the management plan at least three years before the start of the management plan period;

2) a summary of the main river basin management issues at least two years before the start of the management plan period; and

3) a draft management plan at least one year before the start of the management plan period.

### **Section 14 - Cooperation in preparing the water resources management plan**

(1) Each regional environment centre shall arrange a sufficient level of cooperation and interaction with the different authorities and other parties in its operating area at the different stages of preparation of the water resources management plan. For these purposes, it must have at least one planning cooperation group. Planning cooperation groups may also be set up for each river basin.

- (2) To coordinate the water resources management plan, the water resources management region shall have a steering group formed of representatives from the regional environment centres and a representative of the fisheries unit of the Employment and Economic Development Centre, who shall be nominated by the Ministry of Agriculture and Forestry. The work of the steering group shall be the responsibility of the coordinating regional environment centre. The composition of the steering group shall be determined by the Ministry of the Environment.
- (3) Provisions on coordination and notification of plan documents within international water resources management regions may be given in international agreements binding on Finland.

#### **Section 15 - Participation and providing information**

- (1) The regional environment centres shall reserve everybody the chance to study the plan documents referred to in section 13 and the background documentation for them, and shall reserve an opportunity for opinions on the plan documents to be given in writing or electronically. Provisions on public access to the plan documents and the background documentation for them are laid down in the Act on the Openness of Government Activities.
- (2) The environment centre shall publish a notice on municipal notice boards in the area stating that the plan documents are on public display. The documents shall be displayed in all necessary respects in the area's municipalities and shall be published electronically. The environment centre shall also request the necessary opinions.

- (3) Notification of the draft management plan and the coordinated water resources management plan shall also be given in widely circulated newspapers in the area and, as necessary, briefings organized in which the opportunity shall also be reserved for views to be presented.

#### **Section 16 - Processing of the water resources management plan**

- (1) The draft of the water resources management region's water resources management plan shall be discussed and coordinated within the steering group.
- (2) The coordinating regional environment centre shall submit the draft of the management region's water resources management plan discussed by the steering group to the Ministry of the Environment.

#### **Section 17 - Approval of the water resources management plan**

- (1) Water resources management plans are subject to approval by the Government.
- (2) The decision on a water resources management plan shall be issued after the period of publication and, once issued, is considered to have come to the attention of those concerned.
- (3) Information about the approval of a water resources management plan shall be submitted to the regional environment centres, which shall forward the information to the municipalities in their area and to those authorities which were consulted at earlier stages in the process. The regional environment centres shall publicize these approvals on municipal notice boards and also advertise them adequately in

the press. Approved water resources management plans shall be available for viewing in the municipalities which they cover.

- (4) The Ministry of the Environment shall publish Government-approved water resources management plans electronically.
- (5) Provisions may be issued on the notification of Government decisions within international water resources management regions in international agreements binding on Finland.

### **Section 18 - Appeal**

- (1) A decision concerning Government approval of a water resources management plan may be challenged by submitting an appeal to the Supreme Administrative Court as laid down in the Administrative Judicial Procedure Act (586/1996). An appeal is permitted if it is made on the grounds that the decision is unlawful. The provisions laid down in section 31(2) of the Administrative Judicial Procedure Act will apply to the Government decision.
- (2) The right of appeal applies to: any party whose right, obligation or interest may be affected by the decision; the municipality concerned; authorities monitoring the public interest; and any registered local or regional association or foundation which has the purpose of promoting environmental protection or nature conservation and whose operating area is affected by the water resources management plan.

## **Section 19 - Review**

The objectives presented for water resources management in the water resources management plan and the combinations of measures presented in the programme of measures shall be reviewed every six years. The review shall be subject to the provisions applicable to the preparation and approval of water resources management plans and programmes of measures, as appropriate.

## **Section 20 - Government decree on water resources management plans and programmes of measures**

- (1) Provisions on drawing up water resources management plans and programmes of measures, the deadlines for this process, and organizing the necessary cooperation for preparing water resources management plans shall be laid down by Government decree.
- (2) In addition, further provisions on the information presented in water resources management plans and programmes of measures and on setting environmental objectives may be laid down by Government decree.

## **Chapter 4**

### **Environmental objectives in water resources management plans**

## **Section 21 - Environmental objectives in water resources management planning**

- (1) The objectives of water resources management plans and programmes of measures shall be as follows:
  - 1) there will be no deterioration in the status of bodies of surface water and of groundwater and that this status will be at least good;

2) there will be no deterioration in the status of artificial and heavily modified bodies of water referred to in section 22 below and that they will have at least a good achievable ecological status, and a good chemical status;

3) bodies of surface water will be protected, improved and restored so as to enable the status referred to in paragraph 1 or 2 to be achieved by 2015 at the latest;

4) bodies of groundwater will be protected, improved and restored, and a balance ensured between groundwater abstraction and the formation of groundwater so as to enable the status referred to in paragraph 1 to be achieved by 2015 at the latest;

5) permanent and significant growth in the concentrations of substances that pollute bodies of groundwater will be prevented.

(2) The status of waters in an area specified for protection as referred to in section 5(1)(4) above must be at the level required by that protection in 2015 at the latest.

(3) The status of waters may not be regarded as contrary to an environmental objective if an exceptional natural circumstance or accident causes a temporary worsening of the status of the waters or prevents the achievement of the environmental objective and the objectives cannot be achieved using the means available.

**Section 22 - Artificial and heavily modified bodies of water**

- (1) A body of water modified by construction or otherwise physically altered may be named in a water resources management plan as being artificial or heavily modified if the modifications necessary to its hydrological and morphological characteristics in order to achieve good ecological status cause significant harmful effects on the environment or on the following activities:
  - 1) waterborne traffic or port operations;
  - 2) recreational use of waters;
  - 3) water supply or hydropower production;
  - 4) regulation of waters, flood protection or land drainage; or
  - 5) other corresponding human activities that accord with the principle of sustainable development.
- (2) A further requirement is that any benefit derived from the artificial or modified characteristics of the body of water cannot, for technical or economic reasons, be reasonably achieved by other means that would be considerably better for the environment.
- (3) The water resources management plan shall contain separate environmental objectives for bodies of water referred to in this section.



**Section 23 - Exceptions to the environmental objectives on the grounds of a major new project**

- (1) If a major new project physically alters a body of water in a way that prevents the achievement of a good ecological status for surface water or good status for groundwater, an exception to the environmental objectives referred to in section 21 above may be made, provided that:
  - 1) the project is extremely important to the public interest and represents a significant advance in sustainable development, human health or public safety;
  - 2) all available measures have been taken to prevent harmful effects;
  - 3) the targeted benefits cannot be achieved by other technically and economically reasonable means that would be significantly better for the environment than modifying the body of water.
- (2) A deterioration in the status of a body of surface of water from excellent to good shall not be regarded as being contrary to the environmental objectives if the deterioration in status is caused by a major new project that accords with the principle of sustainable development and if the conditions corresponding to subsection 1(1-3) are met.
- (3) The water resources management plan shall include an account of the implementation of the conditions referred to in subsection 1 and an account of the changes to the body of water and its status caused by the project.

## **Section 24 - Moderating the environmental objectives**

- (1) More moderate environmental objectives than those referred to in section 21 may be presented in a water resources management plan if investigations show that the body of water has been altered by human activity or its natural circumstances are such that they prevent the achievement of more demanding objectives or the achievement of the environmental objectives is unreasonable for technical or economic reasons.
  
- (2) Further requirements shall be that:
  - 1) the benefits derived from the use or loading of the waters cannot be achieved by other means that would be considerably better for the environment;
  
  - 2) the harmful effects of activities cannot be reduced without unreasonable costs;
  
  - 3) the best possible status for the bodies of surface water will be achieved, taking into consideration effects that, due to human activity or the nature of the pollution, cannot reasonably have been avoided;
  
  - 4) the changes will be as minor as possible in relation to the good groundwater status and it is not possible to reasonably avoid these effects, taking into account human activity and the nature of the pollution; and
  
  - 5) there will be no deterioration in the status of the body of water.

## **Section 25 - Achievement of the objectives in stages**

- (1) The deadlines set in section 21 can be extended in the water resources management plan if achievement of the environmental objectives is only possible in stages.
- (2) The preconditions for extending a deadline are that:
  - 1) improvement in the status of the body of water within the water resources management plan period is technically or economically unreasonable or, on account of the natural circumstances, an insurmountable task; and
  - 2) there will be no further deterioration in the status of the body of water.
- (3) The deadline may be extended by a total of no more than two water resources management plan periods.

## **Section 26 - Government decree on environmental objectives**

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

## **Chapter 5**

### **Miscellaneous provisions**

## **Section 27 - Water-related health problems**

- (1) Provisions on the prevention, reduction and elimination of water-related health problems and on the necessary plans and investigations related to this are also laid down in the Health Protection Act (736/1994).

- (2) Further provisions on the collection and supply of information concerning the prevention, reduction and elimination of water-related health problems for the purposes of water resources management plans referred to in this Act shall be laid down by decree of the Ministry of Social Affairs and Health.

**Section 28 - Giving due consideration to water resources management plans**

- (1) State and municipal authorities shall give due consideration in their operations to the water resources management plans approved by the Government in accordance with section 17, as appropriate.
- (2) Further provisions on giving due consideration to water resources management plans may also be laid down separately elsewhere in the law.

**Section 29 - Entry into force**

This Act enters into force on 31 December 2004.