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Seminar on quality of legislation  
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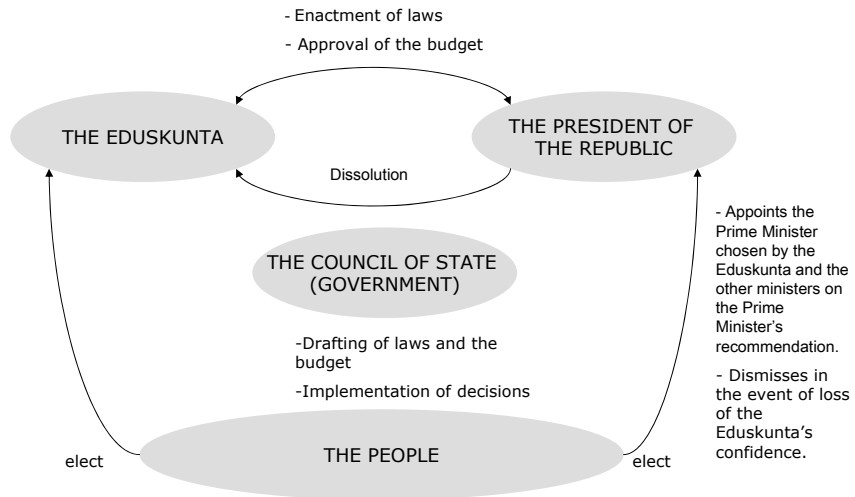
## Scrutiny of legislation in the Finnish Parliament, Eduskunta

### Constitution of Finland, Section 2:

“Sovereign power in Finland is vested in the people, who are represented by the Eduskunta assembled in session.”

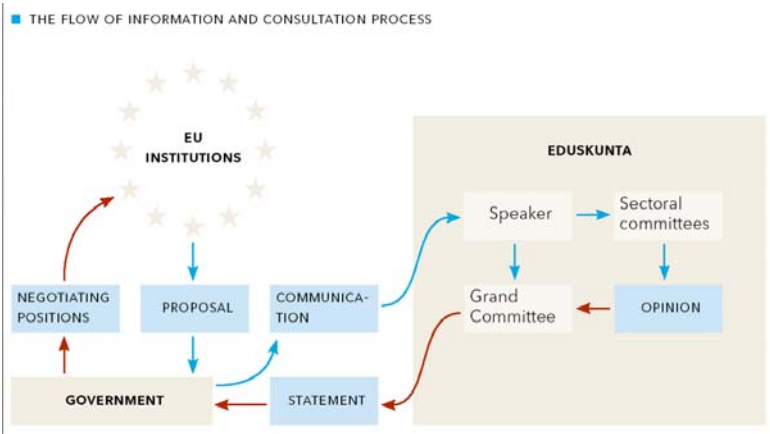
# The Finnish parliamentary system

3/5/2007



# EU decision-making in Finland

3/5/2007



## EU decision-making in Finland: The legal framework

Rules on EU-decision-making were added to the constitution before accession.

Currently 93, 96 and 97 § (Constitution 2000)

93 §

- Government (not President) responsible for EU-related decision-making and implementation, **but**
- Parliament involved according to 96 and 97 §.

## EU decision-making in Finland: The legal framework (2)

96 §

- Parliament responsible for proposed EU measures that are within parliament's "normal and domestic" powers, i.e., if the proposed EU legislation would require an act of parliament (law, budget), if it were a domestic proposal.
- Government must submit the proposal for policy formulation without delay. Government must consult with parliament throughout the procedure in the EU.
- The Grand Committee (or FAC) speaks on behalf of parliament, but normally after consulting the relevant specialist committee(s).
- Parliament's opinion is **politically binding** on the government.

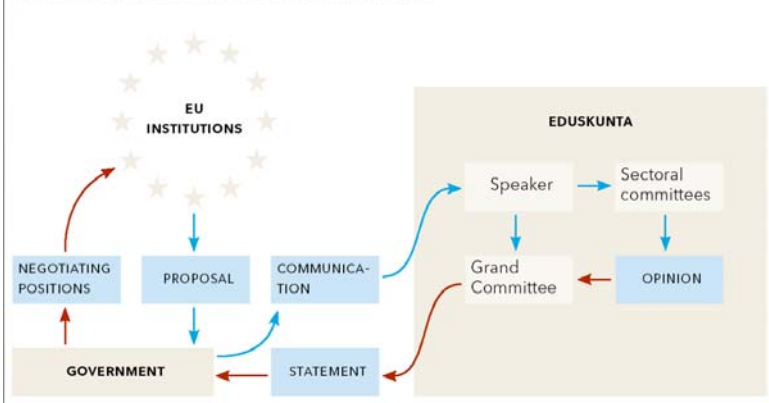
## EU decision-making in Finland: The legal framework (3)

97 §

- The Grand Committee and FAC have an unlimited right to receive information.
- The government may submit any issue to the Grand Committee or FAC.
- The Grand Committee and FAC may issue a statement; if they do, it is politically binding on the government.
- The Prime Minister shall inform either the Grand Committee, another committee or the plenary before and after every European Council and before every negotiation to change the treaties.

## EU decision-making in Finland

■ THE FLOW OF INFORMATION AND CONSULTATION PROCESS



## If parliament **must be** consulted (96 §):

- Communication from government to Speaker.
  - Communication in same format as domestic legislative bill.
- Speaker sends communication to Grand Committee (or FAC) + concerned specialist committee(s).  
Communication announced in plenary session.
- Specialist committee(s) prepare(s) opinion(s).
  - Same procedure as for domestic legislation.



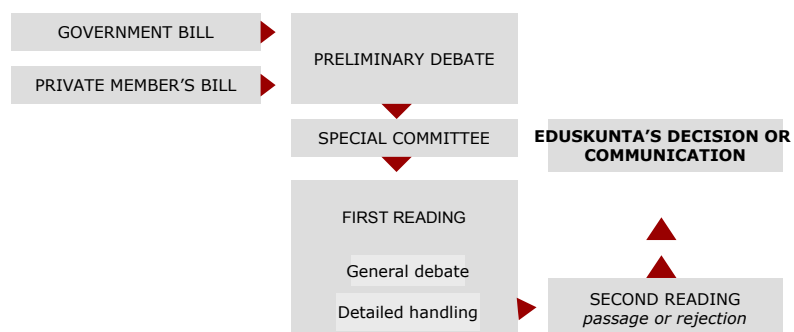
## If parliament **must be** consulted (96 §):

- Specialist committee opinion(s) submitted to Grand Committee.
- Grand Committee approves national position
  - Usually in a brief resolution.
- If national position needs to be revised:
  - Lead ministry sends letter to Grand Committee.
  - Specialist committee(s) prepare(s) opinion(s)
  - Grand Committee approves revised national position
- Procedure continued until final decision in EU.

## Parliament is informed at its own or government's initiative (97 §):

- Lead ministry writes to Grand Committee.
  - Simple Word document, sent by e-mail.
- Grand Committee sends to specialist committee(s).
- Specialist committee(s) decide(s) whether to issue opinion.
- Grand Committee usually sends specialist committee opinion to government "for information".
  - GC may approve formal position, which is politically binding.

## The legislative process



## The role of committees in parliamentary work

- Committees play a key role in legislative work.
- The decisions that the Eduskunta arrives at are largely based on submissions collectively produced by committees.
- A committee holds hearings to elicit the opinions of experts and may also request submissions from authorities and other committees.

## Eduskunta committees

- Seats on committees are assigned in proportion to the relative strengths of parliamentary groups. Each Representative is a member of two committees on average.
- Committee meetings are not as a general rule open to the public.

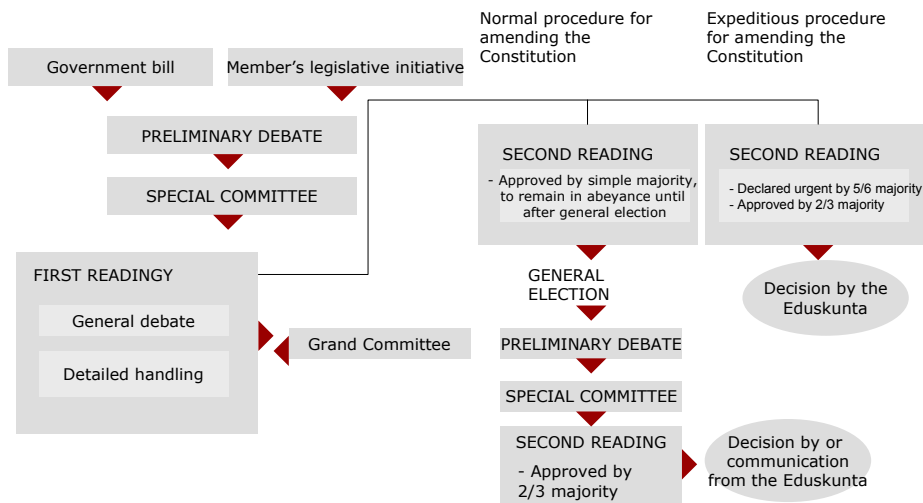
# The 15 permanent Eduskunta committees

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- |                                        |                                     |
|----------------------------------------|-------------------------------------|
| Grand Committee                        | Defence Committee                   |
| Constitutional Law Committee           | Education and Culture Committee     |
| Foreign Affairs Committee              | Social Affairs and Health Committee |
| Finance Committee                      | Commerce Committee                  |
| Administration Committee               | Committee for the Future            |
| Legal Affairs Committee                | Employment and Equality Committee   |
| Transport and Communications Committee | Environment Committee               |
| Agriculture and Forestry Committee     |                                     |

# Constitutional amendment procedure

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Year	Legislative matters 96 §	Matters according to 97 §	EU matters (all)	National legislation
2005	53	140	193	232
2004	79	145	224	282
2003	70	112	182	181
2002	85	165	250	273
2001	92	145	237	251
2000	82	106	188	215
1999	49	72	121	198

Year	Directives	Regulations	Inter- national treaties	III Pillar agreements and framework decisions	Others
2005	15	25	2	7	8
2004	33	34	3	4	8
2003	26	31	4	4	2
2002	36	34	2	9	4
2001	34	40	1	12	5
2000	31	34	3	2	2
1999	9	25	4	-	11

## Freedom of information

- Committee meetings are closed to the public.
- The record and documents become public immediately after each committee meeting.
- The record contains only document references, a list of intervenents and decision.
- The record and documents are published on the internet.

## Freedom of information (2)

- All documents in possession of a public body are accessible to the public, unless there are overwhelming reasons, based in law, to restrict access. (Constitution, 12.2 §)
- In the EU affairs the Grand Committee and FAC decide, after hearing the government, whether to apply confidentiality. The decision is binding on participating specialist committees.

## Freedom of information (3)

In the EU affairs the Grand Committee and the FAC agree to apply confidentiality, if the government provides justification, usually:

- divulging negotiating margin may compromise negotiations;
- information received from other member states in confidence.
- Confidentiality in force for minimum time necessary.

## The Finnish parliamentary system

