Government proposal to Parliament for an Act amending the Construction Act and certain related acts

MAIN CONTENT OF THE PROPOSAL

The proposal proposes to amend the Construction Act, which will enter into force on 1 January 2025, and the Land Use and Building Act, the title of which will be changed to the Spatial Planning Act at that time. In addition, the Environmental Protection Act and the Act on the Assessment of the Effects of Certain Plans and Programmes on the Environment are amended.

According to the proposal, the burden on the various parties involved in construction of the obligation to draw up a climate report and a material specification would be reduced and the permit-granting process would be streamlined. The scope of the regulation of the carbon footprint of buildings would be reduced to exclude, for example, prefabricated houses and buildings undergoing major renovation. The obligation to prepare a climate report would also not apply to extensions. The permit-granting process would be streamlined so that evidence, in the form of a climate report, of the building's carbon footprint being below the limit value would only be demonstrated at the time of the final inspection. The setting of limit values would take into account specific situations where achieving a value below the limit value is particularly difficult, for example, because of the characteristics or location of a building. The material specification would be replaced by a list of construction products, which is to be drawn up at the level of general arrangement drawings. The burden of establishing the list will be reduced not only by limiting the content of the list but also by reducing the scope of the climate report. The list would be required to be presented at the time of application for a building permit if a climate report shall be prepared for the building under this proposal, and updated for the final inspection to take into account key changes during construction.

Part of the information currently required to be attached to an application for a building permit should be provided only if there is a legitimate reason for doing so. With regard to the scope of the annexes to the building permit application, the procedure under the current Land Use and Building Act would be reinstated.

A new location permit for the clean transition industry would be added to the legislation, as well as a permanent possibility, after a long trial period, to grant a building permit before the plot division and parcelling of plots. The conditions for a demolition permit would be clarified and the demolition of a building protected by a local detailed plan and owned by a municipality or a municipal company for at least 10 years would be facilitated in situations where the building is in such poor condition that it can no longer be used. A time limit would be laid down for the processing of applications for building permits and the act would also lay down penalties for failure to comply with the time limit. The principal operator responsibility for implementation would be revoked. The right of appeal of the Finnish Heritage Agency would be limited to sites of national or regional importance, but the right of appeal would still be more extensive than in the current Land Use and Building Act. The right of appeal of the Centres for Economic Development, Transport and the Environment (ELY Centres) would be in line with the provisions of the Land Use and Building Act. The right of appeal against permits for landscape works would be restricted in situations where a final local detailed plan or master plan is implemented.

The proposal is linked to the objective of the Government Programme of Prime Minister Petteri Orpo to amend the Construction Act to reduce the administrative burden and reduce bureaucracy.

In addition, some mainly legislative corrections would be made to the laws.

The proposed laws are mainly intended to enter into force on 1 January 2025.

CONTENTS

RATIONALE

1 Context of and preparation of the proposal

1.1 Context

The Construction Act (751/2023) was passed by Parliament on 1 March 2023 and adopted on 21 April 2023. The Construction Act will enter into force on 1 January 2025. In its reply EV 333/2022 vp, Parliament made numerous amendments to Government Proposal HE 139/2022 vp[1].

The main change compared to the Land Use and Building Act was the transposition of climate change mitigation into the construction legislation. The Construction Act laid down new essential technical requirements for the life cycle and low-carbon performance of buildings. A simplified permitting system and a higher permit threshold will streamline construction. The building permit, the action permit and the notification of action were replaced by a single permit, a building permit. The permit threshold was set at a higher level on average than previously in the municipal building ordinances. An application for a building permit is made using a plan based on building information modelling (BIM) or otherwise in a machine-readable format. The quality of construction was improved through the principal operator's responsibility for implementation. A register of qualifications was laid down for the competencies of designers and supervisors.

According to the Government Programme[2] (2023) of Prime Minister Petteri Orpo, the Government will correct the Construction Act that has been laid down in such a way as to reduce the administrative burden, reduce bureaucracy, clarify the right of appeal and clarify the responsibility of the principal operator. The Act will lay down a guarantee on the processing time for building permits.

Ways to address the number of complaints against plans and building permits, and to speed up the handling of complaints, will be explored. For example, the possibility of clarifying the conditions for the right of appeal will be explored.

A statutory and binding time limit for processing by the public authorities will be laid down. This time lime will start from the moment the permit application, including annexes, has been initiated in the building control system and the annexes enable the application to be processed, and it will end when the decision has been taken. If the time limit laid down by law is exceeded, the permit fee or processing fee shall be reduced.

According to the Government programme, the Government undertakes to meet the emission reduction targets and move towards the objective of carbon neutral and then carbon negative in a way that does not raise the everyday costs of citizens or undermine the competitiveness of the economy through the Government's own decisions or policies. Finland aims to achieve carbon neutral by 2035 and carbon negative in the 2040s. Achieving this target will require significant emission reductions and low-carbon solutions, including for buildings and construction, which account for a significant share of total emissions. The Government has an impact on the climate through effective emission reduction measures, increased carbon sinks

[1] Government proposal to Parliament for the Construction Act and related acts

[2] *A strong and committed Finland. Programme of Prime Minister Petteri Orpo's Government, 20 June 2023.* Available on: http://urn.fi/URN:ISBN:978-952-383-763-8

and Finnish clean economy solutions. Finland is committed to the objectives of the Climate Law with the aim of even becoming a frontrunner in clean energy and carbon handprint. Separately, it is stressed that investments aimed at reducing emissions are rising at an ever increasing rate globally, and in this industrial transformation we are competing to attract investment in Finland.

The Government programme strongly highlights the need for active measures to achieve the emission targets. However, it is stressed that climate action will be taken in an economically, environmentally, socially and territorially sustainable and equitable way. It is envisaged that Finland will respond to the emission reduction targets and move towards the objective of carbon neutral and carbon negative without increasing the costs of everyday life or loss of competitiveness. Similarly, special attention must be paid to cooperation with other Nordic countries in respect of climate change mitigation and adaptation.

Section 156b of the Environmental Protection Act (527/2014) provides for the implementation of a basic-level purification requirement for the treatment of domestic wastewater from areas outside sewerage networks in areas other than near watercourses and the sea and in groundwater areas. The provision in subsection 1 should be revised in order to maintain the current legal position and to reflect the terminology of the new Construction Act.

1.2 Drafting

The Government proposal will correct the Construction Act already before its entry into force, based on feedback from stakeholders, to clarify the Act and reduce bureaucracy. The need for correction has arisen in particular with regard to the climate report, the material specification and the building permit application and the reports to be submitted to the building control authorities. The prerequisites for a demolition permit, the right of appeal and the responsibilities of the principal operator have been the subject of discussion. In addition, the Government proposal offers an opportunity to carry out for a limited number of technical amendments.

The Government proposal has been prepared as official work to a very tight schedule. Drafting had to be carried out in just a few weeks either side of the round of consultation and the timetable did not even allow for the appointment of a working group. The impact assessment has also been carried out as official work, as the time frame did not allow for consulting reports and associated competitive tenders. Despite the tight timetable, the preparation of the Government proposal has adhered to the normal time frame for consultation and the Government proposal has complied with the notification procedure. The Chancellor of Justice has pre-examined the Government proposal.

2. Current situation and assessment thereof

2.1 Low carbon and life cycle characteristics of buildings

One major change to the Construction Act adopted in 2023 compared with the Land Use and Building Act (132/1999) is the integration of climate change mitigation into the regulatory framework on construction. The aim is to steer construction towards low-carbon construction, i.e. taking into account the climate impacts and benefits arising throughout the life cycle of a building. This proposal introduces changes to the guidance on low-carbon buildings that would streamline the permit-granting process under the Construction Act and reduce the

burden of preparing a climate report and material specification for the different parties involved in the construction. In addition, the intention is to partially implement Directive (EU) 2024/1275 of the European Parliament and of the Council on the energy performance of buildings (recast). The exceptional step of correcting the law before receiving feedback from the application of the Act in practice has of course made it difficult to assess the current situation.

Under section 38, subsection 1, of the Construction Act, a party undertaking a construction project must ensure that the building is designed and constructed as a low carbon building in a manner appropriate for its intended use. Nearly all new buildings, as well as buildings undergoing major renovation, are subject to the climate report obligation. The law includes a separate list of exceptions for those buildings for which it is not necessary to prepare a climate report; a climate report is not required for new buildings which are not to be designed and constructed as nearly-zero energy buildings under section 37, nor for detached single-family houses undergoing renovation or buildings undergoing major renovation which are not required to improve their energy performance under said section. This means that a climate report shall be prepared for a new detached single-family house but not for a detached single-family house undergoing renovation. In accordance with the Construction Act, the climate report shall be prepared in connection with the application for a building permit and it must show not only the carbon footprint, but also the carbon handprint.

Section 38 of the Construction Act also lays down the criteria for low carbon assessment in order to ensure that the assessment is consistent and reliable. First, the carbon footprint and carbon handprint assessment shall cover the life cycle of buildings or the renovation and subsequent life cycle stages of buildings undergoing major renovation. Second, the assessment shall use the low-carbon assessment methodology for buildings, as well as data from the national emissions database or other information on environmental characteristics in accordance with the assessment methodology, such as environmental declarations.

Section 38 of the Construction Act lays down carbon footprint limit values for new buildings such that they shall apply, in principle, to all buildings, unless specifically exempted by law. The Act specifically provides that the limit values do not apply to new buildings which, according to section 37, are not required to be designed and constructed as nearly-zero-energy buildings, nor to detached single-family houses or buildings undergoing major renovation. This means that although a climate report shall be drawn up for detached single-family houses and building permit under the Construction Act, they are not intended to be included in the control of limit values. The method for assessing the low-carbon performance of a building is to be further specified by decree of the Ministry of the Environment. That decree has twice been subject of a round of consultation and its adoption is awaiting the consideration of this draft law. The carbon footprint limit values are to be laid down by government decree.

The guidance on the low-carbon performance of buildings is also directly linked to EU regulation. The Construction Act is intended to partially implement the recast Energy Performance of Buildings Directive adopted by the European Parliament on 12 March 2024 and by the Council of the European Union on 12 April 2024[3]. The Directive entered into force

[3] Proposal for a Directive of the European Parliament and of the Council on the energy performance of buildings (recast), COM(2021) 802 final.

on 28 May 2024. The time for implementation is two years, i.e. amendments to the Finnish legislation must be made by 29 May 2026. The recast Directive on the energy performance of buildings (EPBD) introduces guidance on the low-carbon performance of buildings throughout their life cycle as a new factor. The recast EPBD proposes that the requirement to calculate the life-cycle global warming potential (GWP) of new buildings is a first step towards increased consideration of the whole life-cycle climate impacts of buildings and a circular economy. According to the Directive, in future information on the carbon footprint over the whole life cycle of a building would be provided as part of the energy certificate. Article 2(24) of the recast EPBD defines 'whole life-cycle greenhouse gas emissions' as emissions occurring throughout the whole life cycle of a building, including the manufacture and transport of construction products, construction site operations, energy use in the building and replacement of construction products, as well as the disposal of waste material, waste transport, waste management and waste reuse, recycling and disposal.

The recast EPBD will have an impact on the proposed package of low-carbon regulations for buildings in this proposal, the scope of the climate report and the limit value guidance. It is likely that the implementation of the Directive will require an amendment to the Construction Act soon after the regulation enters into force. As part of the implementation of the Directive, it is likely to become necessary to review the penalties linked to the guidance on the low-carbon performance of buildings. The implementation of the Directive may also require changes to the national low-carbon assessment methodology and the list of construction products. The content of the recast EPBD is described in more detail below.

The calculation of the life-cycle global warming potential (GWP) of new buildings is laid down in Article 7(2) of the Directive, which requires Member States to ensure that the life-cycle global warming potential is calculated in accordance with Annex III of the Directive and disclosed through the energy performance certificate of the building:

(a) as of 1 January 2028, for all new buildings with a useful floor area of more than 1 000 m^2;

(b) as of 1 January 2030, for all new buildings.

The carbon footprint of a new building shall be declared as part of the building's energy performance certificate. However, it must be borne in mind that not all new buildings have to be energy certified under the Directive. The calculation of the carbon footprint would apply to buildings defined in the Directive as buildings for which an energy certificate has to be drawn up. The useful floor area is defined in Article 2 of the Directive, according to which it means area of the floor of a building needed as parameter to quantify specific conditions of use that are expressed per unit of floor area and for the application of the simplifications and the zoning and (re)allocation rules, taking into account existing national, European and internationally recognised standards.

Annex III to the Directive further specifies the calculation of the life-cycle global warming potential (GWP) of new buildings in accordance with Article 7(2). The requirements and framework conditions contained in the Annex shall be taken into account in the national low-carbon assessment methodology, the climate report and possibly also in the list of construction products. An essential point in Annex III is the indication that national methods may be used: '*Where a national calculation tool or method exists, or is required for making disclosures or for obtaining building permits, that tool or method may be used to provide the required disclosure. Other calculation tools or methods may be used if they fulfil the minimum criteria established by the Level(s) common EU framework'.* Other comments include:

- According to the Annex, the whole life-cycle GWP is communicated as a numeric indicator for each life cycle stage expressed as $kgCO_2eq/m^2$ (of useful floor area) calculated over a reference study period of 50 years.

- The data selection, scenario definition and calculations shall be carried out in accordance with EN 15978 (EN 15978:2011 Sustainability of construction works). Assessment of environmental performance of buildings. Calculation method) and taking into account any subsequent standard relating to the sustainability of construction works and the calculation method for the assessment of environmental performance of buildings.

- The scope of building elements and technical equipment is as defined in the Level(s) common EU framework for indicator 1.2.

- Data regarding specific construction products calculated in accordance with Regulation (EU) No 305/2011 of the European Parliament and of the Council shall be used when available.

In addition, the Directive has empowered the Commission to adopt delegated acts to amend Annex III to set out a Union framework for the national calculation of life-cycle GWP with a view to achieving climate neutrality. The first such delegated act shall be adopted by 31 December 2025, which shall be taken into account in the national low-carbon assessment methodology. Such a delegated act may necessitate amendments to the regulations on the national low-carbon assessment methodology, which in turn may have a direct impact on the carbon footprint limit values.

Article 7(5) to (6) of the Directive also contains guidelines for national carbon footprint limit value guidance. According to that Article, by 1 January 2027, Member States shall publish and notify to the Commission a roadmap detailing the introduction of limit values on the total cumulative life-cycle GWP of all new buildings and set targets for new buildings from 2030, considering a progressive downward trend, as well as maximum limit values, detailed for different climatic zones and building typologies. Those maximum limits shall be in line with the Union's objective of achieving climate neutrality. In a few years, the Directive will also have an impact on the regulation of limit values proposed in this Government proposal. It is worth noting that the wording of the Directive leaves open a number of important issues, which will only be clarified by the implementation of the Directive. The main issues relate to the scope of the limit values and to the Union objectives referred to in the Article. The Commission shall also issue guidance, share evidence on existing national policies and offer technical support to Member States, at their request. In particular, it should be noted that Member States shall address carbon removals associated to carbon storage in or on buildings. Carbon handprint reporting would be an explicit source of information on carbon storage.

The revision of Regulation (EU) No 305/2011 of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (*Construction Products Regulation*), which is linked to the guidance on low carbon performance, is still awaiting final approval. The aim is that the revision would in the future also indicate the carbon footprint of construction products in the declaration of performance. This manufacturer-specific information could be used for the low-carbon assessment, if available. The new Construction Products Regulation is also intended to support the reuse of construction products, which is relevant for the low-carbon assessment, as

concessions in terms of their carbon footprint are envisaged for recoverable products in the low-carbon assessment.

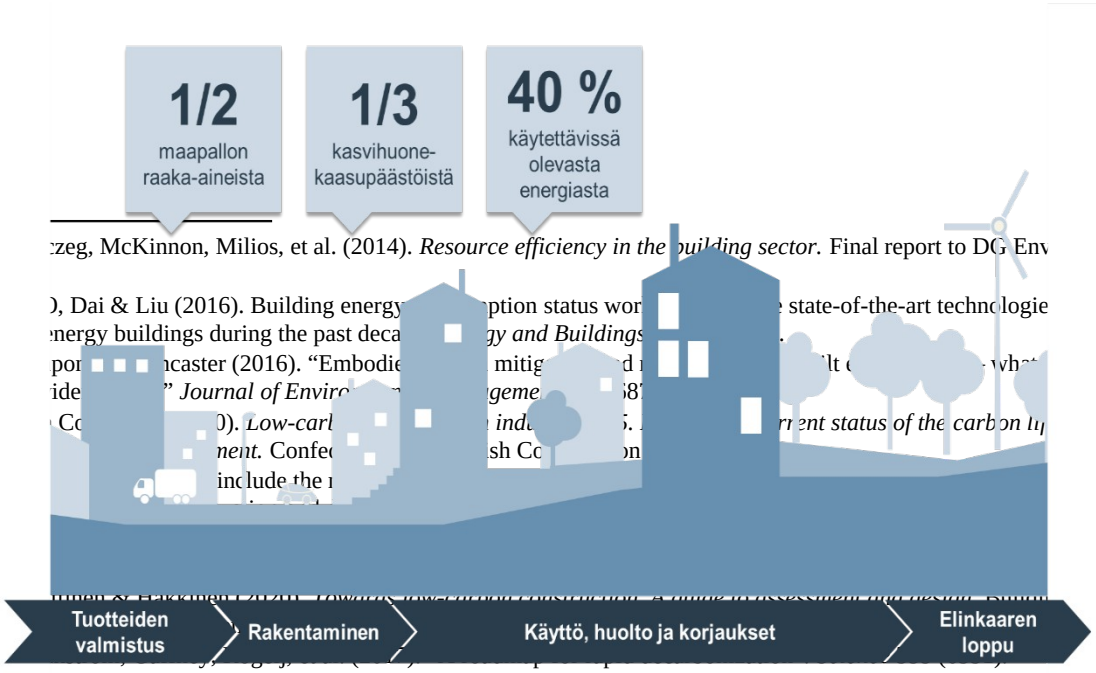
One of the technical assessment criteria of the EU taxonomy for new buildings is the calculation of the global warming potential (GWP) resulting from construction for each stage of the life cycle. According to Delegated Regulation (2021/2139), the calculation is to be carried out in accordance with EN 15978 (BS EN 15978:2011), using the Level(s) calculation method (Level(s) indicator 1.2: Life-cycle Global Warming Potential (GWP)) or by using a national calculation tool. The establishment of a uniform calculation method is important to facilitate the work of national operators. The material specification for buildings is governed by section 38.2 of the Construction Act, which, as described above, is not yet in force before 1 January 2025. As regards the material specification for buildings, there is no direct regulation at EU level. It is true that the recast EPBD includes the idea of a low-carbon assessment for buildings to which the lists of products and materials is of course indirectly linked. Under section 38, subsection 2, of the Construction Act, a party undertaking a construction project must ensure that a material specification is drawn up for a new building or a building undergoing major renovation requiring a building permit, containing information on the materials and products used in the construction in a machine-readable format. The information contained in the material specification would be used in particular for the preparation of the building's climate report. The material specification is a condition for a building permit. The material specification would list the parts from which the building and construction site structures are to be built, at a minimum the load-bearing and supplementary structures of the building, key elements of building services and the structures at the building plot. The material specification would also include information on the elements of the building and the construction site, their materials and the origin of the materials. In this proposal, based on feedback from stakeholders, it is proposed to replace the material specification provided for in the Construction Act with a list of construction products at the level of general arrangement drawings. Based on the feedback from consultation, more detailed regulation of the list of construction products is to be integrated into a decree providing for the climate report and low-carbon assessment of buildings.

The material specification is indirectly linked to the demolition material and construction waste report in accordance with section 16 of the Construction Act, although the reports are drawn up at different stages of the building and have different uses. The material specification under the Construction Act is a compilation of the materials and building elements contained in a building during the construction phase (permit phase) of a new building, and would be used during the design and construction phase to calculate the carbon footprint of the building, in the use phase to support building maintenance (information on building elements and systems as part of the as-built model helps property owners when it comes to maintenance), and at the end of the life cycle in the demolition phase to disclose the material and building elements content. This means that the material information will be retained throughout the life cycle of the building and will also contribute to the planned demolition and re-use of structures. In this proposal, the requirements for the content of the list of construction products

are proposed to be reduced from the principles set out above so that the list would only be at the level of general arrangement drawings. The demolition material and construction waste report is a one-time report on demolition materials, issued either at the time of demolition of a building as a whole or when applying for a permit for major renovation involving demolition. This information will be used both to promote the recovery of demolition materials and soil and aggregates (reuse or recycling), to improve statistics (including EU targets and reporting) and to improve the conditions for regulatory guidance (better control of waste streams, including to prevent dumping).

2.2 Current status of the environmental impact of the built environment

Construction and the built environment are a major consumer of resources. Around half of the world's raw materials are used for construction annually[4]. Construction and buildings consume around 40 % of the primary energy used[5]. At the same time, the built environment (construction, heating and electricity use of buildings) accounts for around one-third of global greenhouse gas emissions[6], and the ratio is also the same in Finland[7]. The relative share of a building's life-cycle emissions of the so-called embedded emissions[8] from buildings is increasing as the energy performance of buildings improves and greenhouse gas emissions during the use of buildings decreases[9]. Construction materials account for a significant share of the life-cycle greenhouse gas emissions of buildings. Depending on the building, the share of embedded emissions in energy efficient Nordic buildings currently varies from around 30 % to over 80 %[10]. In view of the significant impact of the built environment on emissions, scientists have argued that reaching the Paris Agreement on climate change would require new buildings to be implemented in the form of carbon neutral post-2030[11] and in particular, the emissions from the production of construction materials should be significantly reduced[12].



zeg, McKinnon, Milios, et al. (2014). *Resource efficiency in the building sector.* Final report to DG Env

), Dai & Liu (2016). Building energy ption status wor state-of-the-art technologie
nergy buildings during the past deca gy and Buildings
por ncaster (2016). "Embodie mitig lt
ide " *Journal of Enviro geme*
Co). *Low-carl ind rrent status of the carbon fi*
nent. Confe sh Co on
include the

[12] Material Economics (2018). *Circular Economy – A Powerful Force for Climate Mitigation.* Sitra.

Figure 1. Environmental impact of the built environment

½ maapallon raaka - aineista	**1⁄2 of the Earth's raw materials**
1/3 kasvihuonekaasupäästöistä	**1/3 of greenhouse gas emissions**
40% käytettävissä olevasta energiasta	**40 % of available energy**
Tuotteiden valmistus	**Manufacture of products**
Rakentaminen	**Construction**
Käyttö, huolto ja korjaukset	**Use, maintenance and renovation**
Elinkaaren loppu	**End of life**

2.3 Information and digitalisation of the building permit application

A key reform of the new Construction Act was to require the application for a building permit using building information modelling (BIM) and in an interoperable format. BIM design and uniform data structures would respond to society's needs to exploit datasets and for these to inform different processes. Common information structures based on international standards would allow for flexible system development and supplier neutrality. BIM-based building information, together with the permanent building and apartment codes to be issued in the context of the building permit procedure, would provide the basis for national, secure building information management. The information to be processed in the context of a building permit would be transmitted via an interface to the national built environment information system, from which it would be available for reuse for the needs of different authorities.

The current legislation includes powers for the Ministry of the Environment to issue decrees to regulate the content, presentation and BIM designs of general arrangement drawings and reports. The scope and structure of the information referred to in the decrees would be laid down by decree. In addition to the mandatory information to be provided in the building permit, the building control authority could also demand other essential reports (section 61, subsection 1, paragraph 10 of the Construction Act), which are necessary in order to decide on the application for a building permit.

The Act gives the building control authority wide powers to exercise discretion as to the essential reports required in connection with permits, which may increase the administrative burden of applicants. In addition, the information required under section 61 would be included in all building permit applications, irrespective of project. The production and processing of all the information required for the building permit application under the legislation may not be appropriate for every project requiring a building permit. It is appropriate that the scope and quality of the required information are harmonised between different construction projects; however, without creating an additional administrative burden.

2.4 Requirement for a permit for construction and the relationship to the municipal building ordinance

Section 42, subsection 1 of the Construction Act contains an eight-point list of construction works requiring a building permit. Because the list is not exhaustive, section 42, subsection 2, of the Construction Act covers constructions works other than those referred to in subsection 1 which the municipality may consider to be subject to a permit. A municipality may stipulate, through the municipal building ordinance, that a building permit is not required in the municipality for construction in accordance with subsection 2. The municipal building

ordinance cannot be used to stipulate a narrower set of requirements in respect of building permit than is set out in subsection 1. The possibility to issues orders under the municipal building ordinance has given rise to questions in situations where a municipality would like to use the municipal building ordinance to limit, for example, the number of non-residential buildings or would consider that construction under subsection 1 would have an impact on, e.g. the townscape or landscape.

Section 42, subsection, paragraph 4, of the Construction Act provides that an audience structure which can be used simultaneously by at least five natural persons is subject to a permit. The fear of the events sector and building control authorities is that the Construction Act would be interpreted as meaning that a building permit would be required for the installation of temporary performance stages and tents related to events.

2.5 Grant of a building permit prior to plot division and the parcelling of plots

The Act on Experimentation involving Streamlined Construction and Planning Regulations (1257/2010, hereinafter: *the Experimentation Act*) concerns the right of the Cities of Helsinki, Turku and Vantaa to derogate from certain provisions of the Land Use and Building Act (132/1999). The Experimentation Act was adopted at the end of 2010 (HE 184/2010 vp) and was in force in its original format until 1 January 2014. This law was adopted in response to the 2008 housing policy programme and its validity was extended several times. According to section 5 of the Experimentation Act, by way of derogation from section 81, subsection 2 of the Land Use and Building Act, in the urban development areas of Helsinki, Vantaa and Turku, a building permit may be granted before the plot division and the parcelling of plots. In such case, the building permit shall stipulate that the building may not be put into service until the plot has been registered in the land register. The experience of the municipalities has been so positive that the practice is to be made permanent.

2.6 Prerequisites for a demolition permit

The conditions for granting a demolition permit under the Construction Act have changed from those under the Land Use and Building Act. The purpose of the conditions is to ensure that, as in the case of derogation permits, the demolition does not adversely affect town planning, the implementation of the plan or any other organisation of the use of areas. Furthermore, the demolition must not make it more difficult to achieve the objectives of the protection of the built environment. The conditions for the demolition permit in the Construction Act were also intended to promote the circular economy in the sense that demolition is possible if the building to be demolished is located in an area where buildings have lost most of their value. In such cases, the requirement for demolition is that the demolition results in significant reuse or recycling of demolition materials. The conditions for a demolition permit under the Construction Act have been perceived as difficult to interpret. The current legislation allows for a situation in which a municipality-owned school building may be protected, but in such poor condition that its use has had to be banned. The building cannot therefore be either used or demolished.

2.7 Principal operator’s responsibility for implementation

Prime Minister Marin’s government programme[13] contained an entry stating that: ‘The responsibility for implementation of construction shall lie with the main operator. This includes liability for construction errors and their rectification’. Section 95 of the Construction Act contains a provision on the responsibility for implementation of the main operator. The party undertaking a construction project may appoint a principal operator for the implementation of the construction project. If a principal operator is not appointed, the party undertaking a construction project will be responsible for the tasks of the principal operator. A construction project may involve a different principal operator for different stages. The principal operator shall be responsible for the implementation of a construction work requiring a building permit in accordance with the designs, the regulations governing the construction work, the building permit and construction best practice. The principal operator shall be responsible for the overall result and quality of the implementation. It has been requested that the principal operator's responsibility for implementation be specified.

2.8 Right of appeal

The right of appeal under the Construction Act was extended to provide the Finnish Heritage Agency with a right of appeal in relation to a building that is protected under a plan or by law. The right to appeal against the building permit was extended to registered entities whose activity is to safeguard cultural heritage or influence the quality of the built environment. The right of appeal of the Centres for Economic Development, Transport and the Environment was extended from buildings of national or regional importance to buildings protected by land use plans or by law and buildings of historical or architectural value. The Finnish Heritage Agency’s right of appeal also applies to the implementation permit. Entities who have a right of appeal against demolition permits are the Centres for Economic Development, Transport and the Environment, the Finnish Heritage Agency and, in their respective districts, registered entities whose activity is to safeguard cultural heritage or to influence the quality of the built environment, if the decision concerns the demolition of a building protected by land use plans or by law or otherwise a building of historical or architectural value.

2.9 Environmental Protection Act

Section 156b of the Environmental Protection Act is contained in chapter 16 of that Act, which provides for the treatment and discharge of wastewater in areas outside sewerage networks. Section 156b lays down when the owner of a property must ensure the improvement of the treatment of domestic wastewater. This section applies to serviceable wastewater systems based on requirements in force at the time of construction prior to 2004 or based on granted building permits. In these cases, the location determines when the purification of domestic wastewater must meet the requirements for wastewater treatment.

Within the scope of section 156b, the wastewater treatment system must comply with the basic level of purification or, depending on the municipality’s regulations, a more stringent purification performance only in connection with other renovation work. Such renovations include, inter alia, the construction of a water closet or the renovation and alteration of water and sewerage systems subject to a permit, in which the system is renewed or completely

[13] Programme of the Government of Prime Minister Sanna Marin 10 December 2019. Inclusive and competent Finland – a socially, economically and environmentally sustainable society. Available at http://urn.fi/URN:ISBN:978-952-287-808-3

renovated, as well as renovations and alterations requiring a permit comparable to the construction of a building.

The activities referred to in the section are either subject to a building permit or an action permit under the Land Use and Building Act. The municipal building control authority and the environmental protection authority play an important role in the definition of these permits.

A revision of the regulation is necessary in view of the new Construction Act and also to ensure that in areas other than those referred to in section 156a, the treatment of domestic wastewater is improved through the measures referred to in the section.

3 Objectives

The aim of the preparation has been to correct the Construction Act before its entry into force, in line with the government programme and based on feedback from stakeholders, in order to clarify the Act, reduce the administrative burden and reduce bureaucracy.

The practices of Experimentation Act in place in Helsinki, Turku and Vantaa, which accelerated the building permit process, are proposed to become permanent and extended throughout the country. The relationship between the requirement for a permit for construction and the municipal building ordinance will be clarified. The law will be clarified such that temporary event structures will not require construction consent. As a new proposal, a clean transition location permit will be introduced to facilitate the construction of clean transition industrial projects.

The main objective of the proposal is to streamline regulation and reduce standards in a way that reduces the administrative burden and bureaucracy associated with low-carbon construction. It is possible to reduce the burden of preparing the climate report and material specification and reporting the results in the manner proposed in the draft, while also ensuring a truly effective and efficient regulatory framework on greenhouse gas emissions. Regulation of low-carbon construction has the potential to steer a large part of annual construction of new buildings so as to improve their life cycle low-carbon performance without at the same time increasing the costs of construction or everyday life more than by an insignificant amount. Effective guidance is possible through guidance on limit values, which in the proposal is based on the same principles as set out in the draft Government proposal to Parliament for a Construction Act and related acts (HE 139/2022). The aim is also to prepare for the recast Energy Performance of Buildings Directive, which includes a new obligation to calculate and report the carbon footprint as part of the energy certificate.

The scope of the information required in connection with a building permit would be limited and a time limit of three months would be laid down for the processing of the building permit, with the exception of the clean transition location permit and exceptionally complex projects, for which the processing period would be six months from the date on which the application for a building permit, together with the relevant annexes, is initiated in the context of building control and the annexes allow the application to be processed.

As a result of the feedback, it was decided not to specify the responsibility for implementation of the principal operator under Prime Minister Orpo’s Government programme, but to remove the responsibility of the principal operator under the Marin Government programme in its entirety.

Changes to the section on the prerequisites for a demolition permit are made to clarify interpretations and changes to the right of appeal are proposed which would streamline planning, permit and appeal processes.

The proposed amendment to section 156b of the Environmental Protection Act aims to bring the regulation into line with the current level of environmental protection, taking into account the permit system of the new Construction Act.

With regard to subsection 1, paragraph 1, the aim is to maintain the current level of environmental protection. With regard to subsection 1, paragraph 2, the aim of the amendment is to bring the paragraph into line with the terminology of the new Construction Act, thus maintaining the current legal position. The amendment to paragraph 2 is of a technical nature.

4 Proposals and their impacts

4.1 Main proposals

4.1.1 Low carbon and life cycle characteristics of buildings

The main amendments proposed to reduce the administrative burden and bureaucracy relate to the reduction of the scope of the obligation to draw up a climate report and a material specification: the climate report and material specification would not need to be presented for prefabricated houses nor for major renovations of buildings, nor would the obligation apply to other alterations and extensions. The material specification would be changed to a list of construction products. In addition, the proposal proposes to amend the Construction Act so that preparing and presenting the climate report for the building and the construction site would only be required at the time of the final inspection of the building. According to the proposal, it would therefore not be required to present a climate report at the time of application for a building permit, and instead evidence of the building's carbon footprint being lower than the limit value would only be required to be demonstrated once the project is completed. The list of construction products would still need to be presented in connection with the application for a building permit.

The proposal proposes that the climate report and limit values should cover the following new buildings: terraced houses; apartment blocks; office buildings; health centres; commercial buildings; department stores; shopping centres; retail and wholesale buildings; market halls; theatres; opera, concert and conference buildings; cinemas; libraries; archives; museums; art galleries; exhibition venues; tourist accommodation buildings; hotels; residential homes; care homes; medical care institutions; educational buildings and kindergartens; sports halls; hospitals; and storage buildings, transport buildings, swimming pools and ice rinks with a net heated area of more than 1 000 square metres. The following new buildings would not be subject to the requirements relating to the climate report and limit values: detached single-family houses; portable buildings; and storage buildings, transport buildings, swimming pools and ice rinks with a net area of less than 1 000 square metres. The proposal would remove the obligation to prepare a climate report for a certain buildings, as described above. Additionally, in future, a climate report would no longer be required for buildings undergoing major renovation. The limitation of the scope is a significant cost-reducing measure which, in addition to the costs incurred by the party undertaking a construction project, will also have a

direct impact on the workload of the building control authority. The reduction in workload, in turn, will to some extent contribute to the streamlining of the permit-granting process.

At the same time, the proposal proposes a few clarifications to the Act to specify the principles for the development of low-carbon assessment and the setting of limit values. It is proposed to introduce a basic provision to the Act which would allow the setting of limit values to take into account specific situations in which achieving a value below the limit value would be particularly challenging because of the characteristics of the building, its intended use or location, or because of the technical and functional implementation of the essential technical requirements referred to in section 29 of this Act. The proposed addition is intended to help streamline the process.

The proposal proposes to amend the Construction Act so that instead of a material specification, a list of construction products would be presented, which is to be drawn up at the building permit stage and updated to take into account any key changes for the final inspection of the building. The proposal would reduce the obligation to draw up a list of construction products to the same extent as the obligation to prepare a climate report, as described in more detail above. According to the proposal, the scope of the content of the list of construction products would be laid down at the level of general arrangement drawings, which will help to avoid over-reliance on special plans at the permit stage and would also reduce the burden of preparing drawings for the party undertaking a construction project. The list of construction products would include information on the products to be used in the building rather than materials.

Section 59 of the Construction Act provides for permission for minor deviations in the context of building permits. According to the proposal, there would be no verification of the carbon footprint being below the limit value at the building permit stage, and it is therefore proposed to extend the right of the municipality so that a minor deviation from the provision could also be made at the final inspection stage. Such a provision, which could be slightly derogated from, would be the carbon footprint limit value for a new building, for example. Otherwise, no substantive extensions or clarifications have been proposed to the right under section 59, which would simply be extended with the same content to the final inspection stage.

It is proposed to extend the transition period for the obligation to prepare the climate report and list of construction products as well as for the carbon footprint limit value requirement by one year so that they would come into effect from 1 January 2026. The obligations would apply to projects for which the building permit application is initiated after 1 January 2026.

4.1.3 Information and digitalisation of the building permit application

The administrative burden of an application for a building permit would be reduced by limiting the quantity and quality of the information to be included in the permit. A project information model or information in a machine-readable format corresponding to the building’s concept design to be included in the permit would be drawn up at the level of general arrangement drawings. Information at the level of general arrangement drawings is sufficient to assess whether the concept design complies with regulations on construction and the requirements of good construction practice. The project information model contains the design information from which the general arrangement drawings for concept design have

been produced as a printout or a data product. This avoids separate data production processes, as the information contained in the general arrangement drawings is generated using a project information model or equivalent information. The proposal aims to avoid a situation where the building design information handled in the building permit process would need to be produced separately in overlapping processes. Some of the information to be included in the building permit application would require a legitimate reason from the building control authority. In the light of comments received, section 71 is also specified, so that the as-built model is also done at the level of general arrangement drawings.

4.1.4 Requirement for a permit for construction and the relationship to the municipal building ordinance

The relationship between the building permit and the municipal building ordinance would be clarified by amending section 17, subsections 2 and 3 of the municipal building ordinance, so that it would not be possible to change the limit for the requirement for a building permit set out in section 42, subsection 1 of the Construction Act on the basis of the municipal building ordinance.

Section 42, subsection1, paragraph 4, of the Construction Act would be amended in such a way that the building permit requirement for an audience structure would not apply to event structures.

4.1.5 Clean transition location permit

The Construction Act would provide for a new location permit to speed up the construction of clean transition industrial projects, which would allow a spatial planning review of the location of a clean transition industrial project to be carried out by means of a location permit without a local detailed plan or master plan providing for its use as a basis for the grant of a building permit. The clean transition location permit would implement a process industry clean transition investment, with the exception of wind power, located in areas covered by Articles 17 and 18 of the EU Regulation establishing a framework of measures for strengthening Europe’s net-zero technology products manufacturing ecosystem In response to feedback from consultation, section 46a on the conditions for a clean transition location permit, section 63a on consultation and information, section 67a on opinions, section 75a on the impact assessment, and section 179a on the right of appeal would be laid down as separate sections.

4.1.6 Grant of a building permit prior to plot division and the parcelling of plots

The grant of a building permit prior to plot division and the parcelling of plots made possible by the Experimentation Act would be laid down as a permanent practice throughout the country.

4.1.7 Prerequisites for a demolition permit

The conditions for granting a demolition permit would be specified. The proposed Act would lay down that a municipality may grant permission for the demolition of a building protected by the local detailed plan under certain conditions.

4.1.8 Time limit for processing a building permit application and penalties for failure to comply with the time limit

A time limit of three months would be laid down for the building control authority to decide on the application for a building permit once the building control authorities begin processing the building permit application and its annexes and when the annexes allow the application to be processed. Building permit applications for exceptionally complex construction projects and applications for a clean transition location permit should be decided within six months. In the event of a delay in the processing of a permit application, the municipality should reimburse 20 % of the building permit fee for each month of delay, unless the delay was caused by the applicant.

4.1.9 Principal operator’s responsibility for implementation

The principal operator responsibility for implementation would be revoked. As a result of the revocation, reference to the principal operator would be deleted from sections 71, 84, 93, 94, 109, 110 and 112.

4.1.10 Right of appeal

The right of appeal of Centres for Economic Development, Transport and the Environment (ELY Centres) would be restored to align with the Land Use and Building Act. The Finnish Heritage Agency's right of appeal would be waived for sites other than sites of national or regional importance. Similarly, the right of appeal of registered associations whose operations include safeguarding cultural heritage or influencing the quality of the built environment would be waived.

4.1.11 Amendment to the Environmental Protection Act

Section 156b of the Environmental Protection Act concerns serviceable wastewater systems based on requirements in force at the time of construction prior to 2004 or based on granted building permits. In these cases, the location determines when the purification of domestic wastewater must meet the requirements for wastewater treatment. The provision contains an obligation to improve the treatment of domestic wastewater in areas far from a water body and outside groundwater areas. Operations in these areas too will be required to continue to comply with current practice. In principle, therefore, all major renovations and alterations of water and sewerage systems are currently subject to either a permit or notification.

The main proposal is to amend section 156b, subsection 1, of the Environmental Protection Act in order to maintain the current level of environmental protection. As regards subsection 1, paragraph 1, of this section, this would mean moving to the system of the Environmental Protection Act. The dependency of the provision on the land use and building permit system would be removed because the activities referred to in the subsection would no longer require a building permit on the basis of the new Construction Act, which will enter into force on 1 January 2025.

The terminology of subsection 1, paragraph 2, would be revised to include a building permit in the future.

4.2 Principal impacts

4.1.2 Uncertainties relating to impacts

The impacts of the proposal have been assessed in relation to the Construction Act. The Construction Act will enter into force on 1 January 2025 and there is as yet no experience of its application. As a result, assessment of the impacts involves uncertainties.

4.2.2 Economic impacts

4.2.2.1 Impacts on households

Clarification of the permit-granting process can have significant positive effects on households. In particular, the processing time laid down for the permit-granting process could be significant for prefabricated house builders. Measured by floor area, single-family houses and semi-detached houses account for more than half of construction and terraced houses for around 10 % of construction. The vast majority of single-family houses, around 80 %, are produced by prefabricated building manufacturers and the time limit for the permitting process will help schedule the actual construction at the cheapest time. The period between the decision to embark on a construction project and the final building permit is clear, which is seen as a positive effect. The permitting process has been regarded as being difficult to predict in terms of the time taken. The time limit for processing building permit applications facilitates the planning of the construction process.

More detailed regulations on the building permit application documents and their processing will harmonise the handling processes of the building control authorities. The building control authority may request supplementation of the submitted documents only for specific legitimate reasons. Clearly separating advice and guidance from control of non-compliance clarifies the role of the building control authorities and reduces the opportunity for demanding that municipality-specific ‘interpretations’ be included in the plans. The interpretation of building regulations and good construction practice given by the project leader and the principal designer in the building permit application documents is, in principle, correct. The municipal building control authority must identify the extent to which the plan or its annexes are in breach of the regulations. It is however true that the building control authority can provide advice or guidance or persuade, in particular, the party undertaking a one-time construction project, to implement what the authority considers to be a better solution. However, this cannot be required. The clarification of the procedure, combined with the absolute time limit set for the permit-granting process also saves planning costs, as non-compliance with each of the building control authority instructions does not delay the permit-granting process.

In connection with the permit-granting process, the data model used in the concept design would also be submitted at the level of general arrangement drawings, if the design has been done by means of building information modelling (BIM). The applicant would not incur additional costs because the delivery obligation would only apply to the extent that the concept design and the construction drawings have been produced using building information modelling (BIM) tools. Most design is currently done using BIM tools. The use of BIM for the assessment of a building permit will speed up the processing of the permit, as it is possible to automatically check compliance with building regulations and plans in part or in full. Limiting the information to the level of general arrangement drawings reduces the administrative burden for the permit applicant, as the building control authority cannot require

more detailed design information as a model than the general arrangement drawing documents that have been drawn up. However, the information contained in the model should be sufficient to enable a machine-based verification of the compliance of concept design with building regulations and plans and for making any necessary deviation decisions. Otherwise, the benefits of digitalisation will be lost and the compliance check will have to rely on a manual check that requires human resources.

According to the proposal, the list of construction products that is replacing the climate report and material specification will not be required for new detached single-family houses, which would contribute to a slight reduction in the cost of building prefabricated houses. A climate report and a list of construction products could be prepared in future if applicants so wish, but this would not be a condition of building permits for detached single-family houses.

According to the Construction Act, there would be no need for a climate report and a list of construction products in connection with the renovation of detached single-family houses. It is therefore irrelevant for those living in single-family houses that the proposal would remove the obligation to draw up these documents for all buildings undergoing major renovation.

In apartment blocks or terraced houses, individual residents or tenant-owners would not draw up the list of construction products that is replacing the climate report and material specification, and this obligation would fall to the company undertaking the construction project. The carbon footprint limit values would also apply to terraced houses and apartment blocks.

The processing time guarantee would make it easier for households to plan the construction process for a prefabricated house, which can have positive effects on the economic feasibility of the construction project.

Revoking the responsibility for implementation of the principal operator would deprive households of the possibility of transferring the public liability for implementation to the principal operator, thereby ascertaining the party liable for possible construction errors. In contrast, households would not incur any costs for the principal operator.

A limitation of the right of appeal could speed up the time it takes for the party undertaking a construction project to start building work.

4.2.2.2 Impact on enterprises

For construction sector companies, the amendments relating to the annexes to the permit application and to the information to be provided will mean a clearer and more predictable process. A uniform maximum time limit for processing will necessarily also harmonise the activities of the building control authorities. Companies applying for a permit can expect partly more congruent permitting procedures in the various building control authorities in Finland. Any request for further clarifications will have to be justified on a request-by-request basis.

Potential refunds of the permit fee are not particularly significant. On average, the total permit fee amounts to only 0.5 % of the value of a project and the refund would be limited to only a part of it. The main significance for operators and owners in the construction sector is that the processing time of an application for a permit will become shorter and the processing will become more predictable.

The commercial risk of the time spent on the permitting process will be reduced. The developer will have a better view of the start-up date of the construction site and more certainty as to the length of the phases in the construction schedule. The cost of additional and alteration works due to delays in the permitting process will be reduced. The speed with which a company can invest in a planned project may be affected by the accelerated processing of a building permit, meaning that the economic benefits are derived from production starting earlier.

The location permit for a clean transition industrial project will speed up the process as there is no need for a land use planning phase. This makes construction time more predictable from a cyclical point of view, even though all the same studies have to be carried out as in the context of land use planning.

Events sector operations will become more predictable when there is assurance that stage and tent structures do not require a building permit.

Changes to the scope of the list of construction products that is replacing the climate report and the material specification should only have a marginal impact on the finances of enterprises. The cost of preparing a climate report and a list of construction products would be eliminated from major renovation projects undertaken by enterprises. However, the magnitude of these costs is very difficult to estimate as the number of large-scale renovation projects has not been recorded. The elimination of this cost would be targeted at companies owning buildings undergoing major renovation.

Construction projects launched by enterprises involving ice rinks, swimming pools, transport buildings and storage buildings of more than 1 000 square metres would be subject to a carbon footprint limit value. It is not possible at this stage to assess the impact of the carbon footprint limit values on these companies, as the level of ambition of the limit value has not yet been defined.

According to the proposal, the material specification would be replaced by a list of construction products, which would be drawn up at the level of general arrangement drawings. The proposal ensures the need for special plans in connection with building permit applications remains moderate, and the new requirements would not change the permit-granting process.

The proposed limitations to the obligation to prepare a climate report may to some extent slow down the development of new low-carbon innovations, for example in the prefabricated house construction sector and in respect of buildings undergoing major renovation.

4.2.2.3 Impacts on public finances

The proposed amendments to the building permit process would not entail significant public spending. The proposed amendments to the low-carbon and life-cycle characteristics of buildings would not have a significant impact on public finances.

4.2.2.4 Impacts on the local economy

Since the beginning of the 2000s, human resources in building control had remained more or less at the same level. Between 2012 and 2017, the number of specialist staff in the field of construction was reduced in more units than was added. As a rule, the municipalities which

increased their personnel were municipalities where the construction volume had increased. The total cost of the building control function on an annual basis is approximately EUR 90 million. In 2016, the majority of the operational expenditure of building control was covered by fees throughout the country.

The costs incurred by municipalities in the permitting process are mainly covered by the permit fees. The impact of the amendments to the process on the local economy in municipalities is neutral. The reimbursement of the building control fee may have significant effects on some individual municipalities in the short term. The processing time requirement may facilitate cooperation between building control authorities in terms of capacity alignment. In the long term, this type of network-based building control can have a positive impact on the operational expenditure of the building control field as a whole. The abolition of permits for non-residential buildings, e.g.farm buildings, of less than 30 square metres under the Construction Act will reduce permit fees, especially in small communities. The processing time guarantee included in the set of amendments may entail additional costs for municipalities if more permit handlers need to be recruited. Some municipalities may also incur costs due to permit applications in BIM format.

The proposed amendments to the low-carbon and life-cycle characteristics of buildings would not lead to significant new costs for the local economy in municipalities. However, the proposed limitations to the obligation to prepare the list of construction products that will replace the climate report and the material specification will slightly reduce the administrative costs of municipal building control authorities. According to the proposal, the building control authority would continue to be required to check, at the building permit processing stage, before the permit has been granted, that the required list of construction products has been drawn up, but only for a small number of construction projects. The climate report would only be drawn up in connection with the final inspection of the building and would therefore no longer need to be reviewed at the building permit stage. The workload of the building control authorities would be reduced from the initial proposal. Conversely, compliance with the carbon footprint limit value for buildings will only be checked once the building has been completed, with the result that any exceedance of the limit value and the related additional clarifications and decisions may in some cases lead to an increase in the work of the building control authorities. Municipalities would no longer require skills and training to assess the low-carbon characteristics of major renovations to the extent set out in the original proposal.

Municipalities' own costs as property owners and the party undertaking a construction project may slightly increase compared to the Construction Act adopted in 2023, as, according to the proposal, the climate report must also be prepared for storage buildings, transport buildings, swimming pools and ice rinkswith a net heated area of more than 1 000 square metres. Under the proposal, a carbon footprint limit value would also be laid down for these buildings. Depending on the level of the limit value, it may lead to a small increase in costs if the municipality has not previously set any low-carbon targets for its projects.

Due to the easing of the conditions of the demolition permit, a municipality may see costs decrease if it is able to demolish a protected building in unusable condition and does not invest in the renovation of the building.

4.2.2.5 Impacts on the economy

Construction is an important part of the productivity of the national economy. In 2023, around 180 000 people were employed in the construction sector, which accounted for around 6.8 % of Finland's total GDP. Laying down a time limit for the permitting process will potentially have a positive impact on the speed of investment and thus on the national economy.

The location permit for clean transition industrial projects will streamline investment, which can have a positive impact on employment and tax revenue.

Regulating for the low-carbon performance of a building can be seen as having a positive impact on the development of low-carbon solutions in Finland, on the mobilisation of desirable investments and on competitiveness, in a context where clean and sustainable construction already affects construction work globally at all levels. The development of low-carbon building materials has great potential. Finland is the largest exporter of building products in Europe in relation to population.

The proposed abolition of the obligation to draw up a climate report and material specification for detached single-family houses would mean that the climate report would not be produced on an annual basis for around 6 600[14] detached single-family houses. It is estimated that the cost of producing a climate report and a material specification for a prefabricated house is on average a few hundred euros[15]. On average, the cost of preparing climate reports for detached single-family houses amounts to around EUR 1.3 million per year. However, the majority of these buildings are delivered directly from the house manufacturing factory or as a turnkey project, allowing the same climate report to be used for several different buildings with minor modifications, significantly reducing the cost of the report. The impact on the national economy is therefore likely to be smaller, as set out above.

4.2.3 Impact on the activities of public authorities

4.2.3.1 Impact on the activities of the Finnish Heritage Agency

The limitation of the right of appeal would make it more difficult for the Finnish Heritage Agency to operate in relation to the Construction Act.

4.2.3.2 Climate report

According to the Construction Act, the climate report and the material specification should also be presented when applying for a building permit for buildings within category 9 of section 4 of the Decree of the Ministry of the Environment on the energy performance of new buildings (1010/2017), despite the fact that these buildings were not intended to be subject to limit values. The intended use category 9 comprises around 1 000 buildings per year. This proposal introduces a limitation to the obligation to draw up a climate report for category 9, according to which the climate report should be drawn up only in the case of ice rinks, swimming pools, transport buildings and storage buildings with a net heated area of more than 1 000 square metres. According to the proposal, these would also be subject to limit values.

[14] This amount corresponds to the building permits applied for in 2022 for prefabricated houses, according to statistics from the Finnish Association for Manufacturers of Prefabricated Houses.

[15] The price estimate is based on a study carried out by the Green Building Council Finland (FIGBC) in 2020 entitled ‘Impact assessment of the climate report for construction projects’

The obligation to prepare a climate report would not apply to portable buildings. The proposed change would result in a slight reduction in the workload of the authorities.

Additionally, removing the obligation to produce a climate report and material specification in the case of major renovations would reduce construction and building control costs and workload. A clear reduction in the workload will also streamline the permit-granting process.

The proposal proposes that the climate report would be drawn up in one step and only reported at the final inspection stage of the construction project. This would mean that the climate report would no longer have to be submitted at the building permit stage. This simplification would reduce the workload of the building control authority. On the other hand, compliance with the carbon footprint limit value for buildings will only be checked once the building has been completed, with the result that any exceedance of the limit value and the related additional clarifications and decisions may lead to a slight increase in the work of the building control authorities during the final inspection stage.

To streamline procedures, it is proposed to introduce a basic provision which would allow the setting of limit values to take into account specific situations in which achieving a value below the limit value would be particularly challenging because of the characteristics of the building, its intended use or location, or because of the technical and functional implementation of the essential technical requirements referred to in section 29 of this Act. The proposed additional provision would make it possible to ensure and, where necessary, respond in advance to situations where achieving a value below the limit value proves to be particularly challenging, e.g. due to the height of the building, fire safety or location. Among other things, this is intended to avoid disproportionate situations, to ensure that other essential technical requirements are met and also to otherwise keep the building permit application process as smooth as possible in the future, as guidance will include the introduction of limit values as a new issue.

4.2.3.3 Environmental Protection Act

The amendment to the Environmental Protection Act would ensure that the application of Section 156b would be consistent with the Construction Act and that the terminology also corresponds to the terminology of the Construction Act. The municipal building control authority and the environmental protection authority are key authorities in the practical application of the provision. The municipal environmental protection authority will continue to monitor that wastewater from dispersed settlements does not cause environmental pollution. The proposal to shift the focus to the municipal environmental protection authority, in particular with regard to the proposed section 156b, subsection 1, paragraph 1. This is due to the change in the permit system of the Construction Act.

4.2.3.4 Impacts on information management in municipalities

Amendments to the building permit process would require some changes to the information management of municipalities. Municipalities must start monitoring the processing times of permits. If the municipality uses an electronic permit processing system, tools for monitoring and control of permit procedures should be developed. The system would be able to log when the permit was initially received, when it was sufficient, and when the time limit for processing the permit is approaching. It would be appropriate to develop a reminder procedure for approaching time limits. It would be possible to monitor the smoothness of the processes

by employee. In addition, a procedure should be developed for the reasons given for requests for supplementary information and, if the procedure so requires, changes made to the permit processing system. Changes should be made to the processing of the building control fee to allow for the refund of permit fees.

According to the proposal, a project information model or information in a machine-readable format corresponding to the concept design would be developed at the level of general arrangement drawings. Limiting the information to the level of general arrangement drawings would reduce the amount and granularity of the building data accumulated by municipalities.

The process of refunding the building control fee would provide elected representatives with information about the reasons for slow processes and the opportunity to demand smoother procedures. The calculation of processing times for building permits would be harmonised. The accumulated monitoring data can be used for the national development of inter-municipal building control.

4.2.3.5 Construction

The proposal would clarify the fact that planning beyond the concept design and working drawings cannot be required as part of permit processing. The accuracy requirement for the reports and information required for the permitting process can only be based on the concept design documents and general arrangement drawings. Special plans cannot be required.

Special plans and their data models shall be submitted to building control only to the extent that they are requested by the building control for justified reasons. On one hand, before the final inspection, the applicant must submit as-built plans and any building information modelling (BIM) in the form of a complete series covering the whole building. On the other hand, the building control authority cannot require plans to be submitted other than for a specific reason. This provision will necessarily require closer discussion between designers and public authorities during the construction phase. This will contribute to the quality of construction and the smooth running of the construction phase.

Section 68a ensures the building permit process in public authorities is harmonised and brought into line with best practice. In the event of a backlog in the permitting process, it will be possible to collaborate with other building control agencies.

The effects are more pronounced in growth centres, where processing times in the event of a backlog in the permitting process can be 3 to 7 months. In Finland, construction projects range from large public construction projects to prefabricated house, and the scope of individual plans differs considerably in terms of content.

According to Government proposal HE 139/2022 vp, the legislative amendment creates the conditions for moving to the processing of BIM-based plans also in the permitting process, should the municipality so decide. However, after introduction and the transition period, BIM-based processing would streamline the work of the authorities and reduce manual administrative work.

The processing time will speed up the transition of municipalities to BIM-based processing of plans.

4.2.4 Environmental impacts

There are no direct impacts on the environment as regards the permitting process.

The clean transition relocation permit will accelerate climate change mitigation as a result of new clean industry.

Regulating the low-carbon performance of buildings has the potential to steer a large portion of the new buildings built annually towards improving their low-carbon performance over their life cycle, both in terms of construction materials and the building's energy consumption, without significantly increasing the costs of construction or running costs. Effective control is possible to implement through limit value control.

The proposed changes to the scope of the climate report and the limit values would not significantly affect the achievement of the original greenhouse gas emission reduction targets set out in the Construction Act, but the magnitude of the positive climate impacts will depend essentially on the selected carbon footprint limit values and the rate at which these are updated. In the Government proposal (HE 139/2022), it has been suggested that limit value control has the potential to reduce and avoid some hundreds of thousands of tonnes of greenhouse gas emissions annually, depending on the level of the carbon footprint limit values of buildings used in the guidance.

The proposal proposes to add a carbon footprint limit value for ice rinks, swimming pools, transport buildings and storage buildings with a net heated area of more than 1 000 square metres. The extension of the scope of the limit values is likely to have positive effects on the environment, but their effectiveness depends on the level of ambition with regard to limit values.

The limitations to the obligation to draw up a climate report and a list of construction products may signal to the parties undertaking a project that there is no need to pay attention to the low-carbon characteristics and material efficiency of certain building types. Failure to assess and make visible the life-cycle emissions of a building means that awareness of these factors does not increase and makes it more difficult to control the low-carbon performance of projects. However, the indirect impact of the reduced scope on carbon dioxide emissions is very difficult to assess, as these buildings were not intended to be subject to carbon footprint limit values. However, for construction projects outside the scope of the climate report, such as detached single-family houses, climate reports can be prepared on a voluntary basis. A standardised and reliable assessment methodology will enable increased awareness of the project's carbon footprint and carbon handprint and allow comparison of the low-carbon performance of projects.

The proposal also proposes that in future, the climate report and material specification would no longer be required for buildings undergoing major renovation, as they are not subject to a limit value requirement. The removal of the requirement for a climate report and material specification for major renovations will ha the effect of not increasing awareness of the climate impact of building renovations among different operators to the extent estimated in the preparation of the original Construction Act. In accordance with the Government proposal (139/2022), greenhouse gas emissions from major renovation projects and their assessment were due to be made visible. The aim was to contribute to reducing greenhouse gas emissions from buildings by increasing awareness of them and helping to steer procurement and design

towards more climate-friendly choices. In addition, the obligation to prepare a climate report also for major renovation projects would enable the collection of data on the existing building stock and its emissions, thereby contributing to the implementation of a national renovation strategy. However, major renovations are already subject to strong control on the basis of energy efficiency, thus contributing to the achievement of low-carbon targets. The national low-carbon assessment methodology may be applied on a voluntary basis to major renovations in future also.

It is proposed to add a provision to the Act which would allow the setting of limit values for the carbon footprint of new buildings to take into account specific situations in which achieving a value below the limit value would be particularly challenging because of the characteristics of the building, its intended use or location, or because of the technical and functional implementation of the essential technical requirements of this Act. The proposal provides the necessary flexibility to verify limit values. At the same time, the proposal has the effect that carbon footprint limit values would not lead to a deterioration in the life-cycle quality of construction. This means the proposed changes could be used to try to ensure that limit value control would not have unintended consequences, e.g. by reducing the longevity of buildings or the quality of construction. It is important to ensure that the implementation of low carbon solutions does not make it more difficult to fulfil other essential technical requirements relating to e.g. fire safety or sound insulation. However, from the perspective of reducing greenhouse gas emissions, it is important that, in specific situations, the threshold is high in order not to overlook the objectives of limit value control.

The provision in section 156b of the Environmental Protection Act is an important part of the regulation applicable to wastewater from dispersed settlements. Wastewater must continue not to cause environmental pollution. A substantive revision of the provision, as well as, where appropriate, alignment with the Construction Act is therefore necessary in order to continue to improve the treatment of domestic wastewater in these cases by means of renovations.

4.2.5 Other societal impacts

The proposed changes have no gender impact.

5 Other implementation alternatives

5.1 Alternatives and their impacts

The content of the set of amendments is based on the entries in Prime Minister Orpo’s Government programme. The scope of the set of amendments was intended to include only key issues from the content of the Construction Act which, from the perspective of the government programme, needed to be corrected, to allow the amendment of the Construction Act to be made before the entry into force of the Construction Act as a whole.

As regards the proposal to improve the treatment of domestic wastewater, the possibility of linking section 156b, subsection 1, to the building permit has also been examined. This option would have excluded a large number of buildings from the obligation to enhance efficiency, leaving them subject to risk-based supervision by the environmental protection authorities.

The building permit threshold is higher than the current action permit threshold, which is why this option was not considered to be working from the point of view of equality or water protection.

Another option was to add a new subsection to section 156b, which would provide for a new notification obligation for the party undertaking the action. In that case, the owner of the property would have had to notify the municipal environmental protection authority of the renovation referred to in section 156b, subsection 1, 30 days before starting the work. The municipal environmental protection authority would then have been obliged to examine the notification and possibly apply control measures to the property. This option was considered to represent an unnecessary administrative burden. It would also have been difficult to enforce compliance with the notification obligation. The option was perceived as too burdensome from the perspective of both the property owner's and the authorities.

5.2 Foreign legislation and other means used in other countries

5.2.1 Construction

5.2.1.1 Introduction

Despite internationalisation, there are still major differences between European countries with regard to land use and construction legislation. This is partly due to diverging views on development that have evolved over centuries, as well as differences in legal and administrative culture. In part, there is a difference in the pace at which regulations are drafted and updated. There are also variations in the implementation of EU directives. Differences in the implementation of the directives led, inter alia, to the replacement of the Construction Products Directive 89/106/EEC by a directly applicable Construction Products Regulation in the Member States, which entered into force on 1 July 2013. The diversity and variety of administrative organisations and the differences in the number and size of municipalities have a direct impact on planning and construction practices.

The following looks at legislation on construction in the Nordic countries.

5.2.1.2 Sweden

The Swedish Planning and Building Act (Plan- och bygglag, PBL), dates from 2010. The Act is supplemented by a planning and building ordinance, Plan- och byggförordning (PBF). The building regulations are contained in the Swedish National Board of Housing, Building and Planning's building regulations, Boverkets byggregler (BBR). There are therefore three levels: the Act, the Ordinance supplementing the Act, and BBR. In support of the application of the law, ordinance and regulations, the Swedish National Board of Housing, Building and Planning publishes a wide range of guidance-type material and various reports. There is a large amount of this other material. The various guidance material is stored in a knowledge base (PBL Kunskapsbanken). For example, there is a publication entitled 'Allmänt råd för planbestammelser från 2 januari 2015' (BFS 2014:5 DPB 1) that provides general guidance on planning. Boverket acts as the public authority for land use planning, construction and housing.

The authorisation system is based on a permit and notification procedure. A building permit (bygglov) is usually required for new construction and extensions. Similarly, a substantial change in use, the creation of a new residential unit (an additional residential unit is created in a building) and, as a third group, the replacement of the colour or façade material of a building located in an area covered by a local detailed plan, or any other significant change in the appearance of the building, have been subject to a building permit (PBL, Chapter 9). In July 2017, an amendment to the PBL entered into force, in which some aspects of the permit requirement were relaxed. On the other hand, the amendment to the law has enabled municipalities to increase the permit requirement for façade and similar alterations in all areas covered by a local detailed plan. In the past, the possibility of extending the permit obligation was limited to areas of high environmental value. In future, the municipal authority may extend the permit obligation in these areas of high environmental value to certain measures which are otherwise generally exempt from authorisation, such as lighting systems and signage.

Alterations of buildings subject to notification are determined as follows:

- if the alteration concerns the load-bearing structures of the building;
- the alteration has a significant impact on the layout of the building;
- installation of a system or significant alteration of a lift, fireplace, flue or ventilation;
- alteration that materially affects the fire safety of the building;
- maintenance of specified protected buildings;
- a new wind power plant or a substantial alteration to a wind power plant;
- the implementation of detached accessory buildings (so-called Attefall building) or extensions (Chapter 9, Sections 4a and 4b of the PBL);
- the alteration of an additional building to form a residential building;
- the implementation of a single additional dwelling in a single-family residential building.

The Attefallhus rules permit the use for permanent or leisure purposes of detached cabin buildings of not more than 30 square metres which are exempt from building authorisation, including contrary to the detailed development plan. The rules apply to plots for small houses, which must already have a detached or semi-detached house. If the plot is unbuilt, the rules do not permit the erection of a cabin. There are other restrictions, such as areas of high value in the detailed development plan and areas of importance for national defence, where Attefall cabins are not permitted. It should also be noted that Attefall buildings require a notification and, in some cases, permission to start work. Nevertheless, the Attefallhus rules have been perceived as relevant for society. In 2015 (the rules entered into force in July 2014), Attefall notifications were submitted for around 1 100 sites. In addition to detached cabins of 30 square metres, the rules allow an extension to an existing building (tillbygnad) of not more than 15 square metres.

Residential buildings for one or two families are exempt from the requirement for a permit for certain actions. Some of these also do not require notification.

Municipalities are also able to reduce the permit requirement. The reduction of the permit obligation takes place either through planning or area-specific regulations.

The list of notifiable actions is long. The list of actions which do not require either permit or notification is much shorter. Exemption is determined not only on the basis of the nature of the action, but also on whether the building is located in an area covered by land use planning

or not, and whether it is a house (detached or semi-detached house) or not. A demolition permit is not required in the case of a non-residential building used for agriculture or forestry or similar activities, and located outside an area covered by land use planning.

A fixed-term building permit may be granted for a maximum period of a total of 15 years. A fixed-term permit is possible for all normal activities requiring a building permit, subject to the condition that the project is temporary. Like Finland's temporary building permit, there is a wide margin of discretion in the context of a fixed-term building permit as to which building regulations should apply and the extent to which compliance is required.

The notification procedure has similarities to the permit process, but also differences. The need for technical consultation normally associated with building permits will be assessed by the permit authority. If a technical consultation is not deemed necessary, the project subject to notification may be carried out after the authority has granted permission to start work. If, on the other hand, it is decided to hold a technical consultation, an inspection plan for the duration of the construction work will be reviewed jointly with the authority. Where a person in charge of inspection is required, the party undertaking the project shall in principle appoint such a person at the time of submitting the notification.

As in Finland, the developer has a broad responsibility, including for construction activities not requiring a permit. This responsibility incorporates all construction regulations. However, there is a difference in that a principle of proportionate supervision similar to that in Finland has not been laid down for public authorities. In Sweden, no specific qualification requirements have been laid down for designers. In contrast, in Sweden, with the exception of minor actions, certified inspection officers are required.

In Sweden, under the planning and building ordinance, the Building committee is responsible for ensuring that the developer meets their legal obligations in respect of the implementation of construction works. The responsibility includes formal provisions for the permit-granting process, the process during construction and commissioning, as well as substantive requirements for permits and construction. Monitoring of the condition of buildings is also a matter for the Building committee (building control). Building control shall address any detected violations and omissions. The Planning and Building Act contains its own rules on penalties. Instead of a kick-off meeting as in Finland, in Sweden a decision is taken on granting starting clearance, which involves assessing whether the project meets all the requirements. The starting clearance is preceded by a technical consultation as defined by law. It is envisaged that, in connection with the technical consultation on implementation, the authority will be shown e.g. a proposed project inspection plan and other reports, on the basis of which the authority will then make the decision on starting clearance. In Sweden, a demolition permit is required (1) if a local detailed plan has been drawn up for the area or (2) the site is located outside the area covered by the local detailed plan and the municipality has decided on the need for a demolition permit in the area. Buildings or parts thereof the construction of which does not require a building permit are exempt from the requirement for a demolition permit if the municipality has not specifically requested a demolition permit.

The Swedish model works in the same way as in Finland and Norway, i.e. all building and demolition permits are handled in a similar procedure by the same authority. In Sweden, the applications are processed by the Building committee.

As in Norway, the Administrative Procedure Act applies to the Swedish appeal court. An appeal may be lodged against a decision if it is liable to affect the person in a not insignificant manner.

If a fee is charged for a permit and the time taken to handle the case is exceeded, the fee shall be reduced by one-fifth for each week in which the time limit is exceeded. However, if the delay results from a decision by another person under Chapter 9 of the same Act, no reduction shall be made. The fee for the processing of notifiable actions may also be reduced by one-fifth if the processing time is exceeded.

The protection of the cultural heritage is governed by Chapter 3 of the Swedish Cultural Environment Act (Kulturmiljölag 1988:950). According to the Act, anything of particularly high cultural heritage value may be protected by the Swedish County Administrative Boards. The protection order shall contain information on the management and maintenance of the building and which alterations are prohibited or to what extent the building may not be altered. The County Administrative Board has also been given the power, for a specific reason, to grant derogations from the above-mentioned protection orders. In addition, the County Administrative Board may also revoke a protection order if the protection of a building gives rise to obstacles, inconveniences or costs that are not proportionate to the importance of the protection.

5.2.1.3 Norway

In Norway, land use and construction is governed by the Planning and Building Act of 27 June 2008 No. 71. The Act is linked to the Regulation of 26 March 201 No. 488 on building applications, the provisions of which, inter alia, specify, in accordance with Section 1-1, the requirements for applications for building matters. Under Section 20-2 of the Act, construction activities are divided into activities which require projects to be carried out by a responsible enterprise, activities which can be carried out by the applicant themselves, and activities exempted from the application for a building permit. These acts should be read in parallel, as the Regulation defines more precisely the activities for which an application and permit are required.

In principle, projects will normally require responsible operators, from applicants through to independent third party supervisors. The responsible entities (ansvarlig søker, ansvarlig prosjekterende, ansvarlig utførende, ansvarlig kontrollerende) are responsible for complying with construction legislation. Self-builders may be granted an exemption under certain conditions. In the Norwegian model, municipalities have a relatively high degree of discretion as to which actions are considered minor in that municipality and are thus exempt from the use of responsible operators. Documentation is required from responsible designers and entities responsible for implementation to ensure quality. In contrast to Finland and Sweden, with the exception of small projects, the building permit is applied for by the responsible enterprise. The Act specifies projects where the applicant may be a natural person. The municipalities themselves may, within the limits of the law, define exemptions from the requirement for the applicant to be a responsible enterprise.

As regards the application for and granting of a demolition permit, the same provisions apply in Norway as for the building permit. However, municipalities have been given the right to reject applications for a demolition permit until a new project has been granted permission to start (permit to start construction, building permit/notification procedure). In so far as the local detailed plan requires construction to be demolished, the municipality has no such right.

The right or obligation to demolish may also be granted by means other than application. The planning or building authority may order a building to be demolished by the owner or the responsible person if the condition of the building is such as to cause danger or significant harm to persons, property or the environment. A demolition order includes a demolition permit. In the absence of the owner or the responsible person, the planning and construction authority may arrange for the demolition and removal of the building.

The Norwegian Public Administration Act (Lov om behandlingsmåten i forvaltningssaker (forvaltningsloven)) applies to the right of appeal in relation to demolition permits. The right of appeal lies with the party or any other party with a legal interest in an appeal. The right of appeal against demolition permit decisions is not limited under specific legislation in Norway.

In Norway, municipalities must, as a general rule, decide on applications for permits within twelve weeks of the submission of a complete application. Completeness refers to the minimum substantive requirements for an application for a permit (Section 21-2). If the time limit is exceeded, the municipality must reimburse the fee charged for the submission of the permit application.

Exceptionally, activities requiring a responsible operator or an activity referred to in Section 20-4 shall be decided by the municipality within three weeks. The permit shall be deemed to have been granted if the time limit is exceeded and both the application and other necessary measures or annexes, such as alerting the neighbours, have not attracted attention and no further authorisations are required. It is possible to extend the time limits for correcting errors or completing the information.

Cultural heritage is regulated by the Cultural Heritage Act of 20 December 2018 No. 119. In accordance with Section 3 of said Act, a cultural heritage site may be automatically protected if its conditions are met, or protection may be implemented by means of an individual decision (Section 15). Both means of protection may be derogated from by ministerial decision in such a way that no significant interference with the protected cultural heritage occurs.

According to the Norwegian Planning and Building Act, the local detailed plan may, to the extent necessary, lay down provisions for land-use which safeguard, inter alia, the conservation values of buildings and other cultural sites. A derogation may be requested from the municipality. A derogation cannot be granted if the derogation would mean that the purpose of the law to promote sustainable development for the benefit of society now and in the future would be excluded for that reason and national or regional interests would not be taken into account. In addition, an additional condition is that there is a balancing of interests between the advantages and disadvantages of granting the derogation, where the advantages must significantly outweigh the disadvantages.

5.2.1.4 Denmark

In Denmark there are separate laws for land use planning and construction. However, the Planning Act (Planloven) also has standards relating to construction. Denmark’s geographical area is divided into zones. There are three zones: an urban zone, a holiday home zone and a rural zone. The areas included in urban and holidae home zones are defined by law (Chapter 7 of the Planning Act). Other areas are part of the rural zone.

Building on land belonging to the different zones is subject to municipal authorisation (Section 35 of the Planning Act). This is a planning permit, which does not yet permit construction. Specific projects for which no permission is required have been identified. Exemptions may partly dovetail with those cases where an actual building permit is also not required, but not always. Buildings related to agriculture, forestry and fishing are exempt from the requirement for permission where they relate to an existing activity. Extensions and renovations of permanent dwellings do not require permission (planning permit) if the total floor area is less than 250 square metres.

Building permits and construction are governed by their own law. The Building Act (Byggeloven) dates back to 2010. The Building Regulations (Bygningsreglementet, BR) specify and give concrete details of the technical requirements for construction. New Building Regulations, BR2018, came into force at the beginning of 2018. During the period from 1 January to 30 June 2018, developers were allowed to choose whether to comply with the requirements of the previous BR15 or BR18. Regulations cannot be combined. The regulations apply in principle to all construction, whether subject to a permit or not. Municipalities have the right to grant derogations from the regulations. Ultimately, the municipal authority also determines the scope of the building regulations. The scope of authorisation is not exhaustively defined by national regulations. Anyone planning to undertake construction are advised to contact the authority in advance. No exceptions can be granted from formal considerations. It is not necessary to apply all the provisions to protected buildings if their application would result in the loss of conservation values. Buildings are classified into different levels of complexity (konstruktionsklasse). There are four classes. Different levels of documentation requirements apply for the different categories when applying for a permit. Similarly, the requirements concerning the level of certified special designers to be used depends on the classification of the building;

According to Section 16 of the Building Act, the requirement for a building permit applies to the measures set out in Section 2 of the Building Act. The same provisions apply to the application for a building demolition permit as for construction. In Denmark, a demolition permit is required by Section 47 of the Executive Order on the Building Regulations in respect of buildings for which a building permit has been required. However, a demolition permit is not required for outdoor buildings with a surface area of not more than 50 square metres.

The municipal council has the right to require applicants to provide the information necessary for the assessment of the application. Applications for building permits and associated derogations must be submitted using the municipality's own digital solution. Applications submitted by other means will be rejected unless the municipal council overrides the rejection on the basis that, due to the overall budget of the project, it is of clear benefit to the municipality, or the applicant has in fact been unable to use the digital solution provided by the municipality due to specific circumstances. Decisions taken by the municipal council under the Building Act may be appealed by those to whom the decision is addressed and other interested parties who have an interest in the outcome of the case in accordance with Section 23 of the Building Act.

The Danish Preservation of Buildings Act (Bygningsfredning) covers old buildings of architectural, cultural and environmental value which highlight residential, labour, productive or other essential features of social development. Application of the law must ensure that protected buildings are used for appropriate purposes that take into account their specific characteristics and ensure they are preserved in the long term. Protection and preservation interests are taken into account in planning and similar legislation. Protection and preservation

work will be carried out with the largest possible amount of publicity. The Preservation of Buildings Act also applies to structures, building elements, the immediate environment of buildings, parks and similar areas of an overall site subject to protection.

A building is worthy of protection when it is indicated as such in the local detailed plan or is subject to a prohibition on demolition in the local detailed plan. Buildings so marked may not be demolished until the demolition notice has been formally issued and the municipal council has informed the owner whether it intends to prohibit the demolition. The demolition of a protected building requires authorisation from the Minister for Culture, which may also be granted on a conditional basis. Following a refusal to grant a demolition permit, the owner may also demand the takeover of the protected property by the State. If, despite the demand, the property is not taken over by the State, the owner may demolish the protected building without such a demolition permit.

5.2.1.5 Iceland

Iceland has 8 administrative regions, 23 counties and 74 municipalities. Land use planning (zoning) and construction are regulated separately. Construction legislation dates back to 2010 and has since been amended several times. Construction issues are dealt with by a wide range of ministries.

Construction issues in Iceland are the responsibility of the Iceland Construction Authority (ICA), which operates under the authority of the Icelandic Ministry of the Environment. ICA covers matters relating to construction, rescue and fire safety and electrical safety. Among other things, the ICA supervises local fire departments. On the construction side, reformed legislation requires either certification or licensing from all key actors, complemented by a mandatory quality control system. The licensor is the ICA. Key actors are designers, supervisors and building consultants. The ICA also manages an electronic database through which building permit processes are managed. The database contains in principle all building permits issued and due to be issued in Iceland, including drawings, inspection manuals and similar documentation, as well as a list of licensed professionals.

When an application for a building permit is made electronically to the municipality, it is first necessary to assess the possible need for a detailed plan or its modification. The assessment shall be carried out by the planning authority. The same authority shall decide on the building permit once the conditions for the land use are in place. The licence fee has amounted to around EUR 5 per square metre of residential unit. The building inspectors are only responsible for the technical aspects of construction. In 2018, there was a shift to mandatory audited inspection bodies or accredited construction authorities for inspections. All inspections during construction work is reported through the ICA portal. The municipal building inspector will carry out random checks and calibrate them on the basis of the performance of the construction site, as assessed by either by the municipality itself or through inspections carried out by inspection bodies. As a result, the number of inspections carried out by the authorities during the course of work will be significantly reduced.

The responsibility for compliance with regulations lies with the owner. There is a pending proposal that obliges the ICA to react if a local building inspection or a certified designer or auditor fails to perform their duties, or if any other deficiencies are detected. A proposal to tighten the insurance requirement is also pending. The aim is to require the construction process to be insured. At the same time, insurance companies will be linked to the national construction database maintained by the ICA. A special feature is a mandatory ‘safety fee’

that is charged as part of fire insurance. The fees will be passed on to the ICA. The fee amount is 0.045 per mille of the value of the insured person's property per year. The accumulated funds will be used to compensate for earthquake and similar damage. The most recent major compensation payments were made for the 2008 earthquake.

5.2.2 Low-carbon construction

A regulatory framework on low-carbon buildings is already in use in slightly different ways in Sweden, Denmark, the Netherlands, France, Norway and parts of Belgium. Estonia and Iceland are developing a regulatory framework on low-carbon buildings. The Nordic Ministers responsible for construction have agreed to harmonise the development of regulation of low-carbon construction. In order to promote harmonisation, the Nordic Harmonisation of Life Cycle Assessment, a project led by the Finnish Ministry of the Environment, was launched in 2023.

5.2.2.1 Sweden

In Sweden, the obligation to prepare climate declarations came into force on 1 January 2022. The obligation applies to new buildings requiring a building permit. In Sweden, buildings with a temporary building permit, industrial buildings, buildings used for agriculture, buildings with a gross floor area of less than 100 square metres, defence forces buildings, buildings built by private individuals and buildings constructed by one of the following entities shall be excluded from the obligation to draw up a climate declaration: Affärsverket Svenska kraftnät, Fortifikationsverket, Statens fastighetsverk, Specialfastigheter Sverige AB or Trafikverket. There is also no need for a climate declaration for renovations or extensions of buildings. Thus, in principle, single family houses fall within the scope of application if none of the above situations occurs. The climate declaration only takes into account and reports the initial stages of the life cycle of buildings (modules A1–A5). The low-carbon assessment shall include the building envelope, load bearing structures and internal walls. The internal surfaces of structures and the technical services in the building are not covered by the assessment.

The climate declaration is prepared in Sweden at the latest when the building is ready, i.e. before the final inspection. The developer is responsible for ensuring that the climate declaration is drawn up and sent to the Swedish National Board of Housing, Building and Planning. If a climate declaration has not been prepared, the municipality cannot issue final clearance for the building concerned in accordance with the Planning and Building Act. In this case, the municipality can only provide an interim finaal clearance.

The Swedish National Board of Housing, Building and Planning may ask developers for source data for the climate declaration. If, in the course of a possible inspection, the Swedish National Board of Housing, Building and Planning discovers a calculation error, the developer shall have the opportunity to provide an explanation. If the developer has not provided a credible explanation for the deviation, the Swedish National Board of Housing, Building and Planning may correct the value registered in the system. If necessary, the Swedish National Board of Housing, Building and Planning may issue a penalty fee.

Sweden is planning to introduce a carbon footprint limit value for new buildings from the beginning of 2025. The requirement would apply to all buildings for which a climate declaration is required. According to the Swedish National Board of Housing, Building and

Planning's proposal[16], the carbon footprint limit value would apply to the whole building, including its foundations. Building services systems for certain types of buildings (e.g. apartment blocks, offices, schools and kindergartens, single family houses, residential care homes, etc.) are also included in the calculation. The limit value would apply to modules A1–A5. However, solar panels and fixed appliances (stoves, dishwashers, refrigerators, etc.) are excluded from the calculation. According to the preliminary plans, if the carbon footprint of a building exceeds the limit value, the supervisory authority would be able to impose a penalty fee. The penalty would not have to be levied if the limit value was exceeded because of circumstances which the developer could not have foreseen or influenced.

It is also envisaged that, in 2027, the regulatory framework for the Swedish climate declaration will be expanded to include modules B2, B4, B6 and C1–C4. The climate declaration should also report on the climate impact of groundworks. At the same time, renovation projects requiring a building permit would be added to the scope. Building foundations and, for certain types of buildings, building services systems would also be added to the calculation.

5.2.2.2 Denmark

In Denmark, regulation related to the climate report came into force at the beginning of 2023 directly through the limit value regulation (BR18). These limit values are to be tightened every few years, the next time in 2025, and thereafter in 2027 and 2029. The climate report is presented to the municipal or city authorities at the end of the construction project, i.e. only when the building is finished. If the carbon footprint of a building exceeds the limit value, the case is reported to the police, who will decide on any follow-up measures.

In Denmark, nearly all types of buildings, from single family houses to holiday homes with a floor area of more than 1 000 square metres, are covered by the climate reporting obligation. This means that the vast majority of single family houses are currently excluded. Renovation is excluded from the obligations, as are extensions. However, a panel of stakeholders has proposed to include major renovations in the scope of climate reporting during 2025 and to set limit values for these in 2027. However, no formal decision has been taken as yet.

The calculation of carbon footprint covers modules A1–A3, B4, B6, C3 and C4 and D1 and D2. In Denmark, low-carbon regulation is planned to be extended to cover almost all new buildings in 2025, regardless of their size. At the same time, the calculation may be complemented by modules previously excluded from the scope. The carbon footprint calculation takes into account almost all building elements, from load-bearing structures to electrical building services.

5.2.2.3 Other countries

In Norway, mandatory calculation of carbon footprint came into force in summer 2022. The requirement to calculate the carbon footprint concerns commercial buildings and apartment buildings, as well as major renovations. Single family houses are therefore excluded from the scope. According to the Regulations on technical requirements for construction works TEK17 (Section 17-1), the calculation of carbon footprint covers modules A1–A3, B2 and B4. The calculation of carbon footprint includes the foundations, load bearing structures, external and

[16] Limit values for climate impact from buildings and an expanded climate declaration (boverket.se)

internal walls, floor and roof, and the calculation is carried out during the commissioning phase of the building. There is no control of limit values in Norway.

Estonia is expected to publish a law related to climate reporting in the course of 2025. The climate reporting obligation would initially only apply to new buildings, but renovation works could potentially be included in the scope at a later stage. The calculation is planned to be carried out during the building permit phase as well as during the commissioning phase of the building. While there is no precise plan for limit value control, Estonia's Green Tiger Construction Roadmap 2040 proposes to set a carbon footprint limit value for buildings in 2027.

In Iceland, climate reporting for buildings will become mandatory on 1 September 2025 and the carbon footprint limit value for buildings is planned to be introduced in 2027. Climate reporting is planned as a two-stage process, i.e. the climate report would be carried out at the building permit stage and the report would be updated once the building has been completed. The climate report should only be prepared for new buildings, excluding extensions. Certain small buildings, agricultural buildings and holiday homes are excluded. Single family houses, on the other hand, fall within the scope.

The Dutch regulation is based on a limit value for the environmental impact of buildings, which the buildings must not exceed. Limit value-based control has been used in the Netherlands since 2018 and tightening of the limit value is next expected in 2025. The carbon footprint calculation and related limit value determination are based on the calculation of MPG (Milieu Prestatie Gebouwen – Building Environmental Performance). In the calculation, LCA indicators are converted into euro-based metrics (EUR/m^2year). The regulation covers new residential buildings and office buildings.

In France, the strategy on low-carbon buildings is based on progressively tightening restrictions on the carbon footprint of buildings and increased use of renewable building materials. The low-carbon regulation (RE2020) was adopted in 2021 and entered into force in 2022. The regulation covers new residential buildings, offices and educational buildings[17]. The regulation is planned to be updated every three years. In France, reporting requires separate reporting of emissions from energy consumption in use and emissions contained in building materials. The limits depend on the type, area and location of the building.

5.2.3 Status of the digitalisation of European building control

5.2.3.1 Introduction

The construction industry plays an important role in many countries. This industry has an impact not only on the economy, but also has a direct impact on the social aspects of life by creating, changing and improving the living environment. At the same time, the construction

[17] https://www.oecd.org/cfe/cities/OECD_Global_Monitoring_of_Policies_for_Decarbonising_Buildings_Multilevel_Approach_2024.pdf

industry has a significant environmental impact throughout the life cycle of a building, starting with the extraction of raw materials and continuing through to the end of the building's life cycle, i.e. demolition. For example, in the European Union, the construction sector directly provides 18 million jobs and accounts for around 9 % of the European Union's GDP. It also creates new jobs, stimulates economic growth and provides solutions to social, climate and energy challenges. In recent years, the construction industry has faced major challenges to ensure a balance between environmental, social and economic aspects and the way in which the construction process is carried out. The construction sector has been significantly affected by the COVID-19 pandemic. It is now crucial to look for new approaches and to apply creative and innovative solutions to improve the construction process to be competitive and sustainable. The role of digitalisation, automation and the use of new technologies in building is rapidly evolving. These technologies, as well as open data, provide additional support for decision-making processes in the event of unusual and sudden events. The strategies and programmes of the governments of different European countries play an important role in achieving the guiding principles of sustainable development.

5.2.3.2 General information

In May 2018 CEBC (Consortium of European Building Control) published the first eDelivery in Europe report, which provided an overview and comparison of the electronic delivery of building control processes among member organisations. The responses to the online survey involving 30 member organisations were analysed. It was found that the degree of digitalisation in member organisations (and Member States) varied greatly. There was a common understanding among all members of the need to start the digitalisation process and to find new solutions for management of the construction process. New ideas and solutions were constantly being developed. The survey was repeated in early 2023.

The challenges faced by the economies of all countries in recent years, in particular the restrictions caused by the pandemic, have increased the need to pay more attention to digitalisation processes in the construction sector. CEBC members therefore decided to reassess the progress of digitalisation among the members and to provide an overview and comparative analysis of the data.

It is important to point out that the construction sector is a non-harmonised sector. All countries have developed their own systems to create a high-quality living environment, to ensure sustainable development, preservation of cultural, historical and environmental values, as well as rational use of energy resources. In some countries the system mostly operates at state and municipal level, while in others it is a dual system – public, private or a combination of both. The level of centralisation also varies. In order to carry out a thorough analysis of the level of digitalisation of the management of the construction process, it is important to know an existing model of public building control in a particular country. The report provides a data-based analysis of the level of digitalisation of the construction process in CEBC member states.

The CEBC survey revealed that the last five years have brought a lot of changes in the digitalisation of construction. Most European countries made significant and ambitious steps forward: creating user-friendly e-services, adopting digital building control digital tools or even starting innovative projects related to building information modelling (BIM).

Therefore, the level of digitalisation in Europe in 2018 and 2023 are two very different stories. In 2018, many European countries were still searching for the right electronic solutions to

meet market demands in order to minimise bureaucracy, improve productivity and manage construction more efficiently; today, numerous modern tools and information systems are used.

Great examples of digitalisation have already accelerated services in the construction sector, reduced the risk of human error in the building control process and increased the efficiency of building control. However, new technologies and digital tools bring new challenges and opportunities to be addressed by politicians, practitioners and developers.

What is the level of digitalisation of construction around Europe? What digital solutions will be deployed and which phases of construction will be digitalised in different countries? What could be learned from the frontrunners in digitalisation and where to find good practices? What is planned in the area of digitalisation of construction in the near future? What new opportunities does building information modelling (BIM) bring and what is waiting for the construction sector just around the corner?

Given the very different regulatory regimes for construction across Europe, countries have had to choose their own individual paths in the field of digitalisation and it is not possible to identify or easily ‘copy’ a general ‘best-of-all’ practice. Therefore, the aim of the report is not to determine the most advanced country or one best practice.

On the contrary, CEBC eDelivery group seeks to present general trends and share very different and individual good practices that may be of interest in certain situations and regulatory settings. Cooperation always creates added value and opportunities and therefore the links between those who shape the future of digitalisation allow organisations to improve and develop by tackling common challenges.

Summary of the results of the survey

Research and data analysis showed these main trends in the digitalisation of construction in 17 countries across Europe:

- Digitalisation in all countries is planned in a government strategy or other planning document. The three main objectives of the digitalisation of construction are minimising red tape, improving productivity and increasing the efficiency of the management of construction processes. In addition, more than one-third of all countries reported the importance of digitalisation to minimise the risk of corruption, achieve climate change targets, ensure data security and ensure better cost management.

- The level of digitalisation in the construction sector has increased significantly since 2018. The study showed that all stages of construction from the permit stage to the demolition of the building have already been digitalised in six countries. In addition, four countries have digitalised the permitting, construction and commissioning stages, while the permitting and construction stages have been digitalised in almost all countries. However, the level of digitalisation at each stage of construction varies – for example, the building permit process is fully digitalised in only seven countries although digital practices at the permitting stage are in place in 16 countries.

- Despite significant recent achievements, countries have ambitious plans to further digitalise the construction sector – 29 % of countries plan to digitalise some of the

construction stages in the coming year and 43 % plan to do so in the next three years. Digitalisation of the construction and commissioning stages are the priority for the near future.

- However, accidents in the existing building stock are of growing concern across Europe and the maintenance phase of buildings is of utmost importance to ensure the safety of people. In addition, three other countries are planning to create digital solutions for the maintenance phase in the near future, so the digitalisation of this area is also an emerging trend. While digitalisation in the maintenance phase is still rare, good practice solutions can be found in Latvia, Finland and Poland.

- Spatial planning is fully digitalised in seven countries. Land-use guidance documents (current plans) are archived at municipal level in 65 % of the countries participating in the survey. Spatial planning documents at all levels (country, state/region and municipality) are available from the national register in four countries.

- Due to the very different regulatory regimes for construction across Europe, digital practices also vary. However, the survey showed that the Baltic States are characterised by the use of one single IT construction system, which is used at country level. This is not the trend in the rest of the continent – one-thord of the countries have more than one private IT system and 29 % of countries have more than one IT building system at municipal level.

- While the complexity of construction information systems varies, the majority of countries (13) reported that their IT construction systems are integrated electronically with at least one other system. Integration enables the automatic exchange of information within the construction sector and facilitates connections to other operators. Additionally, 62 % of countries stated that the current system also contains information on the history of buildings.

- GDPR requirements and Russia's war of aggression in Ukraine led to a change in the approach to the security of data and infrastructure across Europe. As a general rule, the more complex the information system, the more challenges need to be faced to manage new emerging risks. The CEBC survey revealed that the two most popular options for storing the database (which stores the data related to each building permit application) are servers (eight countries) and a public cloud (four countries). In most countries (10) the database is maintained by the state.

- BIM-based solutions are key drivers of change in the construction sector. The survey showed that four countries have already started using BIM in building control and another eight countries are planning to do so in the near future. Ambitious BIM-based automated verification projects are being carried out in Finland and Estonia. BIM-based automated verification tools and computer-aided systems to control certain technical and other building requirements are the future of building control.

Planning and permitting stage

The digitalised planning and permitting stage will help speed up the construction process as well as the exchange of information. Most European countries use digital communication systems in both the planning and permitting stages. Some systems allow applicants to download or submit information directly to the software used by municipalities to process

their application and in some countries such software is used, while other countries still use email. In the case of the exchange of information within the construction sector or with other sectors, some countries do not have this facility. The possibility of exchanging information between public agencies helps to reduce the time taken to process cases and speed up the construction process as a whole.

Only a few countries have introduced digital checks of technical requirements. Such a possibility significantly reduces the time taken to verify the technical requirements, whether as part of the processing of the building permit application or as part of the supervision during construction. Some countries, such as Finland and Norway, are currently working on using AI products to turn technical regulations and data directly from BIM-based designs into machine-readable data.

Construction phase

This is the stage that requires the most resources. Not only financial and human resources but also the transition from design to the maintenance phase will depend on the level of digitalisation. It therefore seems crucial to determine how information is distributed and archived. Therefore, a fully digitalised design and permitting stage would compel operators in the construction phase to monitor previously implemented IT software. In contrast, if the concept phase is digitalised in a non-structured system, the construction project will only digitalise the most urgent or key issues.

The construction phase is fully or partially digitalised in 10 countries (Norway, Denmark, Türkiye, Lithuania, Poland, Finland, Spain, Estonia, Germany and Latvia). The demolition phase is monitored electronically in Latvia. Of the total inspections carried out in all the countries in the survey, 70 % are carried out electronically and in most cases the reports are saved to the IT platform. Inspection reports in paper format have been reduced to 30 %. The commissioning phase logbook has been fully implemented in six countries where the data is stored in their IT systems.

6 Feedback from consultation

6.1 Introduction

The draft government proposal for an Act amending the Construction Act was the subject of a wide-ranging consultation between 9 January and 5 March 2024. The consultation took place through the online consultation service lausuntopalvelu.fi. Ministries and authorities using the common case management system, VAHVA, were asked to provide their opinions through the VAHVA system. Opinions were requested from ministries, administrative courts, municipalities and organisations. Over a period of eight weeks, 279 opinions on the draft law were submitted to the Ministry of the Environment. The consultation summary report has made use of artificial intelligence.

Many responses called for a longer transition period for entry into force, in particular for the climate report, the processing time guarantee and the BIM-based building permit application. The Association of Finnish Local and Regional Authorities proposed to postpone the entry into force of the Act by two years in order to give the municipalities time to make the necessary changes to the permitting process and digitalised processing. Representatives of

industry and property owners mainly supported the proposal to reduce the annexes to the climate report and building permit, the processing time guarantee, the prerequisites for demolition, the limitation of the right of appeal and the clean transition location permit, and many opposed the responsibility for implementation of the principal operator as currently set out in the Construction Act. The Centres for Economic Development, Transport and the Environment (ELY Centres) and the regional councils mainly objected to the limitation of the right of appeal, the prerequisites for demolition and the clean transition location permit. NGOs and the Finnish Heritage Agency opposed the limitation of the right of appeal and the prerequisites for demolition. The municipalities were mainly opposed to a processing time guarantee and wanted to limit the construction of non-residential buildings, e.g. farm buildings, of less than 30 square metres by means of the municipal building ordinance. The calculation of the carbon handprint received both support and opposition. The courts drew attention to the limitation of the right of appeal from a fundamental rights perspective and called for a more precise regulation of the clean transition location permit. Technical corrections were supported or not commented upon. It was proposed that a number of sections be added to the set of amendments; among others, section 57 drew both support and objections. Short-term renting, which was not covered by the set of amendments, received a number of comments from residential letting companies.

6.2 General

The ELY Centres and the regional councils considered the proposed changes to be good if and when the objective was to reduce the administrative burden and reduce bureaucracy or where a clear need for correction or errors in the law had been identified. The interoperability between the Construction Act and the Spatial Planning Act plays an important role in achieving these objectives. However, the government programme entry as such was not considered sufficient to justify the amendment of the law and the sections must always be backed up by clear explanatory memoranda. In general, legislative amendments should be accompanied by a clear vision of what the law intends to change in practice, and why and how. Doubts were raised as to whether the objectives of the reform could be achieved.

The Association of Finnish Local and Regional Authorities and most municipalities considered that the proposed amendments were positive in parts, but mostly negative. The current proposals were considered to lead to a significant increase in the permanent costs of public authorities.

The opinions of associations, businesses, individuals and other operators expressed divergent views on the draft law.

According to the Supreme Administrative Court, the authorities' right of appeal is limited in the proposal, not only without justification but also inconsistently. The right of appeal of public authorities is one of the key elements of the administrative process and ensures the realisation of different social interests as part of the judicial review of the administration. The lack of clarity as to the existence of a right of appeal increases the workload of administrative procedures.

The Supreme Administrative Court considered that creating new exceptions over the old system complicates the understanding of the overall system. The building permit system and the related appeal provisions constitute a difficult-to-understand package which is likely to give rise to practical problems of application. For example, an appeal against a location permit decided by a separate decision will be determined on the basis of whether it concerns an area

requiring planning or another area. This is because no provisions have been laid down for appeals relating to a separate decision on a location permit in an area requiring planning.

In the opinion of the Parliamentary Ombudsman, the explanatory memorandum for the legislative process is inadequate. In the further preparation of the draft, the Ministry shall pay particular attention to the provisions on the limitation of the right of appeal in relation to the provisions laid down in the Constitution of Finland on the right to participate and fundamental environmental rights (section 2, subsection 2; section 14, subsection 4; and section 20 of the Constitution), legal protection (section 21 of the Constitution) and the obligations under the Aarhus Convention.

According to the Ministry of Justice, the section on the draft Act's relationship to the Constitution and the legislative process describes, inter alia, an individual's ability to participate in society and to influence decisions that concern him or her. The proposed changes to the right of appeal – as they reduce the opportunities to influence – should be reflected upon in more detail in relation to the objectives of the Constitution in the section in question. The section on legal protection also remains a general statement as regards the limitation of the right of appeal, nor does it provide for the withdrawal of the right of appeal of a member of the municipality.

6.3 Comments on the proposed amendments to sections

Section 17 Municipal building ordinance

The Ministry of Justice took the view that, since it is not possible to derogate from the building permit requirement under said provision based on the basis of the municipal building ordinance, the proposed subsection 5 is superfluous and should be deleted.

In the opinion of the Parliamentary Ombudsman, following the proposed subsection 5 to the municipal building ordinance, it remains unclear whether the municipality can exercise any discretion as regards the permit requirements for construction works under section 42, subsection 1 as provided for in section 42, subsection 2.

The municipality of Tuusula considered that the proposed clarification was in itself good, but does not exclude the possibility of interpretation for projects under section 42, subsection 2 of the Construction Act.

In the opinion of the Centre for Economic Development, Transport and the Environment of Southern Ostrobothnia, the addition is in itself unnecessary, as the municipality’s planning, municipal building ordinance or other regulations cannot be in conflict with the legislation.

The addition was welcomed and supported by Espoon Asunnot Oy, the Finnish Tax Administration, the Finnish Shopping Centres association, Sotkamo Municipality, Real estate association Uusimaa, the Finnish Association for Manufacturers of Prefabricated Houses, the Finnish Real Estate Federation, Federation of Finnish Special Commodity Trade ETU, the Finnish Commerce Federation, the Central Union of Agricultural Producers and Forest Owners MTK, Kangasala City, Senate Properties, Hämeenlinna City, the Confederation of Finnish Construction Industries RT and the Finnish Hardware Association RASI.

It is important to the association of single-family dwellings that lay builders and developers are not subject to stricter obligations under the municipal building ordinance than those required by law, and that there is a uniform permitting process at national level.

According to the Association of Finnish Local and Regional Authorities, the municipal building ordinance is an important tool for municipalities to control construction. The municipal building ordinance should also enable municipalities to determine on the implementation and suitability for the environment of construction projects exempted from a building permit under the Construction Act The Association of Finnish Local and Regional Authorities' opinion is shared by the City of Espoo, the City of Oulu, the municipality of Vihtis, the ELY Centre for South-East Finland, the ELY Centre for South-West Finland, the City of Vantaa and the municipality of Mäntsälä.

As a result of the opinions, section 17, subsections 2 and 3 were clarified and the proposed subsection 5 was deleted.

Sections 38 and 39 Low-carbon and life-cycle characteristics of buildings

The consultation provided ample feedback and suggestions for implementing the guidance for low-carbon buildings. Consultation feedback was also given for matters which had not been proposed to be changed. In addition, feedback was provided on the method for assessing the low-carbon performance of buildings, further provisions on which are due to be issued by decree of the Ministry of the Environment. As a general rule, the views of the consultees on the climate report and the material specification differed from each other, so that the feedback did not form a clear, uniform position on many of the details of a number of legislative amendments.

A large part of the feedback concerned the scope of the climate report. The opinions were divided so that some were in favour of reducing the scope as proposed, while others opposed this. The exclusion of single-family houses from the scope of the carbon footprint calculation was generally considered a good solution, as it was felt that construction of small houses should be supported and facilitated because of the existing high cost of construction. The overwhelming majority of municipalities and their building control authorities supported this limitation as it would reduce bureaucracy and burden. Many of those opposed to the reduction of the scope called for major renovations in particular to be included in the scope of the climate report. The draft decided to exclude single-family houses and buildings undergoing major renovation from the obligation, as set out in the version issued for consultation.

The opinions also called for further clarification of the law as regards extensions. For example, the Association of Finnish Local and Regional Authorities suggested that it would be necessary to clarify the provision on the demonstration of low-carbon performance to include extensions where the extension is not insignificant. The Finnish Association of Architects, SAFA, also pointed out that extension are new buildings, which are subject to the regulation on new construction, and must therefore be subject to a climate report and a material specification. This proposal contains a clarification to the Act, according to which a climate report need not be prepared for the extension of buildings.

Some consultees highlighted the obligations under the upcoming revision of the Directive on the energy performance of buildings (EPBD) in relation to the carbon footprint calculation for new buildings. In these opinions, it was considered important that all buildings requiring an energy certificate should be covered by the scope, even if they were not to be subject to a carbon footprint limit value. This was justified on the basis that if, at this stage, those who plan and implement buildings proposed to be excluded from the scope are not offered the opportunity to start implementing low-carbon solutions, the change will be more difficult at the time of implementation of the Directive. It was decided to clarify the draft law by adding storage buildings, transport buildings, swimming pools and ice rinks with a net heated area of more than 1 000 square metres to the scope of the climate report. The provision-specific explanatory memoranda for the draft issued for consultation were corrected so as to comply with the section in the Act. The explanatory memorandum clarifies that the obligation also applies to grocery shops, which are part of retail buildings. The amendments proposed on the basis of the feedback are intended to partially implement future EU regulation.

According to the draft law issued for consultation, the climate report should be drawn up during the building permit phase and updated in line with any changes, if any deviations from the plans are made during construction work in accordance with section 117. The Confederation of Finnish Construction Industries proposed (the proposal was supported by a large number of opinions) that the climate report should be drawn up only at the time prior to commissioning of the building, as part of the final inspection, when precise information would be available, e.g. on the quantity and quality of materials. On the basis of the opinions, it was decided to amend the draft law so that the climate report should be drawn up and the limit value verified only at the final inspection stage. However, unlike the climate report, the list of construction products would have to provided already when applying for a building permit and it would need to be updated for key changes.

Several consultees suggested that the material specification should be abandoned completely. The Confederation of Finnish Construction Industries proposed (the proposal was supported by a large number of opinions) that the material specification should be replaced by a separate list of construction products at the level of general arrangement drawings, and that it be moved to be part of the low-carbon assessment. The draft law was amended in the light of the feedback received. The reference to the material specification has been removed from section 39 of the Act and at the same time a provision on the list of construction products has been added to section 38 of the Act.

The invitation for opinions specifically asked whether the construction site should also be included in the climate report, even though the limit value assessment would concern only the building, not the construction site. The majority of consultees believed that the construction site should be part of the climate report. On the basis of the opinions, the law was clarified by adding to the first subsection of section 38 that not only the building but also the carbon footprint and handprint of the construction site must be reported in the climate report.

A few clarifications to the Act were proposed in the draft, in particular that specific situations shall be taken into account when setting limit values. This clarification was almost unanimously welcomed by the consultees. A few responses drew attention to the wording of the section: ‘*may be taken*‘. On the basis of the feedback from the consultation, it was decided to leave a clarification of the limit values in the draft law. It was decided to retain the wording *‘may be taken’* because the suggestion made in the opinions: *‘shall be taken’* would not be realistic due to the large number of influencing factors, although the proposal is justified from a legal point of view. The opinions expressed a lot of divergent views on the carbon handprint

guidance, although no changes had been proposed to this in the Government proposal. Based on the feedback from the consultation, it was decided not to propose changes to the carbon handprint reporting. In accordance with the Construction Act, the carbon handprint should be presented as part of the climate report.

In its opinion, the Ministry of Justice suggested that, for reasons of clarity, limit values could be separated into a separate section. In accordance with the proposal of the Ministry of Justice, the draft law was amended by adding a new section 38a providing for carbon footprint limit values for new buildings.

Several opinions called for a longer transition period in order to give the industry sector, municipalities and building control authorities time to prepare for the new requirements. In addition, separate and more detailed guidance was also requested. The opinions stressed that the proposed introduction of limit values from the beginning of 2025 seems unrealistic. On the other hand, several parties stressed in their opinions that low-carbon assessment should start as soon as possible. Based on the feedback from consultation, it is proposed to postpone the obligation to prepare the climate report and the list of construction products, and also the carbon footprint limit value requirement by one year, i.e. to enter into force as of 1 January 2026.

In particular, various energy companies raised the issue of calculation of in-service emissions from energy consumption of buildings, although this will be further regulated at decree level. The feedback from consultation stressed that the emission factors of the local district heating company should be eligible for use in the calculation of emissions. As regards the preparation of decrees, it has been agreed that only emissions from national energy scenarios, as presented in the National Emissions Database, can be used to calculate the carbon footprint of buildings.

Section 42, subsection 1, paragraph 4, Event structures

The consultees, in particular the Finnish Hospitality Association MaRa and the building control authorities, supported the proposed clarification in section 42, subsection, paragraph 4, of the Construction Act. The City of Espoo and the municipality of Tuusula called for a definition of the maximum duration of the concept of temporary nature. The Association of Finnish Local and Regional Authorities considered the time limit set out in the explanatory memorandum to be too short and felt that the exclusion of temporary event structures from the requirement for a building permit could pose a significant safety risk. Municipal building control authorities often state the maximum numbers of persons that can be accommodated for event structures, which would no longer be possible. In addition, the opinions criticised the need for permits for audience structures in general. The Church authority drew attention to the fact that the responsibility for the safety of public structures will be fully transferred to event organisers, which requires a good and broad range of expertise and know-how from event organisers. As a result of these opinions, the maximum duration of temporary nature was defined as two months.

Section 43 Clean transition location permit

Many business representatives supported a clean transition location permit and felt it would streamline the permitting process for projects supporting the green transition. Among other things, Metsähallitus, the state-owned forestry management and environmental services enterprise, proposed to extend the scope of the section to include wind and solar power. The regional councils and the Centres for Economic Development, Transport and the Environment (ELY Centres) objected to a clean transition location permit and considered that it would reduce the predictability of land use.

Some consultees considered that the permit instrument has not been sufficiently assessed. The granting of clean transition location permits shall be subject to interaction and consultation, and the possibility of appeal must be safeguarded. Such significant projects and changes to land-use should include adequate impact assessment, interaction, consultation and right of appeal, in order to enforce the rights of the participants and landowners. The relationship to environmental impact assessment legislation also needs to be clarified. Further preparation must eliminate the risks that, contrary to the intended objective, the system will become confusing, the predictability of the final outcome will be reduced and the overall processing times for permits and appeals will become longer. The additional resources and process reforms required for the reforms must be safeguarded in municipalities and the judiciary.

The Parliamentary Ombudsman drew attention to the fact that the clean transition location permit, in particular, involves industrial projects with a regional impact that can have significant environmental impacts. The determination of the right of appeal in the proposal is not proportionate to the effects of the decision on which the appeal is based. For example, in the case of a building permit for a single-family dwelling and, for example, a building permit for a facility focusing on re-use of battery materials, the circle of interested parties entitled to appeal would be equally limited. In the opinion of the Court of Appeal of Northern Finland, it is difficult to identify the conditions to be taken into account when deciding on a permit under section 43a.

The consultees felt that there was no clear provision on the right of appeal for a project under section 43a. This matter is mentioned only in the text of the Government proposal. If the right of appeal is determined by analogy with the building permit, the appellants' circle will be limited to a narrow circle. However, the impact of the project can be significant. The Supreme Administrative Court found that the Construction Act does not specifically provide for the possibility of appealing against a decision on a separate location permit in an area requiring planning. Thus, it may be relevant to the determination of the appeal whether the location permit is granted by a separate decision or as part of a building permit.

As a result of these opinions, separate sections were drafted on the conditions, consultation, opinions, impact assessment and right of appeal.

Section 43b Grant of a building permit prior to plot division and the parcelling of plots

In the view of the Finnish Environmental Law Society, the solution is not capable of creating the clearest possible legislation from a technical point of view, since section 81, subsection 2 of the Land Use and Building Act categorically lays down the requirement for plot division and section 43b of the draft Construction Ac categorically removes this requirement in substance. Thus, a better option could be to revoke or amend the requirement directly from section 81, subsection 2 of the Spatial Planning Act.

Some municipalities opposed the proposal. For example, the City of Lohja proposes that the section be amended so that it applies only to supplementary construction in already built-up areas. Plot division in connection with planning does not slow down the grant of a building permit, but, on the contrary, accelerates it. Current practice has proven to be effective.

The proposal was supported by, among others, Espoon Asunnot, the residential lettings company Kojamo, the Association of Finnish Local and Regional Authorities, the Association of single-family dwellings, the Finnish Association of Civil Engineers, the Finnish Association for Manufacturers of Prefabricated Houses, the Finnish Architects' Federation, South Ostrobothnia ELY Centre, the Finnish Real Estate Federation, the Federation of Finnish Special Commodity Trade ETU, the Helsinki energy provider Helen, Senate Properties, the Organisation for Respiratory Health in Finland, the Confederation of Finnish Construction Industries RT, the Finnish Hardware Association RASI, the Finnish Affordable Housing Companies' Federation and some municipalities.

The feedback from consultation did not entail any changes to the section itself, but the heading of the section was corrected to building permit.

Section 56 Prerequisites for a demolition permit

Many business representatives supported the proposal. Facilitating the demolition of buildings other than protected buildings was considered to reduce bureaucracy and speed up urban regeneration in areas covered by land use plans. The opinions called for the reference to municipal council in subsection 4 to be changed to municipality, as the municipality should be able to decide who has the decision-making power in the municipality.

The opinions raised questions such as: who determines when buildings in a municipality have lost most of their values? Who determines when the land use plan for an area implemented according to planning is outdated? How can failure to repair a building constitute grounds for a demolition permit? If the building owner deliberately fails to maintain and repair the building and consequently its cultural and historical value is reduced, can it be demolished?

The draft law was considered to be counter-productive to the principles of the current Act and rewarding leaving buildings to fall into disrepair. The fact that municipalities are able to demolish their own buildings was considered to be unequal and concerns were expressed as to whether buildings would be sold to the municipality in order for the buildings to be demolished. It was requested that, in addition to the buildings owned by the municipalities, subsection 4 would also apply to buildings owned by municipal companies.

The provision was considered to make the system of protected buildings in planning more confusing. The interrelationships between the provisions and the different procedures remain unclear. The content of the provision does not take sufficient account of the fact that the municipality is able to modify local master plans and local detailed plans by means of a land use plannig procedure.

Metsähallitus, the state-owned forestry management and environmental services enterprise, highlighted the importance of updating the national and regional lists of graded sites in order to improve the acceptability of operations and prevent conflicts of interest in protection. Uusimaa Regional Council stated that the primary objective with regard to climate objectives

should be to take care of, preserve and make use of the existing building stock, and considered the reference to outdated plans to be problematic. The Ministry of Defence was in favour of facilitating the demolition of buildings in situations where the building is unfit for use and considered that a paragraph should be added to section 56 of the Construction Act to allow the demolition of buildings in areas permanently occupied by the Finnish Defence Forces, if necessary for national defence purposes.

The Administrative Court of Northern Finland drew attention to the fact that the provision contains several terms, the definition and application of which is subject to interpretation. This includes, for example, the fulfilment of the condition of reuse/recycling of demolition material and its verification. Determining when buildings in the municipality have lost most of their value is also likely to give rise to problems. Nor has the Government proposal touched upon the reason why the term ‘area’ has been changed to ‘municipality’.

The Supreme Administrative Court took the view that section 56 is opaque and partly open to interpretation. In particular, the Supreme Administrative Court considered the relationship between subsections 2 to 4 of the section to be unclear. An example of the ambiguity of the provision is the outdated nature of plans referred to in subsection 2, which is also not further defined in the explanatory memorandum. The same subsection also refers to area not covered by a land use plan. For the sake of clarity, the Supreme Administrative Court notes that an area in which only a regional land use plan is in force may also be regarded as an area covered by a land use plan, that is to say, an area other than an area not covered by a land use plan.

As a result of the opinions, a 13-year obsolescence period was established for planning and the sections lists the different forms of planning. The conditions were supplemented with the wording: ‘and does not make it more difficult to achieve the objectives of the protection of the built environment’. The word ‘or’ in the third subsection was changed to ‘and’. In the fourth subsection, the reference to ‘the municipal council’ was amended to ‘the municipality’ and to ‘a municipality-owned building’ was added ‘a building owned by a municipal company’. A requirement was added, according to which the municipality must have owned the building for at least 10 years before its demolition, and the requirement of cultural and historical value was removed. In addition to buildings of national importance, regional significance was added.

Section 61 Building permit application and section 69 Submission of special plans

There was support for digitalisation and there has been progress in digitalisation in building control, although some designers do have adequate capability. In the design sector, the requirement to provide BIM modelling was seen as excellent and something that would propel the sector forward.

It was hoped that the term ‘data model’ be changed to ‘building information modelling (BIM)’ and the term ‘data model format’ to ‘BIM format’. The justification was compliance with the standard. The definition of the project information model as being at the level of general arrangement drawings received support in terms of content, but from a terminological point of view, it was considered unsatisfactory that the model is defined through comparison with another form of presentation. A precise definition of ‘other machine-readable format’ was desired and it was suggested that the data to be collected in this way could be entered via the municipality’s e-service.

Contractors commented on the point in the explanatory memorandum where the general arrangement drawings take precedence over the model in case of conflict. This was not considered to be good as it was felt that it would not promote the advantages of modelling and would discourage change to existing practices.

Municipalities consider digitalisation requirements to be a major change in the work of building control. It is important for the development of uniform policies that the development work is guided and coordinated at national level. There were calls for the updating of the main elements of the general data model requirements to be carried out by the State. The data model regulations will also form the basis for system development

Many opinions stated that the data content of project information models should be limited to the information needed to process the permit application to the information required by the authorities. The data required by the authorities should be precisely defined, as it is now felt that this information has not been provided. Limiting the material to be submitted in support of permit applications was considered to reduce the administrative burden and facilitate the application for permits. Many municipalities considered that a legitimate reason for requesting an annex is when there is a legal obligation to do something. Some municipalities criticised the need for a specific justification for requesting the necessary reports to verify compliance with essential technical requirements. Clarifications were requested in respect of sections 60 and 71 with regard to the as-built model. It was hoped, inter alia, that section 71 would be deleted and the obligation to update the project information model be laid down in section 60, whereby the project information model at the level of general arrangement drawings and the special plans required by building control pursuant to section 69 would be updated with as-built information during the construction work and, at the time of the final inspection, the information would be provided to the party undertaking the construction project instead of the built environment information system.

According to the Office of the Chancellor of Justice, it would be justified to systematically focus on the proportionality and affordability of the costs of the climate report, digitalisation and data model requirements.

The annexes to the permit application do not contain any information concerning the accessibility of the building site and the building and the Finnish Association of People with Physical Disabilities therefore proposes that such a report be added as a required annex to the application for a building permit. The building control authorities highlighted the shift in the emphasis of control to the construction site phase, which could lead to disproportionate situations for the party undertaking a construction project and increase costs.

As a result of these opinions, the climate report and the material specification were removed from the list of annexes to be submitted in connection with the building permit application and the list of construction products was added to the list of annexes. For the sake of clarification, section 71 on the as-built model is amended so that the as-built model must also be at the level of general arrangement drawings. Section 122 on the final inspection includes a reference to the climate report and to the fact that the plot of land has been entered in the land register. In addition, the transitional period for the transmission of data to the built environment information system in accordance with sections 72 and 73 is extended by one year.

Section 68a Time limit for processing a building permit application and penalties for failure to comply with the time limit

The construction industry and business representatives were in favour of adding a time limit to the law.

According to the opinions of the municipalities, such strict regulation of processes with tight deadlines will create workload and pressure, as well as the possible need for additional resources, which are expected to be difficult to obtain The opinions considered whether it nonetheless would be more important to be able predict the time needed to obtain a permit. It is often impossible to include in the three-month time limit the wait for necessary statements requested from external authorities. A number of building control authorities considered that there would be a risk of a sharp increase in negative building permit decisions if the conditions for granting the permit do not seem likely to be met and the municipalities are not willing to take the risk of compensation claims. In addition, the shift in focus of control to early and post-construction controls, which is costly for all parties involved, was also considered to be poor. Uusimaa Regional Council proposed that the section should preferably be deleted or that the time limit be made more flexible by allowing longer processing time for complex projects. In any case, an adequate transition period is required, with some consultees proposing two years. Several municipalities also proposed the complete removal of the processing time guarantee from the draft. In practice, incomplete documents often delay decisions on granting permits.

The Parliamentary Ombudsman drew attention to the fact that the explanatory memorandum to the proposal refers to the completeness of the permit application. However, the proposal does not specify when the permit application, together with annexes, is to be considered complete. The time limit for processing appears to be absolute and does not take into account the different types of building permit applications and the time that may be required for requests for opinions from authorities outside the municipality. The feasibility of the provision presupposes that it is as clear and comprehensible as possible.

As a result of these statements, the procedure for initiating and processing applications was clarified. The processing time guarantee for a clean transition location permit and a building permit for highly complex construction projects was set at six months instead of three. The provisions on reimbursement of the permit fee state that this is to be initiated by the municipality and the reduction of 20 % in the permit fee was changed into a monthly rather than weekly reduction. The reference to the Tort Liability Act was abandoned.

The powers to issue decrees added to section 82 Levels of complexity of design tasks and section 86 Levels of complexity of construction project management tasks have, according to the feedback, been generally welcomed.

Section 95 Principal operator’s responsibility for implementation

Many business representatives called for the complete repeal of the section on the responsibility of principal operator in the Construction Act. The proposal does not make clear which party bears responsibility for the implementation carried out by subcontractors. The responsibility for building control is also unclear. The interpretation of the section and the impact assessment must be supplemented in this respect. The cost implications are feared to

take the form of schedule delays, penalties for late delivery and increases in legal proceedings. There are fears that the number of construction errors will increase as responsibility becomes blurred. On the other hand, doubts were raised as to the contractor's willingness to assume the responsibility of the principal operator and the associated cost implications. The opinions suggested that the section should apply only to the relationship to building control. The text of the section should mention that liability ends in connection with the final inspection.

As a result of the opinions, the principal operator's responsibility for implementation will be revoked. It is therefore necessary to amend the reference to the principal operator in sections 71, 84, 93, 94, 109, 110 and 112.

Appeals sections 179, 181, 182 and 183

The Finnish Hospitality Association MaRa considers the proposed changes to the right of appeal to be positive and justified, and that they can be seen as streamlining the planning, permitting and appeal processes. This view is shared by, among others, the propety sector association Rakli and the Confederation of Finnish Industries.

The board of the horticultural society Puutarhataiteen seura, Tornionlaakso Museum, the Provincial Museum of Lapland, the ELY Centres and the municipalities were opposed to the proposed limitation of the right to appeal. The consultees considered that the limitation of the right of appeal was contrary to the general objective of the law and undermines the chances of preserving valuable buildings and the cultural environment. It was also suspected of being in breach of the Faro Convention and the Finnish Constitution.

According to the Finnish Environmental Law Society, studies of appeals under planning, construction and environmental legislation (e.g. reports 19/2013 of the Ministry of the Environment) show that the authorities are exercising their right of appeal prudently and that the appeals that are lodged are successful. This shows that administrative decisions which are manifestly unlawful can be removed from administrative practice by means of an appeal initiated by a public authority. This increases the rule of law of administration and creates legal certainty. Against this background, the limitation of the right of appeal set out in the draft Act should be considered critically. In particular, in view of the weakening of building protection set out in the draft and the shift in decision-making from the system of planning and, consequently, from the right of appeal against planning, it would be justified to maintain the broadest possible right of appeal for the heritage authorities.

The Supreme Administrative Court considered that the appeal court is one of the key elements of the administrative process and ensures the realisation of divergent social interests as part of the judicial review of the administration. According to the Parliamentary Ombudsman, in the further preparation of the draft, the Ministry shall pay particular attention to the provisions on the limitation of the right of appeal in relation to the provisions laid down in the Constitution of Finland on the right to participate and fundamental environmental rights (section 2, subsection 2; section 14, subsection 4; and section 20 of the Constitution), legal protection (section 21 of the Constitution) and the obligations under the Aarhus Convention. The Ministry of Justice is of the opinion that the proposed changes to the right of appeal – as they reduce the opportunities to influence – should be reflected upon in more detail in relation to the objectives of the Constitution.

As a result of the feedback from consultation, no changes were made to the right of appeal.

Section 179 Right of appeal against a building permit

Many municipalities and ELY Centres objected to the limitation of the right of appeal. The City of Espoo, for example, considered that the limitation of the right of appeal in protected areas is not a desirable development for either sustainable development or for the preservation of cultural heritage. The Supreme Administrative Court said that the draft proposal should have contained further justification in so far as the right of appeal of the Finnish Heritage Agency against building permits for new construction has been revoked in situations where the building permit requires the demolition of a building of high value to be further defined in the provision. With regard to the right of appeal of the Finnish Heritage Agency, the Supreme Administrative Court also referred to section 182 on the right to appeal against a demolition permit, the current subsection 2 of which corresponds to the current section 179, subsection 2 described above.

The City of Turku, among others, considered that the removal of the Finnish Heritage Agency's right of appeal in respect of buildings classified as being of local importance is very problematic. The grading of heritage sites is not based on the assumption that buildings classified as locally significant are less significant than those classified as of municipal, regional or national importance. They are very important locally, as part of the identity of the area. Most of the buildings protected by municipal local detailed plans have been identified as being of local importance, so this issue affects a significant part of our land's building heritage. The right of appeal of the Finnish Heritage Agency must also cover those buildings of cultural and historical value which, for any reason, have not been protected either by planning or by special legislation. The proposed wording does not cover these buildings. In addition, care for and preservation of the built cultural and historical environment and building heritage requires the inventory, grading and change management of areas formed from a number of municipalities. The Finnish Heritage Agency should retain the right to appeal against building, modification and demolition permits for all culturally and historically valuable sites.

Senate Properties, among others, supported changes to the right of appeal, as they clarify the law and streamline construction and permitting processes. Amendments to the right of appeal were also supported by the residential letting company Espoon asunnot, among others. In the view of the Federation of Finnish Enterprises, the limitation of the right to appeal has the effect of speeding up investment processes. The Finnish student housing association SOA and the Finnish Wind Power Association saw the limitation of the right of appeal as a positive way to speed up the permit-granting process.

Section 181 Right of appeal against an implementation permit and section 182 Right of appeal against a demolition permit

Some consultees criticised the limitation of the right of appeal. The City of Espoo, for example, considered that the limitation of the right of appeal in protected areas is not a desirable development for either sustainable development or for the preservation of cultural heritage. The City of Turku, among others, argued that the Finnish Heritage Agency should

retain the right of appeal against permits to build, modify and demolish all culturally and historically valuable sites.

Section 183 Right of appeal against a landscape work permit

According to the Ministry of Justice, the draft proposal does not specify the impact of the proposed new section 183, subsection 2, on section 183, subsection 1. On the basis of its wording, the new subsection 2 would appear to limit significantly the right of appeal of the parties covered by the right of appeal under subsection 1. For example, in the future, a member of a municipality would not have the right to appeal against a landscape work permit which implements a final local detailed plan or local master plan.

The Central Union of Agricultural Producers and Forest Owners MTK considered it important to further limit the right of appeal against a landscape work permit in an area covered by a local master plan. In MTK's view, the limitation of the right of appeal could be carried out in a clear and unambiguous manner by limiting the first paragraph under subsection 1, section 183 to cover only the local detailed plan, that is to say, the right of appeal against a landscape work permit would be restricted to the owners and holders of the properties or other sites located adjacent to or opposite the asset in question. In that case, in the area covered by the local master plan, the right of appeal would be based on the second paragraph under subsection 1, section 183 of the Act, and thus the right of appeal would be enjoyed by a party whose right, obligation or interest is directly affected by the decision, meaning that there would probably be clearer grounds and justifications for an appeal.

6.4 Comments related to impact assessments

The Parliamentary Ombudsman noted that the Museums Act (314/2019) requires museums with regional responsibility to develop and promote the cultural environment and stated that the impact of the proposal on the statutory duty of the Finnish Heritage Agency to promote and develop the cultural environment and the built environment in particular should be examined, taking into account the objectives of the framework Faro Convention, which entered into force in Finland in 2017, to strengthen the link between cultural heritage, quality of life, identity and sustainable development in society.

6.5 Separate questions

What do you expect the economic impacts of the proposed changes will be for your organisation?

Developers and industry saw a smoother construction process and reduced administrative burden as having a positive economic impact. In contrast, the municipalities estimated that the proposals would increase their costs, increase permit fees by up to 30–45 %, shift the focus of control from anticipation to supervision during construction work, and slow down the availability of inspections. Post-construction control would lead to increased costs for all parties involved. The number of negative decisions is also expected to increase. The demolition of unauthorised buildings and the coercion measures preceding this increase the workload. The availability of human resources is also an issue.

The information modelling requirements of the Construction Act must be mandatory in order to improve the productivity and efficiency of the construction sector.

Energy companies foresaw significant negative economic effects not only on energy companies but also on the wider vitality of cities as a result of the proposed redirection towards property-specific heating solutions. There is a desire for competitive neutrality that does not distort the markets in the case of two forms of heating with the same level of emissions. For district heating and cooling, it was hoped that the emissions database be updated to reflect their actual emission trends. The impact of this on the district heating sector as a whole would amount to millions of euro per year, as a rough estimate, depending on the volume of new construction. The loss of sales in the district heating sector over the life cycle of the buildings would amount to hundreds of millions.

Some consultees considered there to be a risk if Finland falls behind the sustainability profile. It was hoped that the changes would contribute positively to the climate impact of construction. A more extensive climate report increases costs and time use, but is a necessary part of the project's design phase. Regular reporting of the carbon handprint to the greatest extent possible would provide a strong incentive to develop new, carbon sequestration and environmental remediation innovations in construction. UPM and the timber products industry saw the inclusion of the carbon handprint and carbon footprint in the Construction Act as creating more economic opportunities for forest-based industries and timber construction. The carbon handprint would increase sales of products related to timber construction and, in the medium term, improve their export potential through references received in the domestic market.

The municipalities also considered it a problem that the number of buildings at building sites would only be limited through land use planning, as this increases their costs and is slow. In addition, waterfront areas for which local development plans are being prepared might be subject to a ban on construction during the preparation of the plans, which would prevent any kind of construction in the areas concerned, maybe for years.

The ELY Centres estimated that the reduction in the right of appeal may lead to an increase in the number of buildings proposed to be covered by a protection order.

Comments on section 156b of the Environmental Protection Act

Some of the consultees consider the proposed amendment to be justified and to provide clarification. Several opinions pointed out that renovation and renewal of wastewater systems should be subject to building permits. Aspects such as environmental protection, equality, uniform procedure, municipal building ordinances and operating and maintenance instructions were also raised. As regards the impact of the amendment, the resources of the authorities, pre- and post-construction controls and the application of the groundwater pollution ban in the Environmental Protection Act were highlighted. As a result of the feedback from the consultation, the explanatory memorandum for section 156b of the Environmental Protection Act has been revised as regards the instructions for the use and maintenance of the building.

7 Detailed explanation of the specific provisions

7.1 Construction Act

Section 17. *Municipal building ordinance* Since the adoption of the Construction Act, the relationship between section 17 on the municipal building ordinance and section 42 on the limit for the requirement for a building permit has caused confusion. According to the feedback from consultation, section 17, subsections 2 and 3, on the municipal building ordinance is incompatible with section 42 of the Construction Act. It is therefore necessary to amend these.

The municipality cannot, under the municipal building ordinance, impose a stricter permit threshold for the purposes of section 42, subsection 1, of the Construction Act, even if it considers that the construction project would have a more than minor impact on land use, townscape, landscape, cultural heritage or environmental aspects; construction would require regulatory control to ensure that essential technical requirements are met; or building control would be required to monitor construction at the site in the public interest.

In the situations referred to in section 42, subsection 2, of the Construction Act, the municipality may decide, under its municipal building ordinance, what kind of construction does not require a permit. The municipal building ordinance can be used to provide for e.g. the construction of a jetty, breakwater or fence; the alteration of the external colouring of the façade or roof of a building; the installation of an air heat pump, solar thermal collector or solar panel; the installation of a sign, awning or balcony glazing on the façade of a building; the division or combination of apartments; the berthing of a caravan or boat, or the location of a new ski lift in areas already set earmarked for sports or similar activities in spatial planning.

For example, the municipal building ordinance may stipulate that a single-dwelling holiday home of not more than two storeys and with a floor area of up to 150 square metres may be built on a holiday home site. In contrast, the municipal building ordinance cannot be used e.g. to limit the number of non-residential buildings such as farm buildings, or to stipulate that such a building must be at least 30 square metres, making it subject to authorisation. For example, it would be appropriate to lay down limits on the size and number of non-residential buildings such as farm buildings by means of planning rather than under the municipal building ordinance.

A reference to section 42, subsection 1, of the Construction Act would be added to section 17, subsection 2, of the Construction Act. Although, in principle, sections should make reference only to earlier sections, in this case it is necessary, for the sake of clarity, to identify a section appearing later in the Act in order to maintain the logical order of chapters in the Act. The municipal building ordinance could be used only to issue regulations that are based on local conditions and take into account planned and appropriate construction, cultural and ecological values and the establishment and maintenance of a good living environment, and which do not alter the construction permit threshold laid down in section 42, subsection 1.

Section 17, subsection 3 of the Construction Act would be amended in such a way that the provisions of the municipal building ordinance may cover construction subject to a permit in respect of the site of the construction works, the size of the building and its location and the adaptation of the building to its surroundings. In the case of construction that does not require a permit, the provisions of the municipal building ordinance may cover, inter alia, the method of construction, planting, fences, management of the built environment and management of

water resources. The provisions of the municipal building ordinance may cover both the construction of a new building and the renovation and alteration of buildings. Of course, the provisions could cover extensions and the addition of space included in floor area, as these works are also construction.

The provisions of the municipal building ordinance could also lay down the distance of construction works from the boundaries to neighbouring properties in relation to fire safety. This provision would cover e.g. covers over barbecue areas and car ports, which could be required to be located at a distance of e.g. four metres from the boundaries to neighbouring properties. For example, in the case of buildings considered to be exposed to fire, such as smoke saunas, a distance of 16 metres from the boundaries to neighbouring properties should be observed.

Section 38 *Low-carbon building*s. *Subsection 1* of this section proposes to lay down a new essential technical requirement for construction, according to which the entity undertaking a construction project should ensure that the building is designed and constructed as a low-carbon building in accordance with its intended use. For example, a low-carbon building would mean a building with a small life cycle carbon footprint that would be below any carbon footprint limit value set for the building. In addition, an essential feature of a low-carbon building would be the carbon handprint of the building, i.e. measures to increase the potential climate benefits through design and construction. The essential technical requirement for low-carbon buildings would apply only to new buildings. The requirements would not apply to other construction works. Buildings and construction works, carbon footprint and carbon handprint and the life cycle of buildings are further defined in section 2 of the Construction Act.

According to the proposal, the party undertaking a construction project would be responsible for ensuring that a climate report is drawn up. 'The party undertaking a construction project,' refers to the person or entity whose name appears on the applications for various permits, in practice, in most cases the site developer or client. If the party undertaking a construction project does not have sufficient expertise to prepare the climate report, they may engage the services of a qualified expert. It is important for anyone entering into a construction project to take into account that low-carbon assessment and guidance require building technology understanding and knowledge of the use of construction materials and the life-cycle characteristics of products. The assessment also requires knowledge of life-cycle calculation methods and standards.

Subsection 1 would be amended so that the carbon footprint and carbon handprint of the building and the construction site should be reported in the climate report that is to be prepared for the final inspection under section 122. At the same time, the requirement to submit a climate report when applying for a building permit would be abolished. The preparation of a climate report only after completion of the project would be justified for the reason that by the time of the final inspection, accurate information on the quantities and quality of materials used in the building and on the carbon footprint of the products used in the project will be available. The proposed amendment would remove the uncertainties related to the low-carbon assessment at the building permit stage, the need for detailed information and the need to update the report. Despite the proposed change, the importance of design in low-carbon construction is accentuated, as the design phase is the most effective in influencing the low-carbon nature and costs of the project. It is recommended to use a low-carbon assessment methodology to support the design. Similarly, the drawing-up of a list of construction products

at the level of general arrangement drawings as part of the building permit application supports the low-carbon design of the building.

In accordance with *subsection 1*, the climate report should also report the carbon footprint and handprint of the construction site. However, the limit values would not include the carbon footprint of the construction site, as the party undertaking a construction project, it not able to directly influence the conditions under which the plot of land is formed. Information on the carbon footprint and handprint of a building site would create new opportunities for taking into account the climate impact of construction, including in land use planning. The carbon footprint and the carbon handprint would be reported separately in the climate report, as the limit values would only apply to the carbon footprint. The carbon handprint must not be deducted from the carbon footprint.

Subsection 1 would be amended to further differentiate between the new buildings that would be subject to the climate report obligation. The climate report should be prepared for the following new buildings:

(1) terraced houses;

(2) apartment blocks;

(3) office buildings, health centres;

(4) commercial buildings, department stores, shopping centres, wholesale and retail trade buildings, market halls, theatres, opera, concert and conference buildings, cinemas, libraries, archives, museums, art galleries, exhibition venues;

(5) tourist accommodation buildings, hotels, residential homes, senior housing, residential care homes, medical care institutions;

(6) educational buildings and kindergartens;

(7) sports halls;

(8) hospitals; and

(9) storage buildings, transport buildings, swimming pools and ice rinks with a net heated area of more than 1 000 square metres.

It is proposed to reduce the number of buildings covered by the climate report obligation from the level set out in the Construction Act and in the Government proposal (HE 139/2022). A significant change compared with the Construction Act would be to waive the obligation to prepare a climate report for detached single-family houses and buildings undergoing major renovation. ‘Detached single-family house’ would mean a small residential building in the intended use categories 1a–1c in accordance with section 4 of the Decree on the energy performance of new buildings: detached houses and link-detached houses. Detached houses are considered to be: residential houses of 1–2 dwellings, semi-detached houses and separate residential buildings comparable to detached houses. However, a climate report could continue to be prepared for detached houses on a voluntary basis, using the low carbon assessment methodology. The method is also suitable for voluntary use in major renovations.

The justification for the proposed limitation of the scope is the E-values laid down in section 4 of the Decree on the energy performance of new buildings: buildings, with the exception of detached houses for which an E-value limit has been set, should also be subject to a climate report. By way of derogation from this general rule, it is proposed to include some buildings that are subject to the obligation to draw up an energy report but not subject to E-value limits. These are the buildings included in category 9 under section 4 of the Decree on the energy performance of new buildings. The expansion of scope is intended to take into account the carbon footprint calculation obligation included in the amendment to the Directive on the energy performance of buildings (EPBD), which will initially apply to all buildings larger than 1 000 square metres, such as storage buildings, transport buildings, swimming pools and ice rinks. At the same time, buildings with a large carbon footprint would be included in the sphere of control of low-carbon limit values and it would be possible to gain valuable information on the typical carbon footprints of these buildings.

According to the proposal, the climate report should be prepared for new storage buildings, transport buildings, swimming pools or ice rinks with a net heated area of more than 1 000 square metres. In the case of new storage buildings, transport buildings, swimming pools or ice rinks with a net heated area of less than 1 000 square metres, a climate report would not need to be prepared, nor would these buildings be subject to a limit value requirement. Transport buildings would mean, inter alia, buildings intended for use in the transport and haulage sectors. Category 9 under section 4 of the Decree on the energy performance of new buildings (1010/2017) explicitly mentions convenience goods trade units of less than 2 000 square metres. A convenience goods store would be included under wholesale and retail trade buildings (category 4), and would therefore be subject to a climate report and a list of construction products, even if it is below the threshold of 1 000 square metres. According to the proposal, other new buildings in the same category 9 would be excluded from the scope of the climate report obligation, meaning that, for example, portable buildings would not be required to have a climate report. A portable building would mean a movable building for temporary use, as provided for in section 2, paragraph 23, of the Decree on the energy performance of new buildings. This would include, for example, barracks and construction site cabins. The limit of 1 000 square metres for category 9 in the proposal would be in line with the limit laid down in the recast EPBD for the obligation to calculate the carbon footprint. The amendments to the EPBD for new buildings are set out in more detail in section 2.1 above as part of the assessment of the current situation.

At the same time, it is proposed to change *subsection 2* to specify that the obligation to draw up a climate report would not apply to renovations and alterations, the addition of space included in floor area or to the extension of buildings. Buildings that are subject to a climate report would be listed directly in subsection 1 of the section. In principle, the obligation to draw up a climate report would not apply to other buildings, such as buildings which, according to section 37 of the Construction Act, are not required to be designed and constructed as nearly zero-energy buildings.

In accordance with *subsection 2,* the assessment of the carbon footprint and carbon handprint should cover the life cycle of a building. The carbon footprint would be affected by, for example, the manufacture of construction products, the replacement of construction products, the treatment and disposal of construction and demolition waste, transport of construction products and construction and demolition waste, energy consumed at the construction site, organic and fossil greenhouse gas emissions and CO2 removals from energy consumed during the assessment period covering the use of the building. The carbon handprint assessment, in turn, would mainly include climate benefits related to construction materials, calculation rules

for the assessment of which exist in EN standards, including: net benefits from the reuse or recycling of construction products (according to EN 15804); organic carbon pools of harvested wood products from sustainably managed forests or long-lived technical carbon pools made from industrially captured carbon dioxide (according to EN 16449 and ISO 14067); and carbonation of cement-based products (according to EN 16757). In addition, surplus renewable energy produced in a building could be counted as part of the carbon handprint if it could be used to avoid higher emissions from energy from the grid. The assessment would only include beneficial climate impacts that would not occur without the construction project. For example, the carbon handprint of a building could not be increased by purchasing carbon offsets on the market. Moreover, better than average energy efficiency solutions would not increase the carbon handprint of the project. The carbon footprint shall be reported separately from the handprint, excluding the carbon handprint components and not deducting these from the carbon footprint. The scope of the carbon handprint reporting is to be further specified in a Decree of the Ministry of the Environment on the climate report for buildings.

According to *subsection 2,* assessment shall use the low-carbon assessment methodology for buildings, which would be laid down in more detail in a decree of the Ministry of the Environment. The requirement to use the low-carbon assessment methodology for buildings would ensure that the assessment is reliable and consistent, that the results are as comparable as possible and that the assessment methodology would be freely available and accessible to the different actors in the industry.

The low-carbon assessment methodology would be based on the Level(s) common EU methodology as well as European standards for sustainable construction such as EN 15643 series, EN 15978 and EN 15804. Standard EN 15643-2 defines life cycle stages, most of which would also be included in the low-carbon assessment methodology for buildings. Naturally, the low-carbon assessment methodology should meet the framework conditions and direct requirements of the recast Directive on the energy performance of buildings (EPBD), which have been further elaborated on as part of the assessment of the current situation in section 2.1. The low-carbon assessment of new buildings would include the manufacture of construction products, their transport to the construction site and site operations, the energy consumption of the finished building and the replacement of construction products during the assessment period, and, in due course, demolition, transport and handling of demolition materials. The demolition and waste treatment of an old building or structure that might be demolished to make way for the new building would also be included in the assessment of the construction site, together with its adverse effects on the climate and possible benefits.

According to *subsection 2,* the assessment must use data from the national emissions database or other environmental performance data in accordance with the assessment methodology. This would be important to ensure the reliability and consistency of the assessment. The use of the national emissions database would also ensure that the emission data used for the calculation are freely available to the various operators in the sector. According to section 15 of the Construction Act, the Finnish Environment Institute must maintain a national emissions database, which must contain the general carbon footprint and handprint data necessary to assess the low-carbon performance of buildings and construction sites. According to the proposal, in addition to the data from the National Emissions Database, other environmental characteristics data in accordance with the assessment methodology could be used for the assessment. Such information should be considered to be the technical environmental characteristics of a construction product determined using a generally accepted uniform methodology. For example, the Environmental Product Declaration (EPD) in accordance with

EN 15804+A2 could be used as manufacturer-specific information. The information to be reported on the basis of the EU Construction Products Regulation (305/2011/EU) and its possible revisions, in particular, could be used for the future integration of the carbon footprint into harmonised product standards as a new notifiable construction product characteristic. Such product-specific information from the manufacturer should be considered reliable and appropriate, as it is based on a life cycle analysis, a standardised methodology and provides comparable information on the environmental impacts of the manufactured product or product group, such as the carbon footprint. The proposal would not introduce a geographical demarcation for the origin of the standards, such as the European Economic Area and Turkey, as it is also intended to allow the use of product-specific environmental declarations based, for example, on ISO 21930.

According to *subsection 3,* the low-carbon assessment should cover separately the new and recoverable building elements and technical elements contained in the building and the building site. According to the proposal, the material specification provided for in section 39 of the Construction Act would be replaced by a list of construction products, which would be moved to become part of section 38 on low-carbon buildings. In addition to the complete abolition of the material specification laid down in section 39 of the Construction Act, it is also proposed to reduce the scope and content of the list from the level set out in the current law and in the Government proposal (HE 139/2022). According to the proposal, the obligation to establish a list of construction products would be limited to new buildings that are subject to the climate report requirement in accordance with *subsection 1.* The limitation of the scope of the climate study has been discussed above.

In *subsection 3* it is proposed to add that the party undertaking a construction project should ensure that, for a building referred to in *subsection 1* above, a list of construction products of at least the level of general arrangement drawings be drawn up at the building permit stage and this should also be updated to take into account any key changes for the final inspection of the building. A list of construction products should be established if a climate report is required for the building. The list of construction products should contain information at the level of general arrangement drawings on the construction products contained in the substructure and superstructure elements used in the building and on the construction site. At the final inspection stage, the updated list of construction products should also include quantitative information on re-used and otherwise surplus construction products, as well as on recycled materials used to manufacture building elements included in the list of construction products. The list would be a prerequisite for a building permit, so the building control authority would be required to verify that it has drawn up in an appropriate manner. If the party undertaking a construction project does not have sufficient expertise to draw up the list of construction products, an external expert could be authorised to do so.

In contrast to the climate report, the list of construction products should be provided already when applying for a building permit for the specific reason that, in exceptional circumstances, the list of construction products could be used to secure essential construction in accordance with the Emergency Powers Act (155/2011), in particular with regard to the authorisation to purchase construction products. The assessment at the permit stage also supports the low-carbon design of the building. The Decree of the Ministry of the Environment (216/2015) on the preparation of plans and reports concerning construction lays down the content of plans at the level of general arrangement drawings. In accordance with that decree, it is possible to obtain the majority of the data relating to the products from the general arrangement drawings, provided that the drawings are based on a building permit stage model created with the most commonly used building information modelling (BIM) software. Other sources of information

include the documents required for a building permit, for example, information from the building's energy performance report. The Ministry of the Environment has also issued guidelines on construction plans and reports to be attached to the permit application (YM3/601/2015).

According to the proposal, the list of construction products should be updated for key changes during construction for the final inspection of the building. Key changes could be caused, for example, by changes in the quantities of construction products in the procurement phase or at the construction site. Updating the list of construction products would allow for more accurate access to information on the products used in the building, thus contributing to the reuse of building elements and the recycling of construction materials. The list of construction products would also support the demonstration of product fitness after completion of the project and possibly also the operation and maintenance of the building during use. The list would also support the verification of compliance with the low-carbon limit value at the final inspection stage as it would act as a list of input data. Verification that the list of construction products has been updated in an appropriate manner could be ensured, pursuant to section 118 of the Construction Act, by the responsible person for the construction stage as agreed in the building permit or at the kick-off meeting being required to make a note in the summary part of the construction work inspection document that the construction work corresponds to the list of construction products.

According to section 122 of the Construction Act, a building or part of a building may not be put into service until it has been approved for use by the building control authority for use in the final inspection. This proposal also intends to amend section 122 of the Act with regard to the final inspection, adding as a new paragraph that the final inspection could be submitted once the party embarking on the construction project has informed the building control authority that the list of construction products in accordance with section 38 for the building has been updated.

It is proposed to add to *subsection 4* the power to issue decrees on the list of construction products, as the power to issue decrees on the material specification would be removed from section 39 of the Act. According to the proposal, further provisions could be issued by decree of the Ministry of the Environment on the methodology for assessing the low-carbon performance of a building, the data to be used for the assessment and the reporting of the input data and results of the assessment, as well as on the preparation and updating of the climate report and the list of construction products. The list of construction products is to be further regulated in the same decree of the Ministry of the Environment that provides for the climate report and low-carbon assessment of the building.

Section 38a. *Carbon footprint limit value.* The section would lay down carbon footprint limit values for new buildings. The proposal proposes that for reasons of clarity, the carbon footprint limit values for new buildings should be separated into a new section 38a. Regulatory policy based on limit values would primarily concern the construction of new buildings, given the significant amount of emissions at the beginning of a building's life cycle and the importance of immediate reductions of emissions to combat climate change.

According to *subsection 1,* the carbon footprint of a building should not exceed the limit value laid down for each intended use category of buildings in accordance with section 38, subsection 1, paragraphs 1–9. The proposal is based essentially on the same principles as set out in the Government proposal to Parliament for a Construction Act and related acts (HE 139/2022). The starting point for defining the scope of the limit values under the proposal

would continue to be the E-value limits laid down in the Decree of the Ministry of the Environment on the energy performance of new buildings (1010/2017): for buildings, with the exception of detached houses (paragraphs 1a–1c) for which a limit for E-value (paragraphs 1d-8) is laid down in section 4 of the Decree, carbon footprint limit values would also be laid down for each intended use category. However, it is proposed to also include, where applicable, the buildings covered by paragraph 9 in the scope of the limit value guidance. Such buildings would include new storage buildings, transport building, swimming pools and ice rinks with a net heated area of more than 1 000 square metres. However, if a new building falling under paragraph 9, such as a warehouse or an ice rink, were to have an area of less than 1 000 square metres, it would not be subject to a limit value as proposed. In contrast, no limit values are proposed for other buildings falling under section 4, paragraph 9, of the Decree of the Ministry of the Environment on the energy performance of new buildings, such as portable buildings. The proposed limit of 1 000 square metres for paragraph 9 would be in line with the limit set out in the recast EPBD for the obligation to calculate the carbon footprint. Convenience goods stores would count as retail trade buildings (paragraph 4) and would therefore be subject to the limit value, regardless of whether it exceeds or falls below a net heated floor area of 1 000 square metres. The amendments to the recast EPBD are presented above as part of the assessment of the current situation in section 2.1.

Further provisions on limit values would be laid down by Government decree. Compliance with the limit value shall be demonstrated not later than by means of the climate report to be prepared for the final inspection in accordance with section 122. It would be the responsibility of the building control authority to verify that the building's carbon footprint is below the limit value calculated for the building. At the same time it should be ensured that any deviations during implementation have received permission or approval from the municipality. Any deviations must be recorded in the summary part of the inspection document.

At the same time, it is proposed that *subsection 2* be specified to stipulate that the carbon footprint limit value would not apply to renovations and alterations, the addition of space included in floor area or to the extension of buildings.

Section 117, subsection 1 of the Construction Act provides for deviations from the plan during construction work. During the construction work, the building inspector or any other official performing the duties of a building inspector appointed by the municipality may give consent to deviate from the plans approved in the permit decision if, taking into account the nature of the permit and the provisions relating to the assessment of permits, the deviation does not constitute a substantial modification of the permit and does not affect the position of neighbours. Minor deviations could, for example, be minor exceedances of the limit value due to changes on a case-by-case basis to the plans for the construction project that are difficult to foresee. Such minor deviations could be caused, for example, by unexpected changes in the procurement of construction products. If, in accordance with section 117, subsection 2, of the Act, a deviation from the plans approved in the permit decision, taking into account its nature and the provisions on the assessment of permits, constitutes a substantial modification of the permit or affects the position of neighbours, a building permit must be applied for by law to the building control authority. In contrast, section 59 of the Construction Act provides for a minor deviation from the permit in connection with the building permit and final inspection and section 57 provides for the derogation permit.

The carbon footprint limit value must be taken into account already at the beginning of the design of the building, as the design phase is when the most significant solutions for the low

carbon content of the project are determined, and the merely affirmative carbon footprint calculation at the final stage does not necessarily guarantee that the requirement is met. Compliance with the limit value must be ensured as the design and construction work progresses, so that the final outcome satisfies the stipulated requirement. The prevailing practice for construction projects where the entity applying for a building permit has set voluntary carbon footprint targets is to take them into account from the early stages of the design work, and the calculation is then specified as construction and specific design progresses. The explicit purpose and objective of limit values is to steer design and implementation solutions towards low-carbon construction and buildings.

A way of ensuring that construction projects comply with limit values is to nominate, under section 118 of the Construction Act, the responsible person for the construction phase, such as the responsible construction project manager or other professional, agreed in the building permit or at the kick-off meeting, to record in the summary section of the construction inspection report that the construction work conforms to the limit value stated in the climate report and set for the type of building. A justified remark must be entered in the inspection document if the construction work deviates from the regulations on construction.

Subsection 2 would lay down the principles determining the adoption of limit values. In setting limit values, it is important that the limits are feasible in construction without causing excessive economic or other difficulties, that the provisions on limit values treat the different operators in the different construction situations in a sufficiently equal manner, and that the setting of limit values achieves the desired emission reductions. For clarification purposes, it would be added that the limit values would not include the carbon footprint of the construction site due in part to the above-mentioned matters. At the same time, for information the subsection would highlight the basic principle of life-cycle assessments that the carbon handprint of a building or building site should not be deducted from the carbon footprint. The principle would continue to be that the carbon footprint limit values of a building should be based on energy and material consumption during the calculated life cycle of the building.

At the same time, it is proposed to add a basic provision to the section relating to the power to issue decrees, according to which the setting of limit values could take into account specific situations in which compliance with limit values would be particularly challenging due to the characteristics of the building, its intended use or location, or the technical and functional implementation of the essential technical requirements laid down in section 29 of this Act. For example, the addition would make it possible to take into account specific situations where there would be a need to differ from the limit value on the basis of both the intended use category of the building and its other characteristics, such as higher height than usual, location in a high noise area, design or façade requirements in the local detailed plan, adaptability or portability. In some cases, for example, fire safety could require the use of additional material or additional systems. These can entail significant embedded emissions for buildings of certain types and heights.

Section 39. *Life cycle characteristics of buildings. Subsection 2* would be amended to remove the obligation to draw up a material specification. The material specification would be replaced entirely by a list of construction products, further provisions on which would be laid down in section 38 of the Act on low-carbon buildings. Under the proposal, the scope of the obligation to establish the list of construction products replacing the material specification and the content requirements for the list are reduced from that provided for in the Construction Act and set out in the Government proposal (HE 139/2022). The proposal would remove the obligation to list in detail the materials contained in the building elements in a separate

material specification. The obligation to draw up a list of construction products would be limited to buildings for which a climate report has to be drawn up in accordance with section 38 of the Act. It is proposed to abolish the obligation to produce a climate report for detached single-family houses and all buildings undergoing major renovation, meaning that these would therefore not be required to have a list of construction products in the future. The content of the list of construction products would be laid down at least at the level of general arrangement drawings, which would mean that it would have to be based on the documents for the building permits. Of course, other data could also still be used. For example, information from the building's energy performance report and the national emissions database can be used. More details on the list of construction products, how it should be drawn up and updated are provided in the detailed explanation of the provisions in section 38. It is proposed that the power to issue decrees that is included in this section would be transferred to section 38.

Section 42. *Building permit Subsection 1,* paragraph 4, would be clarified as regards temporary event structures. In the course of the preparation of the Construction Act, audience structures were thought to mean fixed, stationary spectator stands such as baseball stadium fixed stands. During the preparation of the regulation, audience structures were not envisaged to refer to the installation of temporary performance stages and tents associated with events. It is not appropriate to impose a building permit requirement on such structures. The addition would ensure that a building permit would not be required for an event structure to be erected for an individual event that is in operation for a period of up to two months. For example, a building permit would not be required for the installation of a performance stage for artists on tour or a circus tent, and the associated spectator seating.

Section 43a. *Clean transition location permit.* The Government programme of Prime Minister Orpo contains the following entries: "The Government will reform the appeal practices concerning planning, construction and environmental permit processes so that a matter can be appealed to the administrative court only once".

"One way the Government will make it easier to invest in Finland is through industrial parks. An industrial park is an area zoned and planned for activities related to industry and industrial operations and constructed for purposes other than wind power. The Government will take measures to promote the construction of industrial parks, the development of existing industrial parks and the renewal and expansion of industrial operations in the area with a lighter permit procedure, while still taking into account environmental impacts. The Government will also clarify the permit procedures with respect to permit processes for industrial change projects and permit updates. The Government will explore the opportunities to introduce environmental impact quotas specific to industrial parks and to adopt advance permit procedures.".

"Streamlined and predictable investment permit procedures will be a key competitive advantage for Finland. At the same time, biodiversity, environmental considerations, the social acceptability of projects and protection of people's property will be taken into account. Smooth permit procedures are prerequisites for attracting investments and especially for transitioning to a clean economy. With this in mind, the Government will prioritise key reforms in this area and bring them into force no later than during 2024 through strong cross-administrative coordination".

The Land Use and Building Act has identified a number of specific situations in which construction can be facilitated, such as the use of the local master plan to build wind power and the possibility of regional deviations. In practice, issues relating to planning and permits are appealed to the Administrative Court separately from each other.

A clean transition location permit could contribute to the implementation of the entries in the government programme. For example, a location permit for a clean transition industrial project could be applied for e.g. for processing industry clean energy transition investments, but not for wind power. The construction of wind power is governed by section 52 of the Construction Act.

Section 43 of the Construction Act includes the possibility of applying separately for a location permit linked to the Act on the Harmonisation of Certain Environmental Permit Processes (764/2019) and the Act on the Environmental Impact Assessment Procedure (252/2017). On the basis of the location permit, a separate clean transition location permit would be created, which would allow the spatial planning review of the clean transition establishment to be carried out in a streamlined way, without a local detailed plan or local master plan providing for its use as a basis for the grant of a building permit. While the location permit could be dealt with at the same time as some of the permits subject to the Act on the Harmonisation of Certain Environmental Permit Processes, the clean transition location permit could also be used as an instrument outside of the Act. However, unlike the one-stop shop, the clean transition location permit would always be decided by the municipality. A clean transition location permit would not be a preliminary permit in relation to the Environmental Protection Act (527/2014), and the fulfilment of the conditions of both permits would be determined independently.

The definition of a clean transition industrial project could only cover a limited number of construction projects. *Subsection 2* would set out an exhaustive list of projects that could be covered by a clean transition location permit. Paragraphs 1 to 5 of the list would correspond to the list under section 2a of the Act on the Provisional Amendment to the Act on the Handling of Environmental Protection and Water Management Issues in the Regional State Administrative Agencies (1144/2022), with the exception of wind power and solar power.

An EU legal act to be implemented would be added to the list. The definition of a clean transition industrial project would include the construction of a clean transition industrial project for areas under Articles 8a and 8b of the EU Regulation establishing a framework of measures for strengthening Europe’s net-zero technology products manufacturing ecosystem (Net Zero Industry Act).

A clean transition location permit would include a provision under section 54 of the Spatial Planning Act according to which no significant deterioration shall be caused to the quality of the living environment of any person that is not justified by the purpose of the clean energy transition. Furthermore, the clean energy transition location permit should not impose on the landowner or other title holder a disproportionate restriction or disadvantage that can be avoided without overriding the objectives or requirements of the location permit.

The effects of the clean transition location permit should also be assessed in the same way as the effects of the local detailed plan are assessed in accordance with section 9, subsection 2, of the Spatial Planning Act. The assessment would cover the environmental impact of the implementation of the plan and of the alternatives studied, including the economic, social, cultural and other impacts. The assessment shall cover the entire area where the clean

transition location permit can be estimated to have a material impact. A clean transition industrial project would be required to comply with all the effects of the EIA Directive[18].

The grant of a building permit is a matter of judicial discretion. In accordance with section 43 of the Construction Act, the building permit consists of an evaluation of the conditions relating to spatial planning, i.e. location, and the conditions relating to essential technical requirements, i.e. implementation. The grant of a building permit is conditional on a clean transition location permit as well as an examination of the conditions for implementation, which can only be carried out after the decision on the clean transition location permit.

Section 43b. *Grant of a building permit prior to plot division and the parcelling of plots*. According to section 5 of the Act on Experimentation involving Streamlined Construction and Planning Regulations (1257/2010, a building permit may be granted in areas covered by a local detailed plan in Helsinki, Vantaa and Turku before land division and the parcelling of plots. In such cases, the building permit should stipulate that the building may not be put into service until the plot has been registered in the land register. The Experimentation Act has been in force since 1 January 2011. The trial has shown that this has made it possible to simplify and speed up the building permit process. There has not been a need for a deviation decision before the building permit when land division and the parcelling of plots has not yet taken place. In the light of the good experience of the Experimentation Act, it is proposed to introduce the practice as a permanent practice and extend it to the whole of Finland.

Section 46a. *Conditions for a clean transition location permit.* As regards paragraphs 1 to 9, the conditions for a clean transition location permit are based on the conditions for location outside a local detailed plan area under section 45 of the Construction Act. Paragraph 10 would correspond to section 46, subsection 1, paragraph 3, of the Construction Act. In addition, in accordance with the conditions for a location permit in a local detailed plan area laid down in section 44 of the Construction Act, it would be stipulated that, if the construction requires the demolition of a building, the grant of a building permit would also be subject to the requirements laid down in section 56 of the Construction Act for the demolition of a building.

It is proposed to lay down in the first paragraph of this section that the area of the construction site should be at least 1 000 square metres. The municipality could increase the area requirement from the proposed 1 000 square metres in its own municipal building ordinance.

The second paragraph of the section would stipulate that the construction site should not be at risk of flooding, subsidence or landslides. If these conditions are met, the construction site could continue to be considered fit for purpose, suitable for construction and of sufficient size.

The third paragraph of this section would lay down the minimum distance of the building from the boundaries to neighbouring properties. The provision would express the minimum distance directly in terms of numerical value and would provide as reference for application the buffer zone under section 33 and lateral clearance area under section 45 of the Highways Act (503/2005). The requirement of a distance of four metres from the boundaries to neighbouring properties is based on the requirement for distance between buildings in section 29 of the Decree of the Ministry of the Environment (848/2017) on fire safety of buildings. Said regulation provides that the spread of fire must be limited by structural or other means if the distance between buildings is less than eight metres. In order to avoid neighbours

[18] Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2014/52/EU (EIA Directive).

undertaking construction work in the future having to implement unusual structural solutions to ensure the fire safety of their building, the building that is built first must observe a minimum distance of four metres from the boundaries to neighbouring properties, or the party that first undertakes construction work must proactively ensure fire safety, e.g. by means of a party wall.

The Highways Act (503/2005) was amended in 2018 (572/2018). According to section 44 of the Act, there may be no buildings in the highway buffer zone extending 20 metres from the highway's carriageway or, in the case of multiple carriageways, from the centre line of the most proximate carriageway. For particular reasons, the final engineering plan may indicate for a given road or section of road that the distance shall be shorter than 20 metres or extend the distance to no more than 50 metres, and no more than 300 metres at the site of an emergency landing place and on an extension extending to a distance of 750 metres lengthwise from both ends of the emergency landing place. Under section 45 of the Act, in bends on the highway or where another highway or significant private road connects to the highway or a railway crosses the highway, buildings are prohibited also outside the buffer zone in areas where road safety requires visual clearance be kept free of any impediments.

The Railways Act (110/2007) was also amended in 2018 (998/2018). According to section 37 of the Railways Act, the railway buffer zone extends to a distance of 30 metres from the centre line of the track or, if there are more than one track, the centre line of the outermost track, unless, for a specific reason, the buffer zone is reduced or extended to a maximum of 50 metres in the railway plan. No building, warehouse, fencing or any other structure or installation the operation of which may pose a risk to road or rail traffic safety or to the maintenance of tracks shall be allowed in the buffer zone. The visual clearance of a railway within the meaning of section 38 of the Railways Act includes the area on a level crossing where it is necessary to keep the visual clearance free of obstacles to it for reasons of road safety. No building, warehouse, fencing or any other structure or installation which, by limiting the visual clearance, may present a danger to road safety, may be kept in the lateral clearance area.

The Aviation Act (864/2014) was also amended in 2018 (965/2018). Under section 158 of the Aviation Act, masts, wind power plants, cranes, lights, radio equipment or other facilities, buildings, structures or signs shall not be set up, arranged or directed so that they could be mistaken as facilities or signs serving aviation. In addition, the structures or facilities may not interfere with air navigation facilities or air traffic or constitute any other hazard to flight safety. Permission is required for setting up a facility, building, structure or sign which might cause confusion, interference or hazard, if the obstacle:

(1) extends to a height of more than 10 metres above sea or ground level and is located within a rectangular area around a runway of an aerodrome, light aviation aerodrome or emergency landing site, with the long sides of the rectangle at a distance of 500 metres from the runway centre line and the short sides at a distance of 2 500 metres from runway thresholds;

(2) extends to a height of more than 30 metres above sea or ground level and is located outside the area referred to in paragraph 1, but no farther than 45 kilometres from the reference point of an airport referred to in section 75 of the Aviation Act;

(3) extends to a height of more than 30 metres above sea or ground level and is located outside the area referred to in paragraph 1, but no farther than 12 kilometres from the reference point

of an emergency landing site or an aerodrome other than an airport referred to in section 75 of the Aviation Act;

(4) extends to a height of more than 60 metres above sea or ground level and is located outside the areas referred to in paragraphs 1–3;

(5) penetrates an obstacle limitation surface; or

(6) affects the obstacle clearance altitude/height in operating procedures.

No permission is required for facilities, buildings, structures or signs set up by the aerodrome operator or based on the aerodrome operator's assignment.

According to the fourth paragraph, the construction works must be suitable for the built environment and landscape and meet the requirements of beauty, high-quality architecture or harmoniousness. High-quality architecture would mainly relate to complex, highly complex or exceptionally complex planning tasks.

According to the fifth paragraph, there must be feasible access to the construction site, or the possibility of organising such access. The sixth paragraph provides for the management of water supply, wastewater and surface run-off. A provision according to which the construction of roads or the provision of water supply or sewerage may not entail specific costs for the municipality would be included in the seventh paragraph of the proposed section. In addition, no specific costs should be incurred by the State. The eighth paragraph of the section would stipulate that construction should not be detrimental to the neighbours or hinder construction on a neighbouring property.

It is proposed that the ninth paragraph of the section would stipulate that construction should be suitable from a landscape point of view and should not hinder the preservation of specific values of the natural or cultural environment or the safeguarding of recreational needs. The purpose of this paragraph is not to prevent construction in areas outside the local detailed plan but the aim is that construction related to housing or economic activity should be integrated into their environment. The values relating to the landscape and the natural or cultural environment, as well as the safeguarding of recreational needs, are normally taken into account in the context of local detailed plans, so that this provision of the law is essentially complementary and affirmative.

It is proposed that the tenth paragraph should be subject to the condition that construction would be suitable for the implementation of infrastructure networks and transport routes, road safety and access to services. Key aspects of road safety would be the safeguarding of pedestrian and cycling needs and the connection of private roads and plots to the road network. Accessibility of services would mean the location of public and private services in relation to the location of residential areas. The accessibility of services would be one of the criteria on the basis of which the location conditions for new construction could be considered and the use of areas steered in a manner appropriate to the organisation of services.

The purpose of paragraph 11 is to ensure consideration of the Seveso III Directive,[19] Article 13. It requires Member States to ensure that the objective of preventing major accidents and

[19] Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC Text with EEA relevance

limiting the consequences of such accidents for human health and the environment are taken into account in their land-use policies or other relevant policies. They shall pursue these objectives through controls on, inter alia, the siting of new establishments and new developments in the vicinity of establishments. It is proposed to provide that the siting of establishments manufacturing, treating or storing hazardous chemicals or explosives would be appropriate, taking into account the current and future use of the site environment, as indicated in planning that has legal effect under the Spatial Planning Act, as well as any planning provisions applicable to the site.

A clean transition location permit is not subject to the condition that the project should be located in a location permitted by the local detailed plan or local master plan. In addition, the location permit is not subject to a planning derogation permit, and the location permit may override land use planning.

Section 56. *Prerequisites for a demolition permit* For the sake of clarity, the section would lay down the grant of a demolition permit directly to the municipal building control authority. Because building control can authorise the demolition of the building, this would be for reasons of expediency. There would be no obligation to grant a permit and the building control authority could exercise its discretion.

A building that is not protected under law could be demolished if this is allowed under the local detailed plan, local master plan or regional land use plan. However, the plan must not be outdated, i.e. older than 13 years. In an area not covered by planning, as well as in an area with a plan older than 13 years, the demolition of a building should not have an adverse effect on future planning or other organisation of spatial planning, nor should it make it more difficult to achieve the objectives of the protection of the built environment.

In accordance with *subsection 3,* a demolition permit can be granted for the demolition of a building not covered by a protection order whenever the building can no longer be demonstrated to have a purpose of use and the building to be demolished is in poor condition and its renovation would no longer be cost-effective. Demolition could be considered if the building is also located in a municipality where the buildings have lost most of their value and, for example, it is not possible to obtain bank loans for the renovation of the building. All the above-mentioned three conditions must be met at the same time. It would be essential for the demolition of construction works on this basis to lead to the reuse or recycling of demolition materials. Even a small amount would be sufficient to fulfil the criterion. It would be essential to take the circular economy perspective into account, especially in situations where it would be make economic sense to use demolition waste, e.g. in urban densification. It would not be possible to demolish a building already protected by planning or law on that basis. In contrast, it would be demolition on these grounds would be possible even if, in an area not covered by planning, the demolition could be detrimental to the future planning or other organisation of spatial planning, or could make it more difficult to achieve the objectives of the future protection of the built environment.

The building should be maintained in accordance with section 140 of the Construction Act. However, if a protected building is in a dangerous condition, the owner of the building could apply for a derogation permit for demolition, in which case the municipality would consider whether there would be a specific reason for demolition. Demolition of a building protected by planning or other law normally requires a derogation permit or changes to planning.

The precedent ruling KHO 2021:185 concerned the Valkeakoski site, which was included in an inventory of nationally significant built cultural heritage sites carried out by the Finnish Heritage Agency. The regional plan adopted in 2017 contained a broad area limitation marking, which related, inter alia, built cultural environments. The area limitation marking was accompanied by a planning order, according to which the more detailed construction and use of the area had to ensure that nationally significant cultural heritage values were preserved. The buildings and structures in the area were not protected. The final precedent ruling KHO 2021:185, which found no obstacles to the granting of a demolition permit, was influenced not only by the municipality's reluctance to draw up a protection plan for the site, but also by the significantly impaired condition of the buildings and the difficulty, due to the characteristics of the premises, a user who could have maintained the buildings. In accordance with established practice, the demolition permit system of the Construction Act is not intended to create a system limiting the demolition of buildings, but to ensure that the matter of building protection can be resolved within a reasonable time by means of planning or a protection decision made under the Act on the Protection of the Built Heritage. Established case law is also illustrated by the cases KHO 2021:82 and KHO 2020:158. In this respect, it is intended that the established practice of the Land Use and Building Act will continue.

Buildings may be protected by planning or by law. If a building is not protected, it may, in principle, be demolished as long as the plan is not outdated. Land use planning establishes the potential need for protection of buildings. The aim would be to ensure that the matter of building protection is resolved within a reasonable time by means of a planning decision or a protection decision (KHO 2002:73 and 74) under the Act on the Protection of the Built Heritage (498/2010). The up-to-dateness of the local detailed plan may be an issue in the context of the decision on demolition permits, on the basis, inter alia, of the steering effect of the general plan or an inventory of cultural heritage values, and we may be in a situation where measures need to be taken to update an outdated local detailed plan. The protection of buildings by means of land use planning takes priority over protection under the Built Heritage Act in areas covered by a local detailed plan.

In accordance with *subsection 4*, the municipality could authorise the demolition of a building protected under the local detailed plan which is owned by the municipality or a municipal company, if the building is no longer technically, functionally and economically repairable, the demolition would lead to either reuse or recycling of demolition material, and the building is not of national or regional importance. All conditions should be met at the same time. The municipality or the municipal company should have owned the building for at least 10 years before the demolition permit was granted. This would prevent buildings from being sold to the municipality mainly for demolition.

Technical, functional and economic repairability would mean the matters referred to in section 37 of the Construction Act. Technically implemented' means a solution designed and implemented in such a way as not to impair, inter alia, moisture, fire, audible and indoor climate characteristics. A functional solution means a solution which results in no significant deterioration in the use of the building for its intended purpose compared to the original solution. Economically feasible means a solution that is cost-effective in the light of the review. These conditions apply to the fulfilment of technical requirements. For example, the demolition of a building could be considered if a school or a kindergarten with a built cultural environment marking is in such poor condition that it cannot be used.

The national or regional significance of a building or area may be demonstrated by a variety of sources. The value may be based on an inventory, various reports, an opinion or a decision

by an expert or a public authority. National significance refers to the status of a site when assessed as being of cultural historical significance on the basis of a countrywide review. Regional significance refers to the status of a site when assessed as being of cultural historical significance on the basis of a regionwide review. The national inventories of built environments of national significance drawn up by public authorities provide a knowledge base that facilitates taking into account the values of cultural environments in the built environment in accordance with national spatial planning objectives. A significant proportion of the inventories of buildings and areas of regional importance are prepared in the context of the preparatory studies of the regional planning. Cultural environmental surveys are also carried out at other planning levels and the regional value may also be reflected in the building history report. As in the case of national values, the regional significance may also be apparent from the opinion of an expert or a public authority (e.g. the museums with regional responsibility or the Finnish Heritage Agency). Consequently, planning markings and planning orders or a building protection decision may be based on that opinion as regards the regional significance. Nationally significant sites include Parliament House, Finlandia House, Turku Cathedral, Helsinki Railway Station, Jokioinen Manor House, Vaasa University, Nurmijärvi Kiljava Hospital and Paimio Sanatorium. Sites of regional significance include Lauttasaari Manor House, Villa Solkulla in Espoo, the Skogster department store in Hämeenlinna, St Olav's Church in Jyväskylä, the Laukaa Kuhankoski institutional buildings from the 1920s, Hattula Old Church.

The fifth subsection includes a link to the Waste Act and combating climate change. The circular economy in the construction sector needs to be increased from the point of view of combating climate change. Demolition shall be arranged in such a way that as many construction products as possible are reusable or recyclable.

Section 59. *Permission for minor deviations in the context of the building permit and final inspection*. The section would continue to provide for the right of the municipality to grant a minor derogation from a regulation, prohibition or other restriction on construction. It is proposed to amend the heading of the section so that permission could also be granted during the final inspection stage referred to in section 122 of this Act. The addition to the section heading is proposed because, according to the proposal, compliance with certain essential technical requirements will be demonstrated only at the stage of the final inspection, not yet at the time of the application for a building permit. For example, compliance with the new limit values for the carbon footprint of buildings, which is steering the low-carbon performance of buildings, should be demonstrated by the climate report only at the final inspection stage when the building is completed. In accordance with the proposal, it would not be possible to verify that the carbon footprint is below the limit value at the building permit stage, and it would therefore be appropriate to reserve the possibility for the municipal building control authority to grant a minor derogation to the regulation, such as a minor exceedance of the limit value, including at the stage of the final inspection. Otherwise, no extensions or clarifications have been made to the right of the municipality under section 59, which would remain the same in substance and would simply be extended to cover the final inspection stage. The provisions of section 57 of the Act on derogation should continue to be taken into account in accordance with the law. In addition, a minor deviation from the technical and other similar characteristics of the building is subject to the condition that the essential requirements for construction are not compromised.

Section 61. *Building permit application* The second paragraph of *subsection 1* would be amended to state that a project information model or information in a machine-readable format corresponding to the building's concept design would be drawn up at the level of general arrangement drawings. General arrangement drawings is a well-established term for

the plans on the basis of which the authority assesses the conditions for granting the permit. The three-dimensional building information model can be used for the automated review of the conditions of construction. For example, the model can be used to checked whether the design complies with current building regulations and with the requirements of the land use plans for the area. Deviation needs can be dealt with in an automated process. This will streamline the processing of the building permit. General arrangement drawings are an umbrella term for construction drawings including site plan and floor drawings, section drawings and elevation drawings. The Decree of the Ministry of the Environment on plans and reports relating to construction (216/2015) was adopted on 12 March 2015 (216/2015). The regulation govern the content and presentation of general arrangement drawings as follows: 'The general arrangement drawings annexed to the application for a building permit shall contain sufficient information to assess whether they comply with construction rules and regulations and with the requirements of construction best practice.' The addition of the clarification on general arrangement drawings level is intended to avoid situations where the building permit would require more or more detailed planning information than is necessary for the assessment of the permit. In addition, the aim is to avoid the building design information and the information contained in the general arrangement drawings having to be produced in two separate, overlapping processes. It is appropriate to produce the concept design using a single software from which the extracts required for the building permit application are exported into general arrangement drawings and a project information model and other machine-readable data.

The project information model for the building would be required to include at least the same information as the general arrangement drawings contained in the concept design. In the event of a discrepancy between the general arrangement drawings and the project information model, the information contained in the general arrangement drawings shall take precedence and are above the model in the hierarchy. The project information model shall be submitted as an annex to the building permit application only if the general arrangement drawings included in the concept design have been produced using data modelling tools. Otherwise, the information in the project information model shall be provided in another machine-readable format. Another machine-readable format is, for example, a common reporting table containing key information on the building's concept design. Construction works subject to authorisation and which do not involve buildings are not necessarily required to prepare plans specific to buildings. In such a case, it would be sufficient for the permit authority to receive an appropriate report on the works and its effects on the surrounding area. The report may take the form of a data model or other means of visualisation. Electronic identification could also be considered as a signature for the certification of general arrangement drawings.

The project information model required under subsection 1, paragraph 2, should be submitted as an annex to the building permit application only if the concept design or construction drawings have been produced using data model tools. The most commonly used tools are ArchiCAD, REVIT and Vertex. As this concerns a document to be submitted to the public administration as an annex to an application for a building permit, the document should be in a file format suitable for long-term storage. For the time being, the National Archives of Finland has accepted as an eligible document for the annex to the building permit application the open format and standard IFC4.0, in which the document to be submitted must be stored. In terms of identifying data and content, the project information model shall contain at least the same information as the concept design and construction drawings.

An alternative to the project information model at the level of general arrangement drawings would be to provide data in a machine-readable format. The content and uses of the

information to be made available to different public authorities in the context of construction are defined in different laws or regulations. Currently, the most important data set to be transmitted from municipalities to the central government is construction and housing data.

According to section 2, paragraph 14, of the Information Management Act (488/2023), a machine-readable format would mean a file format whose structure allows software to easily specify, identify and extract datasets, individual data and their structures. Section 73 of the Construction Act provides that the municipality must provide the project information model, the as-built model and the information in an interoperable and machine-readable format to the information system for the built environment, so that they are accessible to other authorities using interfaces.

This would apply not only to the machine-readable data to be provided, but also to data model data. If the municipality had the capability to read reliably the information from the three-dimensional plan of the project information model, the party undertaking a construction project would not have to provide the municipality with a separate machine-readable file with the required information. Municipalities have started to develop their own permit-granting systems in order to maximise the use of project information model data in the permit-granting process.

An application for a building permit must be accompanied by evidence that the site as a whole is controlled by the applicant. This is intended to avoid challenging legal situations that might arise due to lack of clarity around ownership. Control of the construction site is usually a clear and unambiguous matter, but can sometimes lead to difficult situations. An example of control of the whole construction site is the precedent ruling KHO 2011:84 of the Supreme Administrative Court. Given the diversity of construction projects, there is a need for a provision which allows essential clarifications other than those specifically mentioned in the section to be required for decisions on building permit applications on a case-by-case basis.

The building control authority would only be able to require additional reports for justified reasons.

The building control authority may ask the applicant to supplement the building permit application and its annexes only for justified reasons. The reason must relate to the processing of the building permit application and to the information required for its processing.

Building control shall distinguish between advice and guidance and compliance monitoring. Advice and guidance is a knowledge-based, voluntary exercise of building control tasks. It is more important if the applicant is a one-time builder who has no relevant training or experience in the field. The monitoring of compliance with standards includes the obligation of building control to address substantial breaches of the Construction Act or any regulations issued pursuant to the Act which are relevant to the public interest. In addition, the building control authority must give decisions on reasoned applications for derogation submitted by applicants.

Construction standards vary in content and precision. Often, plans and standards are unspecific in content and wording and allow for multiple interpretations. In such a case, the decision proposed by the applicant must be accepted in the building permit process, unless it is manifestly contrary to the provision. As regards good construction practice, the possibility for building control to address the content of the plans, other than through advice and guidance, is even more limited. In general, it is not the task of building control to monitor

compliance with the building regulations. Building control only monitors compliance with the regulations on a spot check basis. The building permit decision does not, as such, constitute a right to derogate from planning regulations or construction standards, and deviations must always be the subject of a separate reasoned decision submitted by the applicant. The responsibility for compliance of the plans with standards and good construction practice lies unequivocally with the applicant and the designers.

The national digital register and data platform of the built environment requires that the concept design for the construction works is submitted as a data model or information in a machine-readable format. The data model or machine readable data can also be used tp meet the information needs related to the life cycle of the construction works to ensure documentation of the in-service maintenance and repair of the building.

The foundations and ground conditions for a building are an essential starting point for the design of the building. The changes in weather conditions brought about by climate change further underline the need to carefully examine the necessary measures to ensure that building foundations are carried out in a sustainable manner, also taking into account any potentially risky conditions at the building site.

The energy report is a key means of demonstrating compliance with the energy efficiency requirements required by the regulations. When an energy certificate is required under the Act on the Energy Certificate of Buildings (50/2013), it must also be presented when applying for a building permit. Only an energy certificate electronically signed in the Energy Certificate Register of the Housing Finance and Development Centre of Finland is valid. The energy report, including the energy certificate, shall be updated before the building is commissioned if changes have been made to the plans used as underlying data for the energy report at the permit stage.

The proposal envisages streamlining the application process for building permits in such a way that evidence of the carbon footprint of a new building being below the limit value should be demonstrated by the climate report only at the final inspection stage. According to the proposal, the climate report would not have to be submitted at the time of the application for a building permit and, therefore, the reference to it would be deleted from this section.

The proposal proposes to amend the Construction Act in order to replace the building material specification under section 39, subsection 2, with a list of construction products at the level of general arrangement drawings. Further provisions on the list would be set out in section 38 of the Act on low-carbon buildings. Therefore, the material specification referred to in this section would be replaced by a list of construction products. A list of construction products of at least the level of general arrangement drawings would be required to be established at the building permit stage, and it would also need to be updated to take into account any key changes for the final inspection of the building. A list of construction products would be drawn up if a climate report is required for the building. In contrast to the climate report, the list of construction products should be provided already when applying for a building permit for the specific reason that, in exceptional circumstances, it could be used to secure essential construction in accordance with the Emergency Powers Act, in particular with regard to the authorisation to purchase construction products. The role of the building control authority would be to check that the list is appropriately drawn up.

Ascertaining the sanitary conditions and elevations of the building site is a prerequisite for the design and implementation of the building while avoiding moisture damage. Site information

is also needed for the design of the required moisture management report for the construction project.

In the case of renovation, it is important to establish at a sufficiently early stage the condition of the building so that the design of the renovation work is based on actual starting data. In complex renovation projects it is common for issues to become apparent during the course of the work that could not have been foreseen. However, this does not diminish the importance of ex-ante clarification of the condition of the building. The more information is known in advance, the easier it will be to predict the details of the renovation project, including the costs.

If the building permit involves significant demolition, a demolition material and construction waste report shall be carried out in this respect.

The last subsection of the section would remain as it stands and would include powers for the Ministry of the Environment to issue decrees to specify the content and presentation of general arrangement drawings and reports, as well as the plans in the form of a data model. The power to issue decrees should harmonise and streamline permit practices in different building permit authorities.

Section 62. *Application for a location permit* A technical correction would be made to the section. The word ‘mass’ would be changed to ‘form’, which is clearly the case.

Section 63a. *Consultation and information on the clean transition location permit* The rules on consultation and information relating to the application for a clean transition location permit are based on the provisions of sections 63 and 64 of the Construction Act on consultation in connection with the building permit, derogation permit and landscape work permit.

The municipality’s role would be to announce that an application for a clean transition location permit has been submitted and to consult neighbours and people living or working in the area or who due to other circumstances could be significantly affected by the construction project. The applicant for a permit may provide a report on the consultation of the neighbours if they so wish. In this case, the authority would assess the reliability of the report in accordance with the Administrative Procedure Act. The Act on the Assessment of Environmental Effects requires a wider consultation, so in these cases a possibility to express an opinion on the application should also be offered to members and participants of the municipality. The obligation of the applicant to inform that a permit application has been submitted for the construction site would also apply to the clean transition location permit. Further provisions on consultation and information could be laid down by government decree, in the same way as for other types of permit.

Section 68a. *Time limit for the processing of building permit applications and the penalties for failure to comply with the time limit.* A time limit of three months would be laid down for the building control authority to process the building permit application. Building permit applications for exceptionally complex construction projects and applications for a clean transition location permit should be decided within six months. The time limit would start when the building permit application, including annexes, is initiated in building control and the annexes allow the application to be processed, and it would end with the issue of the permit decision.

The time limit for the processing by building control would cover all the procedures involved in the preparation of the application where building control is the owner of the process. Where the processing of a building permit involves processes that are separate from the actual permit-granting process, such as an ongoing environmental impact assessment procedure, processes linked to nature conservation or building protection or any other process related to the requirements of special laws, they are taken into account in the calculation of the time limit, where appropriate. The time limit covers all statements that the decision-maker obtains in support of their decision-making, for example, the statements of the city's internal departments and the rescue departments. In these cases, building control, as the owner of the process, is obliged to expedite the statements, in particular, if they are mandatory for the processing of a building permit. The processing of a building permit may also involve internal building control processes, which are included in the permit application processing time. Many big cities, for example, have urban and technical institutions. They are not known to the Construction Act, but their opinions may be useful to the applicant when developing the project. The opinions of these internal institutions amount to guidance and advice, but they are not binding on the applicant. Neither the deliberations nor the time taken by the internal institutions justify an extension of the time limit. In the metropolitan areas, the permit decision-makers or rapporteurs usually have sufficient competence to process a permit application independently.

The design task permit applications and permitting processes for exceptionally complex and especially complex construction projects and clean transition construction projects may often include elements extending the permit processing period. These are projects which in terms of their impact, importance and complexity also require a longer time limit for permit processing by building control. Therefore, the time limit for processing these building permit applications would be six months.

According to section 61 of the Construction Act, the building permit application must be accompanied by the relevant annexes for the construction works and its scope, as set out in that legal provision. The number of construction work-specific annexes is quite well established. The time limit would start once all mandatory annexes have been submitted to the building control authority. In case of doubt, the applicant should state when the necessary annexes have been provided and the time limit starts. Similarly, in the event that a necessary annex has been omitted from the application, the building control authority must notify this without delay.

The role of the building control authority is to monitor, in the public interest, compliance with land use planning and construction activities, and to contribute to ensuring that construction is carried out in accordance with the Construction Act or regulations issued pursuant to the same. For the purpose of granting a building permit, it is essential to ensure conformance of the building with planning and the implementation of the principles for the steering of construction referred to in section 5 of the Construction Act. The principal designer and the building designer are responsible for the compliance of plans and general arrangement drawings with the Construction Act and the regulations issued pursuant to the act. The permit application and the annexes submitted show, in principle, the information necessary for the permitting process.

Building control may require, for justified reasons, that the application or its annexes be supplemented. In addition, building control may, for justified reasons, request supplements to the documents submitted on a random basis or, for specific reasons, also request additional

annexes. However, those requests do not stop the time from running unless they are essential for the further processing of the permit application.

The building permit process is only a part of the whole authorisation process. In some municipalities, it is possible to simultaneously initiate both a building permit application and a necessary deviation decision at the same time. In this case, waiting for the deviation decision would seemingly increase the processing time, even though, for the applicant, the overall time taken for the processing (deviation decision and building permit) is shorter than if the cases were dealt with at different times, i.e. waiting for the deviation decision before the building permit application would be registered. These types of factors must be taken into account as factors increasing the permit processing time.

The refund of the permit fee would be 20 % for each month of delay. The permit fee is usually set on the basis of a tariff at the time of the building permit decision. The municipality should, on its own initiative, make a refund unless the delay was caused by the applicant. The municipality could also take into account the reimbursement due to the delay by reducing the permit fee in the context of invoicing. The burden of proof that a delay of more than three months is attributable to the applicant would lie with building control.

Often applicants themselves request the suspension of an application. Any other reasons which depend on the applicant must be so essential that building control could not, in any respect, continue the examination of the building permit application.

Section 69. *Submission of special plans* The section would be amended to largely reflect section 134a of the Land Use and Building Act. The Construction Act was based on the premise that the building control authority cannot require special plans. If the party undertaking a construction project or the principal designer decide that a special plan is to be drawn up, it shall also be submitted to the building control authority. In the work of building control it is essential to determine the complexity of the different plans and to ensure that the designer in question fulfills the qualification requirements required by law to perform the task. The submission of plans ensures that the plans have been drawn up appropriately before taking any measures. The task of the building control authority is to monitor the content of the plans only on a random basis and to address any apparent non-compliance with the construction regulations it finds. In addition, the building control authority takes decisions on justified deviations from the building regulations put forward by the applicant.

Special plans are needed when the nature and scope of the construction works so require. Special plans are not a requirement of the permitting process and are not subject to the authority’s inspection obligation. Special plans are not approved by the authority. In most cases, special plans are structural drawings, ventilation and plumbing drawings for the building.

The section would be amended to allow the building control authority to order, for justified reasons, that the special plans necessary due to the nature or scope of the construction project should be drawn up and submitted to the building control authority. The order could be made in the building permit, at the kick-off meeting or during construction work.

The idea that the party undertaking the construction project or the principal designer would have to submit a special plan before the start of this work phase would remain unchanged. It is important that the necessary special plans are drawn up and submitted to the building control authority in due time before the start of the work phase in question. The usefulness of the

special plans is questionable if they are drawn up at such a late stage that they cannot be used in carrying out the work phase of the special plan in question. As in the case of the concept design, the information of the specific plans would be delivered by drawings and the corresponding project information model or machine-readable information used in the plan. If the model has been created in accordance with general data model requirements and contains sufficient information for the machine check, it may be used in semi- and fully-automated building control processes.

Section 71. *As-built model for a building* In view of the repeal of section 95 concerning the principal operator, this section would be amended in such a way that responsibility for the as-built model during the construction works would be transferred from the principal operator to the party undertaking the construction project. The section would further require that, for the purpose of the as-built model, the plans should be updated in line with the as-built project. As the project information model would be done at the level of general arrangement drawings, the as-built model would also be at the level of general arrangement drawings.

Section 75. *Environmental impact assessment* A technical amendment to the section is proposed so that the authority referred to in the informative reference to section 29a of the Environmental Impact Assessment Procedure Act (252/2017) to which the permit application and the decision must be sent would be changed from the Ministry of the Environment to the Finnish Environment Institute.

Section 75a. *Impact assessment of the clean transition location permit.* The provision on impact assessment is based on section 9 of the Spatial Planning Act. According to section 9, subsection 2 of the Spatial Planning Act, when drawing up the plan, the environmental impact, including the economic, social, cultural and other effects of the implementation of the plan and of the alternatives considered, must be examined to the extent necessary. The investigations shall be carried out for the entire area where the plan can be assessed as having a material effect. In accordance with section 9, subsection 3 of the Spatial Planning Act, a project may be subject to an environmental impact assessment in connection with land use planning in order to carry out a project within the meaning of section 3 of the Environmental Impact Assessment Procedure Act (252/2017).

It is proposed to lay down in section 75a of the Construction Act that, in the context of a clean transition location permit, the environmental impact of implementing the plan should be assessed in accordance with land use planning, taking into account the economic, social, cultural and other effects of the plan. The impact assessment would be as comprehensive as in the case of land use planning.

As in the case of planning, an environmental impact assessment could be carried out in the context of a clean transition location permit. The procedure for environmental impact assessment laid down in section 75 of the Construction Act would be followed. The aim of the proposal is to reduce the number of procedures by the authorities for the same project.

Section 82. *Levels of complexity of design tasks* Subsection 2 provides for the determination of the level of complexity of the design task. The designer’s competence shall correspond to the complexity level of the design task. It is essential that the scope and content of the training is proportionate to the level of complexity of the design task.

The section has already included the power to issue decrees to lay down further provisions on the determination of the level of complexity of the design task. A decree at the level of

government decree is necessary in situations where the decree lays down more specific provisions on wide-ranging matters and important principles, as well as on other matters whose importance so requires. The determination of the complexity of the design task and the corresponding qualifications may have an impact on the ability of a person to pursue their profession. It is therefore necessary to provide for the power to issue decrees to the government.

During the Land Use and Building Act, the information on the scope of training has been provided as guidance, not a decree. The clarification of the power to issue decrees ensures the interpretation intended by the legislator to the effect that further provisions on the training required by the level of complexity of design tasks may be given by government decree.

Section 83 of the Construction Act concerns the qualification requirements for designers. Qualification means whether a person with a certain level of qualification is qualified to act as a designer in the construction project in question. When assessing the suitability of a designer, the building control authority compares the designer's competence with the complexity of the design task. Competence refers to a general characteristic that includes a certain level of training and experience. Experience relating to competence is explicitly laid down in section 83. Section 82 of the Construction Act would expressly specify that training relating to qualifications must comply with the levels of complexity of the design tasks.

Section 83. *Qualification requirements for designers.* A technical correction would be made to *subsection 3*. The following parts of the text would be deleted from the subsection: 'The majority of the experience required by subsections 2 and 3 shall be derived from design tasks in the relevant design field. Designers of renovation or alteration works shall have experience in designing renovation or alteration works'. The text proposed to be deleted is a repetition of that laid down in *subsection 1* of the section.

Section 84. *Notification of designers to the building control authority.* In view of the fact that section 95 on the principal operator would be repealed, it would be laid down that the party undertaking a construction project shall notify the building control authority of the appointment of the principal designer and building designer.

Section 86. *Levels of complexity of construction project management tasks.* Subsection 1 provides for the determination of the level of complexity of the construction project management task. The qualifications of the construction project manager and specialist project manager shall correspond to the level of complexity of the construction project management task. It is essential that the scope and content of the training is proportionate to the complexity of the construction project management task.

The section has already included the power to issue decrees to lay down further provisions on how to determine the level of complexity of the construction project management task. A decree at the level of government decree is necessary in situations where the decree lays down more specific provisions on wide-ranging matters and important principles, as well as on other matters whose importance so requires. The determination of the complexity of the construction project management task and the corresponding competence may have an impact on a person's ability to pursue their profession. It is therefore necessary to provide for the power to issue decrees to the government.

During the Land Use and Building Act, the information on the scope of training has been provided as guidance, not a decree. The clarification of the power to issue decrees ensures the

interpretation intended by the legislator to the effect that further provisions on the training required by the level of complexity of design tasks may be given by government decree.

Section 87 of the Construction Act concerns the qualification requirements of the responsible construction project manager and specialist project manager. Qualification means whether a person with a certain level of competence is qualified to act as the responsible construction project manager or specialist project manager for the construction project in question. When assessing the eligibility of the responsible construction project manager or specialist project manager, the building control authority shall compare the qualifications of the responsible construction project manager or specialist project manager with the level of complexity of the construction project management task. Competence refers to a general characteristic that includes a certain level of training and experience. Experience relating to competence is explicitly laid down in section 87. Section 86 of the Construction Act would expressly specify that training relating to competence must comply with the levels of complexity of construction project management task.

Section 93. *Building designer* In view of the fact that section 95 on the principal operator would be repealed, it would be laid down that the responsible construction project manager shall be responsible for providing the building designer with the information they require to update the concept design for the as-built model. The obligation concerning updating would apply to the concept design that the building control authority has, for justified reasons, required to be submitted.

Section 94. *Specialist designer* In view of the fact that section 95 on the principal operator would be repealed, it would be laid down that the responsible construction project manager shall be responsible for providing the specialist designer with the information they require in order to update the special plans for the as-built model. The obligation concerning updating would apply to the special plans that the building control authority has, for justified reasons, required to be submitted.

Section 109. *Activities authorised prior to the commencement of the construction work* In view of the fact that section 95 on the principal operator would be repealed, it would be laid down that the responsible construction project manager shall be responsible for notifying the building control authority of preparatory construction measures and piling work prior to their commencement.

Section 110. *Kick-off meeting* In view of the fact that section 95 on the principal operator would be repealed, the obligations relating to the principal operator would not be entered in the minutes of the kick-off meeting and the section would be amended by deleting the reference to the principal operator.

Section 112. *Inspections by public authorities* In view of the fact that section 95 on the principal operator would be repealed, the reference to the presence of the principal operator at the inspection would be deleted from section 12, subsection 2.

Section 122. *Final inspection.* The amendment to the Construction Act proposes to streamline the building permit application process, so that compliance with the carbon footprint limit value for new buildings should be demonstrated by a climate report only at the stage of the final inspection. For this reason, it is proposed that section 122, *subsection 1*, which governs the final inspection, be amended so that the final inspection could be submitted when the party undertaking a construction project has informed the building control authority that the

building is below the limit value, as laid down in section 38a, set for the building. Compliance with the limit value should explicitly be demonstrated by means of the climate report referred to in section 38 of this Act, which is based on the national low-carbon assessment methodology. The climate report would be submitted to the building control authority, which would be required to check that the building is below the limit value. Any deviations during the permit phase or during implementation must also have been authorised or approved by the municipality.

The amendment to the Construction Act proposes to streamline the building permit application process and to reduce the burden by replacing the material specification with the list of construction products. According to the proposal, a list of construction products of at least the level of general arrangement drawings would be required to be drawn up at the building permit stage, and this would need to be updated for key changes for the final inspection of the building. In view of this, section 122, *subsection 1*, which governs the final inspection, is proposed to be amended to make it possible to submit the final inspection when the party undertaking a construction project has informed the building control authority that the list of construction products for the building in accordance with section 38 has been updated. The updated list of construction products would be submitted to the building control authority, which should verify that the update has been carried out.

Under section 123 of the Construction Act, the building control authority may also approve the commissioning of a building or part of a building in the context of a partial final inspection. Approval shall be subject to the condition that the construction work is only to a minor extent incomplete and that the building or part thereof fulfils the conditions laid down in section 122, subsection 2, paragraphs 2 to 8 and is safe, healthy and usable. This means that the paragraphs proposed to be added to section 122, subsection 2 of the Act: paragraph 9 on the climate report and paragraph 10 on the updated list of construction products, would not affect the implementation of a possible partial final inspection. A partial final inspection could therefore allow the building or part thereof to be put into service, even if the climate report or the updated list of construction products were yet to be submitted to the building control authority.

In accordance with section 43b of the Construction Act, a building permit could be granted before the plot division and the parcelling of plots. However, it would not be possible to submit a final inspection until the plot has been registered in the land register.

Section 179. *Right of appeal against a building permit* The right of appeal by a registered entity whose activities involve safeguarding the cultural heritage or influencing the quality of the built environment, would be revoked. The right of appeal of the Centres for Economic Development, Transport and the Environment (ELY Centres) would be amended to correspond to section 192 of the Land Use and Building Act. The Finnish Heritage Agency's right of appeal would be limited to protected sites of national and regional importance. The sites of national and regional importance are described in section 56.

Section 179a. *Right of appeal against a clean transition location permit.* The right of appeal against a clean transition location permit is based on the right of appeal against the building permit, the derogation permit and the building permit in respect of a construction site located

in an area requiring planning. The starting point for the right of appeal is the right to appeal a permit, not the right of appeal according to planning. It is proposed to provide for a right of appeal to a wide range of participants. The right of appeal would be available not only to neighbours but also to others whose use of the property could be materially affected by the decision and to anyone whose rights, obligations or interests would be affected by the decision. The right of appeal would be available to the municipality and neighbouring municipalities on whose land-use the planning decision would have a direct effect. The ELY Centres and other authorities would also have the right to appeal in matters within their remit.

It is proposed to provide for a right of appeal, within its area of operations, for a registered entity for the promotion of the protection of the environment, health and nature. The EIA Directive obliges all EU Member States to reserve a right of appeal in the decision-making procedures falling within the scope of the EIA Directive to the public concerned and whose interests the matter sufficiently concerns.

Section 181. *Right of appeal against an implementation permit* The Finnish Heritage Agency's right of appeal would be limited to protected sites of national and regional importance. The sites of national and regional importance are described in section 56.

Section 182. *Right of appeal against a demolition permit* The right of appeal by a registered entity whose activities involve safeguarding the cultural heritage or influencing the quality of the built environment, would be revoked. The right of appeal of the ELY Centres would be amended to correspond to section 192 of the Land Use and Building Act. The Finnish Heritage Agency's right of appeal would be limited to buildings of national and regional importance. The sites of national and regional importance are described in section 56.

Section 183. *Right of appeal against a landscape work permit* A new *subsection 2*,would be added to this section concerning a situation in which a landscape permit is used to implement a final local detailed plan or local master plan. In those situations, the right of appeal would be limited to the owner or holder of the properties located adjacent to or opposite the property, and to parties whose right, obligation or interest is directly affected by the decision.

Section 197. *Transitional provision for the submission of data to the information system for the built environment.* The transitional period provided for in this section would be extended by one year. At the same time, a clerical error would be corrected. No further changes would be made to the scope or period of application of the section. The section would still provide that the municipality would be required to submit all data generated after the entry into force of the Construction Act covered by sections 72 and 73 of the Construction Act to the built environment information system not later than by the date specified in the section. The section would not provide that the obligation to provide data applies only to data generated after the municipality has put into service a built environment information system.

7.2 Act amending the Land Use and Building Act

Section 1. The section would repeal the repeal of section 131 of the Land Use and Building Act and keep section 131 in force from 1 January 2025 to 31 December 2025. The section that has already been repealed must remain in force because section 61 of the Construction Act, relating to the building permit, will not enter into force until 1 January 2026.

7.3 Spatial Planning Act

Section 57. *Local detailed plan regulations* Subsection 1 would be amended to reflect the wording laid down in Act 432/2023. The amendments to this subsection provided for by Act 432/2023 had been mistakenly omitted from Act 752/2023.

Section 131. *Building permit application.* The heading of the section would be changed to building permit application. Similarly, the wording of the section would be amended to refer to building permit.

Section 188a. *Urgent handling of a complaint concerning land use plan regarded as important for the production of renewable energy.* The provisions on building permits have been transferred to the Construction Act as part of the amendment to the Act (432/2023). Therefore, the reference in the section to permit matters under this Act would be amended to a reference to permit matters under the Construction Act.

Section 197. *Relationship to other legislation.* In subsection 1, the reference to chapter 10 of the Nature Conservation Act would be corrected to refer to chapter 5 of the Nature Conservation Act. The reference to chapter 5 has already been amended by Act 15/2023, but the amendment had been mistakenly omitted from Act 432/2023. In addition, the reference to the ratification of plans would be deleted from the subsection, as a legislative amendment which entered into force at the beginning of 2016 abolished the ratification of regional plans.

7.4 Environmental Protection Act

Section 156. *Implementation of basic-level purification requirement in other areas* It is proposed to amend section 156b, subsection 1 of the Environmental Protection Act due to the new Construction Act (751/2023). Subsection 1 would continue to lay down the criteria for compliance with the basic level of purification (section 154b) of the wastewater treatment system referred to in section 156a in areas other than those referred to in section 156a.

The basic-level purification requirement should continue to apply on a property-specific basis. It is up to the owner of the property to decide when an activity requiring a permit is to be carried out, which means that owners may schedule, at their convenience, investments required for compliance with the basic-level purification requirement on the property for a later date.

The duty of care contained in the section would continue to be expressed in active form for the sake of clarity and would be imposed on the owner of the property. A tenancy holder in a certain position could also be treated as an owner, as is the case today.

The design, construction, renovation, alteration and maintenance of old wastewater treatment systems in areas other than near water bodies, the sea or in groundwater areas, would be required to comply with the basic-level purification requirement referred to in section 154b when an activity in accordance with subsections 1 or 2 of subsection 1 is carried out on the property.

The proposed amendments would be divided in substance into two categories, as is the case today.

The first paragraph of subsection 1 (paragraph 1) would continue to constitute operations concerning a property-specific domestic wastewater system. This would mean that specifically renovation or alteration work on the technical systems for the generation or treatment of domestic wastewater is carried out on the property. At the same time, it is proposed to bring the system into line with the basic-level purification requirement. The amendment referred to in the paragraph would be the construction of a water closet or the renovation or alteration of water and sewerage systems, where the system or part thereof is completely renewed or renovated. The provision in the Environmental Protection Act would no longer be tied to a building permit under the Construction Act. The wording of the provision would be revised by changing the word 'system' to 'system or part thereof'. This means that a renewal of part of the system, as well as the whole system, would also lead to an obligation to improve the treatment of domestic wastewater to meet the basic-level purification requirement. If a building permit is required for renovation or alteration: the provisions on operation and maintenance instructions referred to in section 139 of the Construction Act shall apply. In accordance with section 139, subsection 3 of the Construction Act, the operation and maintenance instructions must include the measures taken in connection with the maintenance, renovation and alteration of the building or in the context of a change of use. The owner of the building is responsible for keeping operation and maintenance instructions up-to-date.

The amendment would have no impact on the possibility that a building permit may be required on the basis of section 42, subsections 2, or subsection 3, paragraph 2, of the Construction Act.

New water and sewerage systems which could be interpreted as new construction works could potentially fall within the scope of section 42, subsection 2, of the Construction Act. The projects in question fall within the scope of projects that also require a building permit within the meaning of section 42, subsection 2, of the Construction Act; however, the municipality may provide in the municipal building ordinance that a building permit is not required in the municipality or part thereof if the construction project can be regarded as minor. The Construction Act does not require notification of renovations and alterations to the public authorities.

Under section 42, subsection 3, paragraph 2, of the Construction Act, a building permit may also be required. The provision stipulates that some activities can be subject to a building permit. According to section 42, subsection 3, paragraph 2, of the Construction Act, a building permit is always required for renovation if the renovation or alteration of the building envelope or technical systems can have a significant impact on the energy performance of the building or on the energy and environmental impacts throughout the whole life cycle of the building. This could include renovations and alterations to the wastewater system of the building. Such renovation and alteration works have a significant effect on the environmental impacts during the life cycle of a building. The Construction Act does not contain any provisions as to which body determines the need for authorisation for e.g. renovation of water and sewerage systems.

It should also be noted that a building permit may also be required under the municipal building ordinance. If no permit is required in the municipality for these renovation works, the law also does not require mandatory notification of the renovation of the system.

It is justified to bring the technical system into line with the basic-level purification requirement, since the action involves precisely this technical system [the system in question].

The second paragraph of subsection 1 (paragraph 2) would constitute projects involving renovation and alteration works comparable to the construction of a building requiring a building permit. Such a building project would be comparable to a change such as a new building, which is often described as a renovation in everyday language. The section would refer to an action referred to in first sentence of section 42, subsection 3, paragraph 1, of the Construction Act. Such a project aims to increase the service life of the building in line with that of a new building. Such major renovation and alteration works subject to a building permit involve significant investment in the property. The action would also lead to an obligation to comply with the basic-level purification requirement. This would be particularly justified for environmental protection reasons due to the longer life cycle of the building.

7.5 Act on the Assessment of the Effects of Certain Plans and Programmes on the Environment

Section 7. *Limitation of scope and relationship to other legislation* A technical correction is proposed to the amendment to section 7, subsection 2, of the Act on the Assessment of the Effects of Certain Plans and Programmes on the Environment. In the context of the amendment introduced by Act 768/2023, the reference to the Act on the Organisation of River Basin Management and the Marine Strategy, which is now proposed to be deleted again, was erroneously reinstated by Act 912/2022, which had previously entered into force.

8 Regulation at the level of secondary legislation

8.1 Low carbon and life cycle characteristics of buildings

The effective implementation of a regulatory framework on low-carbon buildings requires the power to issue decrees. The draft law contains a number of powers to issue decrees the associated decrees of which have been prepared in the context of the amendment of the Construction Act. The content of the decrees being prepared is described in more detail in the Government's Draft Construction Act (139/2022). It is proposed that some of the powers to issue decrees be given to the Government and others to the Ministry of the Environment. The starting points for the drafting of a decree remain largely the same, despite the fact that it is proposed to amend certain parts of the Act. The purpose of this proposal is to amend the procedure related to the climate report, to replace the material specification with a list of construction products at the level of general arrangement drawings, and to clarify the setting of carbon footprint limit values in order to take into account specific situations where there are reasons why compliance with the limit value is particularly challenging. In addition, it is proposed to provide for the carbon footprint limit values in a separate section 38a.

According to the proposal, the power to issue decrees on the material specification would be removed from section 39 of the Act. The material specification would be replaced by a list of construction products, which would be provided for in section 38 of the Act. It is proposed to add to section 38, subsection 4, the power to issue decrees on the list of construction products. According to the proposal, further provisions could be laid down by decree of the Ministry of the Environment on the methodology for assessing the low-carbon performance of buildings, the data to be used for the assessment and the reporting of the input data and results of the assessment, as well as on the preparation and updating of the climate report and *the list of construction products*. The list of construction products is to be further regulated in the same decree of the Ministry of the Environment that provides for the climate report and low-carbon

assessment of the building. The decree should at least provide for the establishment, updating and content of the list of construction products. The list of construction products will be laid down in the decree at the level of general arrangement drawings, i.e. that which can be drawn up from the building permit documents and other reports submitted in the context of the building permit. Verification that the list of construction products has been updated in an appropriate manner could be ensured, pursuant to section 118 of the Construction Act, by the responsible person for the construction stage as agreed in the building permit or at the kick-off meeting being required to make a note in the summary part of the construction work inspection document that the construction work corresponds to the list of construction products.

The preparation of the decree on the low-carbon assessment methodology must take into account the new requirements for assessing the carbon footprint of the EPBD, in particular in its Annex III. Annex III to the Directive contains framework conditions for national assessment methods, such as the length of the reference study period, the numeric indicator, the scope of the assessment, the standards forming the basis for the methodology and the data to be used for the assessment. In addition, the EU Commission is to complement the framework conditions of the assessment with a separate delegated regulation. Other starting points in the preparation of the decree would continue to be that the assessment should cover the whole life cycle and also include a carbon handprint. An assessment would also be carried out for the construction site, but the assessments of the building and the site would be reported separately. Following the amendment to the Act, the assessment methodology would not be mandatory for major renovations. At the same time, it has been clarified that it is not mandatory to carry out an assessment in the case of extensions. According to the proposal, the party undertaking a construction project would be responsible for ensuring that a climate report is drawn up. The calculation of the carbon footprint of buildings would in principle use emissions from national energy scenarios, as presented in the national emissions database.

The power to issue decrees on the carbon footprint limit values of new buildings is transferred to section 38a, as the limit values have been presented in a separate section for the sake of clarity. At the same time, it is proposed to add a basic provision to section 38 relating to the power to issue decrees, according to which the setting of limit values could take into account specific situations in which compliance with limit values would be particularly challenging due to the characteristics of the building, its intended use or location, or the technical and functional implementation of the essential technical requirements laid down in section 29 of this Act. The addition would make it possible to take into account specific situations where there would be a need to differ from the limit value on the basis of both the intended use category of the building and its other characteristics, such as higher height than usual, location in a high noise area, design or façade requirements in the local detailed plan, adaptability or portability A way of ensuring that construction projects comply with limit values is to nominate, under section 118 of the Construction Act, the responsible person for the construction phase, such as the responsible construction project manager or other professional, agreed in the building permit or at the kick-off meeting, to record in the summary section of the construction inspection report that the construction work conforms to the limit value stated in the climate report and set for the type of building.

8.2 Determining the levels of complexity of construction design tasks and construction project management tasks as well as training requirements

According to section 82, subsection4, of the proposal, further provisions could be issued by government decree on the determination of the level of complexity of the design task and the training required for the design task. Similarly, according to section 86, subsection 4 of the proposal, further provisions could be issued by government decree on the determination of the level of complexity of the construction project management task and on the training required for the management of construction work. In view of their relevance, the powers to issue decrees are proposed to be laid down as a government decree. The provisions concern the conditions for performing the tasks which may have an impact on the ability to exercise a profession.

Section 82, subsection 2 of the Construction Act lays down the factors that determine the level of complexity of the design task. Complexity is influenced by architectural, functional and technical requirements, as well as the intended use of the building. In accordance with section 82, subsection 3 of the proposal, the scope and content of the training of the designer should correspond to the level of complexity of the design task. The power to issue decrees would allow for more precise provisions on the scope and content of training.

Section 86, subsection 1 of the Construction Act lays down the factors which determine the level of complexity of the construction project maangement task. Complexity depends, for example, on the intended use, size and technical characteristics of the building and the requirements of the construction site, construction conditions and working methods. In accordance with section 86, subsection 3, of the proposal, the training of the responsible construction project manager and of the specialist project manager should correspond, in terms of scope and content, to the level of complexity of the construction project management task. The power to issue decrees would allow for more precise provisions on the scope and content of training.

9 Entry into force

It is proposed that the Acts enter into force on 1 January 2025 at the same time as the Construction Act. It should be noted that the 3 rd Act cannot enter into force before 1 January 2025, so that the amendments to section 57, subsection 1, and section 197, subsection 1, can also be transposed to the sections of the original law. If the Act were to enter into force earlier, these amendments would have to be transposed into the amending Act 752/2023. The same applies to the 5th Act as regards Act 768/2023.

The obligation to draw up a climate report and a list of construction products under section 38 of Act 1 and the transition period for the carbon footprint limit value requirement under section 38a would be extended by one year to come into effect from 1 January 2026. This would mean that the climate report and the list of construction products would have to be drawn up for new construction projects within the meaning of section 38 for which the building permit application is initiated after 1 January 2026. The carbon footprint limit value requirement for new buildings laid down in section 38a would also apply only to new buildings for which the building permit application is initiated after 1 January 2026. Similarly, section 40a on the definition of ‘housing and accommodation’, section 61 on the building permit application and section 68a on the processing time guarantee would enter into force on 1 January 2026.

10 Relationship to other proposals

The Ministry of Justice is preparing an overall reform of the Emergency Powers Act, including the regulation of construction and construction products. The list of construction products pursuant to section 38 of the Construction Act would serve as a purchase authorisation under the Emergency Powers Act.

11 Relationship to the Constitution of Finland and the legislative process

11.1 Democracy and the rule of law

According to section 2, subsection 3 of the Constitution, the exercise of public powers must be based on an Act. In all public activity, the law shall be strictly observed. Construction legislation is based on the exercise of public powers. The role of public administration in the Constitution refers to a broad set of administrative functions, including tasks relating to the implementation of laws and decision-making on the rights, duties and interests of individuals and entities (HE 1/1998 vp p. 179/I).

According to section 2, subsection 2, of the Constitution, democracy entails the right of the individual to participate in and influence the development of society and their living conditions. According to the preparatory work to the Constitution, this provision reflects the principle that the ability of the individual to influence the development of society and their living conditions in a democratic society cannot be limited to the possibility of voting in elections (HE 1/1998 vp p. 74/1). This provision is linked to other constitutional provisions on individual participation and influence. Section 14, subsection 3, of the Constitution concerns the role of the public authorities in promoting an individual's opportunities to participate in societal activity and to influence the decisions that concern him or her. According to section 20, subsection 2, of the Constitution on basic environmental rights, the public authorities shall endeavour to guarantee for everyone the possibility to influence the decisions that concern their own living conditions. It is also stated in the preparatory work to the Constitution that the provision serves as a constitutional mandate to develop environmental legislation to broaden the opportunities for humans to influence the decisions that concern their own living conditions (HE 309/1993 vp, p. 67/1).

The opportunities for participation and influence are regulated in agreements and directives that concern Finland. These include the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms (EIS), the UNECE Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental matters (Finnish Treaty Series SopS 122/2004), the Council of Europe Framework Convention on the Value of Cultural Heritage for Society (Faro Convention 2005, Finnish Treaty Series SopS 49/2018), the EIA Directive (2011/92/EU) and the SEA Directive on the assessment of the effects of certain plans and programmes on the environment (2001/42/EC). The Convention on Human Rights of the Council of Europe entered into force in Finland on 23 May 1990 (Finnish Treaty Series SopS 19/1990). The Faro Convention has been implemented by Act (61/2018). The Aarhus Convention has been implemented by Act (767/2004) and Decree (866/2004). The Secretariat of the Aarhus Convention has published non-legally binding implementing guidelines. Some legislative changes were made at the time

of the entry into force of the agreement, but as a general rule the Finnish legislation in force was considered to fulfil the contractual obligations. From the point of view of land use planning, Eija Mäkinen, DPhil in Public Policy and Administration, draws attention, in particular, to the wide access to justice under the Aarhus Convention and to the fact that access to information, participation rights and access to justice are compatible.[20] States which have adopted it are directly bound by the Aarhus Convention. However, neither the Convention nor EU law can give rise to absolute access to justice for all, according to Eija Mäkinen. This matter can be decided at national level, taking into account Articles 9(2) and 9(3) of the Aarhus Convention and their objectives. For example, as far as the right of appeal of the Communities is concerned, it is possible to define the limits for its exercise at national level. So far, the Constitutional Law Committee has not explicitly ruled on the irremovability of the municipal appeal as part of municipal self-government. On the other hand, the Constitutional Committee took the view that the amendment to the Land Use and Building Act, which changed the right of appeal against minor local detailed plans to be based on the complainant being a party, did not infringe the municipal self-governance (PeVL 33/2006 vp).

11.2 Participatory rights

Under section 14, subsection 4 of the Constitution, the role of the public authorities is to promote the opportunities for the individual to participate in societal activity and to influence the decisions that affect him or her. The basic right to participate is important in the preparatory process and decision-making relating to construction.

Pursuant to Article 12 of the Faro Convention, the parties agree to:

a. encourage everyone to participate in:

- identification, research, interpretation, protection, conservation and demonstration of the cultural heritage;

- public reflection and debate on the opportunities and challenges that cultural heritage offers;

b. take into account the value that cultural heritage communities attach to the cultural heritage with which they identify;

c. recognise the importance of voluntary organisations, both as participants in the activities and as assessors of the success of cultural heritage policies;

d. to improve the accessibility of cultural heritage, in particular among young people and disadvantaged people, in order to raise awareness of the value of cultural heritage, the need to maintain and preserve it and the benefits it can achieve.

Although the right of appeal of organisations is limited, they retain the right of appeal, both in accordance with the Spatial Planning Act in respect of planning and in accordance with the Construction Act in respect of the derogation permit and a site located in an area requiring planning. Therefore, organisations whose activities involve safeguarding the cultural heritage can continue to exercise their right to participate under the Faro Convention.

[20] Eija Mäkinen: Local detailed plan and right of appeal on the basis of a party. Publications of the Ministry of the Environment 2019:27, pp. 20–23.

11.3 Responsibility for the environment

According to Article 37 of the Charter of Fundamental Rights of the European Union (2000/C 364/01), a high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development. Article 17.1 of the Charter, relating to the right to property, reads in turn: 'Everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions. No one may be deprived of his or her possessions, except in the public interest and in the cases and under the conditions provided for by law, subject to fair compensation being paid in good time for their loss. The use of property may be regulated by law in so far as is necessary for the general interest.

According to section 20 of the Finnish Constitution on responsibility for the environment, responsibility for nature and its biodiversity, the environment and the cultural heritage rests with everyone. In accordance with subsection 2 of the section, public authorities shall endeavour to guarantee for everyone the right to a healthy environment and for everyone the possibility to influence the decisions that concern their own living conditions.

Legal writers consider that liability under environmental fundamental law is reflected, in particular, as the ecological limits of individual freedom rights. At the same time, 'the safeguarding duty of the public authorities and procedural environmental rights reflect the intrinsic protection afforded by the human and fundamental rights system to nature and the environment'. [21]

In the preparatory work for the fundamental rights reform, section 14a on the Form of Government, which preceded the current section 20 of the Constitution, was found in the Government proposal to be essentially a declaratory provision (HE 309/1993 vp). The proposal also stressed the need for wide-ranging cooperation between the various parties involved in environmental protection. The Constitutional Law Committee considered this provision to apply to everyone's responsibility (PeVM 25/1994 vp). In the Committee's view, there is an underlying idea that the provision has a particularly strong dimension of the intrinsic value of nature and the rights of future generations. The provision was also said to imply a constitutional mandate for the development of environmental legislation to broaden the ability of people to influence decisions on their own living environment.

In the context of the reform of nature conservation legislation and construction legislation, the Constitutional Committee has stated that section 20 of the Constitution does not provide for verifiable obligations for the individual, nor does it constitute a separate criterion for imposing specific tolerance obligations on landowners. On the other hand, as parts of the same provision on fundamental rights, both may have an impact on each other's interpretation in a context such as that which seeks to achieve sustainable legislative solutions that promote a balance between humans and the environment (PeVL 21/1996 vp, PeVL 38/1998 vp).

The importance of the fundamental environmental right has increased in the opinions of the Constitutional Law Committee, such as PeVL 36/2013 vp, PeVL 32/2010 vp, PeVL 20/2010 vp. ja PeVL 6/2010 vp, PeVL 10/2014 vp, PeVL 25/2014 vp. The increased importance of the fundamental environmental right is reflected in the recent Constitutional Law Committee

[21] Tapio Määttä: Environment as a European human and fundamental right: towards an eco-social rule of law. In the work by Liisa Nieminen (ed): Fundamental rights in the EU (2001), pp. 314–315.

opinions PeVL 55/2018 vp and PeVL 69/2018 vp on banning the use of coal for energy and amending bankruptcy laws.

Climate change mitigation can be seen as being a particularly strong perspective on the rights of future generations, as the progress of climate change and the increase in global average temperatures pose a threat to the future of the planet and will particularly affect future generations. From this perspective, today's children and young people and the unborn generations are particularly affected by climate change. The underlying idea is that people have the right to a healthy and rich life in harmony with nature and the environment.

Finland, as a Member State of the European Union, is bound by the Paris Agreement on climate change and its carbon neutrality objective. Europe aims to be net-zero in 2050. The provisions contribute to the implementation of the environmental right under the Constitution of Finland and focus on construction.

The Constitutional Law Committee has previously assessed the legislation on the property-specific treatment of domestic wastewater contained in the Environmental Protection Act (PeVL 45/2016 vp and PeVL 44/2010 vp). The requirement to improve the property-specific treatment of domestic wastewater contained in the technical amendment to the Environmental Protection Act is relevant to the provision on environmental responsibility in section 20 of the Constitution (see PeVL 40/2010 vp, p. 3/II–4/I). The Constitutional Law Committee has also previously assessed the link between section 20 of the Constitution of Finland and the right to protection of property. The Committee has stated that the relationship between sections 15 and 20 of the Constitution of Finland is such that, first, section 20 does not lay down verifiable obligations for the individual and, second, that it does not constitute a separate criterion for imposing specific tolerance obligations on owners. On the other hand, as part of the same fundamental rights provisions, both may have an impact on each other's interpretation in a context such as that which seeks to achieve sustainable legislative solutions that promote a balance between humans and the environment (see PeVL 20/2010 vp, p. 2/II and PeVL 21/1996 vp, p. 2/I).

The proposed implementation of the basic-level purification requirement under section 156b, subsection 1, of the Environmental Protection Act in areas other than near watercourses and the sea and in groundwater areas, is still justified from the point of view of the implementation of the fundamental environmental right. It also contributes to the prevention of pollution from domestic wastewater in these areas. This section is part of a broader regulation of environmental responsibility applicable to domestic wastewater from diffuse settlements, taking into account, on the one hand, the protection of property of the owner of the property and the obligation to purify wastewater and to prevent pollution. On the basis of the proposed amendment, the provision becomes applicable in situations where repairs and alterations or more extensive renovations as referred to in the section are carried out. The timing of the renovation is determined by the owner, subject to environmental protection reasons. The proposed revision of section 156b, subsection 1, of the Environmental Protection Act due to the new Construction Act does not entail any substantial changes to the existing legal position from the point of view of fundamental rights. The proposed provision is therefore compatible with both the fundamental environmental right and the protection of property under the Constitution of Finland.

11.4 Protection under law

According to section 21 of the Constitution of Finland, everyone has the right to have their case dealt with appropriately and without undue delay by a legally competent court of law or other authority, as well as to have a decision pertaining to their rights or obligations reviewed by a court of law or other independent organ for the administration of justice. According to subsection 2 of that section, the publicity of the proceedings and the right to be heard, the right to receive a reasoned decision and the right of appeal, as well as other guarantees of a fair trial and good governance, are laid down by an Act.

11.4.1 Time limits

The right to timely processing is a fundamental right of everyone. Section 23 of the Administrative Procedure Act repeats the requirement in section 21 of the Constitution of Finland that cases be handled without undue delay. In addition, section 23a of the Administrative Procedure Act provides for the determination of the length of handling. According to this section, the authority must determine the expected length of proceedings in the main categories of cases within its field of activity for cases decided by administrative decision, which can only be initiated by the party concerned. This does not apply to cases for which no time limit has been laid down. The Administrative Procedure Act does not lay down time limits for the processing of cases. The handling of cases and ensuring handling is carried out without undue delay are also part of the duties of public officials. The act on State Civil Servants Act (750/1994) and the Act on Municipal Officials (304/2003) include provisions on the general obligation of officials and office holders to perform their duties properly and without delay. Section 68a of the proposed Act would set a time limit for the processing of the application for building permit and clean transition location permit. In national law, time-limit rules have been exceptional. EU legislation typically provides for maximum time limits for administrative procedures. Under section 21 of the Constitution of Finland and the above-mentioned provisions of the Administrative Procedure Act, national law already provides for prompt processing. The Constitutional Law Committee, in its previous decision-making practice, did not consider the time limit rule to be incompatible with section 21 of the Constitution, but to contribute to the requirement of lack of delay PeVL 40/2010 vp and PeVL 6/2010 vp.

The time limit regulation proposed in the draft law is based on national regulations. The clean transition location permit implements the Net Zero Industry Act (NZIA), but the six-month processing time proposed as a processing time guarantee is a national regulation and is based on the entry in the government programme. The purpose of the proposed time limits of three and six months is not to create a target processing time, but to set an upper limit on the processing time. The draft law therefore does not interfere with the requirements of section 21 of the Constitution of Finland and the Administrative Procedure Act that cases must be handled without delay. In other words, even if a case were to be processed within the time limit laid down in the draft law, it would still be possible to call into question whether the case has been handled without undue delay under the Administrative Procedure Act and the Constitution.

11.4.2 Reduction of the right of appeal

The right of appeal of the Centres for Economic Development, Transport and the Environment, the Finnish Heritage Agency and, in its area of operations, a registered entity

whose activities include protecting the cultural heritage or influencing the quality of the built environment with regard to the demolition of a building that is protected under planning or by law or is otherwise of historical or architectural value, and the demolition of which requires a demolition permit, shall be reduced.

It is proposed to restrict the right of appeal of the Centres for Economic Development, Transport and the Environment and the Finnish Heritage Agency in sections 179, 181 and 182. According to the proposal, the right of appeal of the Centres for Economic Development, Transport and the Environment would correspond to the right of appeal under section 192 of the Land Use and Building Act. The original Construction Act provides for a wider right of appeal of the Centres for Economic Development, Transport and the Environment. To the extent provided for in the Construction Act, the right of appeal of the Finnish Heritage Agency is limited to sites of national or regional importance. As a result, the Finnish Heritage Agency continues to acquire a right of appeal which it does not have under the Land Use and Building Act, but it is more limited than in the Construction Act, thus making the situation smoother for the party undertaking a construction project. In addition, the proposal repeals the right of appeal of a registered entity whose area of activity is to safeguard the cultural heritage or influence the quality of the built environment in sections 179 and 182.

The provisions of section 21 of the Constitution do not preclude the introduction by law of minor exceptions to the rights guaranteed therein, provided that such exceptions do not alter the status of the legal protection guarantee in question as a general rule and do not, in individual cases, jeopardise the legal protection of the individual (PeVL 68/2014 vp). In view of the nature of the right guaranteed by section 21, subsection 1 of the Constitution and the legal reservation in section 21, subsection 2 of the Constitution, according to the Constitutional Law Committee it has also been clear that the regulation of the right of appeal, in particular the prohibitions on appeals, but also other limitations to the right of appeal, are subject to the same legislative requirement. (PeVL 17/2021 vp, PeVL 16/2019 vp and 50/2018 vp and opinions referred to therein).

11.5 Regulation at the level of secondary legislation

The proposed law includes powers to issue decrees, so the proposal has to be assessed in the light of section 80, subsection 1 of the Constitution. According to that provision, decrees may be adopted on the basis of a power provided for in the Constitution or other law. However, the principles governing the rights and obligations of private individuals and the other matters that under the Constitution are of a legislative nature must be regulated by Acts.

The enactment of the power to issue decrees in the Act has been subject, in the established practice of the Constitutional Law Committee, to requirements concerning regulatory accuracy and precision (e.g. PeVL 10/2016 vp, PeVL 49/2014 vp, PeVL 25/2005 vp and PeVL 1/2004 vp). The content of the power to issue decrees must be clear from the law and must also be sufficiently clearly defined. The Constitutional Law Committee has also drawn attention to the fact that, in view of section 80 of the Constitution, it is essential that there are sufficient basic provisions of the law governing the matter to be regulated and that the power should, as a general rule, be placed within the relevant basic provision of the law (e.g. PeVL 49/2014 vp and PeVL 10/2016 vp).

Further provisions could be issued by government decree under sections 38a, 63a, 82 and 86 of the Construction Act, and further provisions could be issued by decree of the Ministry of the Environment under sections 38, 39, 61, 68a and 69 of the Construction Act. The proposed

powers to issue decrees are placed in the context of the relevant provision, which contains basic provisions on the matter to be regulated. The proposed power to issue decrees can be considered to be based on sufficiently precise and specific provisions on the basis of individual rights and obligations. The power to issue regulations can therefore be considered to meet the requirements of section 80, subsection 1 of the Constitution of Finland.

On the basis of the above considerations, the proposals may be dealt with under the ordinary legislative process.

Resolution

By virtue of the above, the following bills will be presented to Parliament for approval:

1.

Act

amending the Construction Act

By decision of Parliament, the following is enacted

section 39, subsection 2, and section 95 of the Construction Act (751/2023) are *repealed*;

section 17, subsections 2 and 3; section 38; section 39, subsection 3; section 42, subsection 1, paragraph 4; section 56; heading of section 59; sections, 61, 62, 69 and 71; section 75, subsection 3; section 82, subsection 3; section 83, subsection 3; heading and subsections 1 and 2 of section 84; section 86, subsection 3; section 93; section 94, subsection 2; section 109; section 110, subsection 3; section 112, subsection 2; section 122, subsection 2, paragraph 8; and sections 179, 181, 182 and 197 are *amended*; and

to the Act are *added* new sections 38a, 43a, 43b, 46a, 63a, 67a, 68a, and 75a; a new subsection 3 to section 82, upon which the amended subsection 3 becomes subsection 4; a new subsection 3 to section 86, upon which the amended subsection 3 becomes subsection 4; new paragraphs 9 to 11 to subsection 2 of section 122; a new section 179a to the Act; and a new subsection 2 to section 183, as follows:

Section 17

Municipal building ordinance

— —

The municipal building ordinance may be used to issue regulations that are based on local conditions and take into account planned and appropriate construction, cultural and ecological values and the establishment and maintenance of a good living environment, and which do not alter the provisions of section 42, subsection 1, on the requirements for a building permit for construction works. The municipal building ordinance regulations shall not be unreasonable in relation to property owners or other title holders.

In the case of construction, renovations and alterations, the provisions of the municipal building ordinance may cover:

(1) the site for construction works subject to a building permit in accordance with section 42, subsection 1, and other areas;

(2) the size of a building subject to a building permit in accordance with section 42, subsection 1, and its location;

(3) the adaptation to the environment of a building subject to a building permit in accordance with section 42, subsection 1;

(4) the method of construction, planting, fences and construction works as set out in section 42, subsection 2, other than construction works referred to in subsection 1 of that section;

(5) the distance from a fire safety perspective of construction works from the boundaries to neighbouring properties;

(6) the management of the built environment and the management of water resources; and

(7) other aspects relating to local construction comparable to those referred to in paragraphs 4–6.

— —

Section 38

Low-carbon buildings

Parties undertaking a construction project shall ensure that the building is designed and constructed as a low-carbon building in a way that is commensurate with its intended use. The carbon footprint and carbon handprint of the building and the construction site shall be reported in the climate report to be prepared for the final inspection under section 122 for the following new buildings:

(1) terraced houses;

(2) apartment blocks;

(3) office buildings and health centres;

(4) commercial buildings, department stores, shopping centres, wholesale and retail trade buildings, market halls, theatres, opera, concert and conference buildings, cinemas, libraries, archives, museums, art galleries and exhibition venues;

(5) tourist accommodation buildings, hotels, residential homes, senior housing, residential care homes and medical care institutions;

(6) educational buildings and kindergartens;

(7) sports halls;

(8) hospitals;

(9) storage buildings, transport buildings, swimming pools and ice rinks with a net heated area of more than 1 000 square metres.

The obligation to prepare a climate report does not apply to renovation and alteration works, the addition of space included in floor area, or to the extensions of buildings. The assessment of the carbon footprint and carbon handprint shall cover the life cycle of a building. The assessment must be based on the low-carbon assessment methodology for buildings as well as on the data from the national emissions database or other environmental performance data in accordance with the assessment methodology.

The low-carbon assessment shall cover separately the new and recoverable building and technical elements contained in the building and the building site. Parties undertaking a construction project shall ensure that, at the building permit stage, a list of construction products of at least the level of general arrangement drawings is drawn up for buildings referred to in subsection 1. The list shall be updated to take into account any key changes for the final inspection of the building.

Further provisions may be laid down by decree of the Ministry of the Environment on the methodology for assessing the low-carbon performance of a building, the data to be used for the assessment and the reporting of the input data and results of the assessment, the preparation of the climate report and the list of construction products.

Section 38a

Carbon footprint limit value

The carbon footprint of new buildings shall not exceed the limit value laid down for each category of intended use of the buildings referred to in section 38, paragraphs 1–9. Compliance with the carbon footprint limit value of buildings shall be demonstrated by the climate report to be prepared for the final inspection in accordance with section 122. The limit value does not apply to renovations and alterations, the addition of space included in floor area and the extension of buildings.

The limit value for the carbon footprint of a building shall be based on the energy and material consumption over the whole life cycle of the building and shall not include the carbon footprint of the construction site nor the carbon handprint of the building or construction site.

The setting of limit values could take into account specific situations in which achieving a value below the limit value would be particularly difficult because of the characteristics of the building, its intended use or location, or because of the technical and functional implementation of the essential technical requirements referred to in section 29 of this Act.

Further provisions on the carbon footprint limit value of new buildings may be laid down by government decree.

Section 39

Life cycle characteristics of buildings

— —

Further provisions may be laid down by decree of the Ministry of the Environment on the target technical service life of a building, its adaptability, maintainability and repairability, and the demolition of building elements.

Section 42

Construction permit

A construction permit is required for the construction of a new construction work if the site is:

— —

(4) an audience structure which can be used simultaneously by at least five natural persons, with the exception of a stationary event structure to remain in place for up to two months;

— —

Section 43a

Clean transition location permit

At the request of the entity applying for a building permit, the spatial planning review of a clean transition industrial project can be carried out on the basis of a location permit, without a local detailed plan or local master plan providing for its use as a basis for the grant of a building permit.

The clean transition industrial projects referred to in subsection 1 are as follows:

(1) an energy production site that produces energy from renewable energy, with the exception of wind and solar power plants;

(2) an industrial project replacing the use of fossil fuels or raw materials based on renewable energy or electrification;

(3) the manufacture and use of hydrogen, excluding the production of hydrogen from fossil fuels;

(4) carbon capture, utilisation and storage;

(5) battery factory and manufacturing, recovery and reuse of battery materials;

6) processing industry clean transition investments in areas under Articles 17 and 18 of Regulation (EU) 2024/... of the European Parliament and of the Council on establishing a framework of measures

for strengthening Europe's net-zero technology manufacturing ecosystem and amending Regulation (EU) 2018/1724.

A clean transition location permit shall not result in any significant deterioration in the quality of the living environment of any person that is not justified by the purpose of the clean transition location permit. In addition, a clean transition investment permit shall not impose on the landowner or other title holder a disproportionate restriction or disadvantage that can be avoided without overriding the objectives or requirements of the clean transition location permit.

Section 43b

Grant of a building permit prior to plot division and the parcelling of plots

By way of derogation from section 81, subsection 2, of the Spatial Planning Act, a building permit may be granted before the plot division and the parcelling of plots. In such cases, the building permit shall stipulate that the building may not be put into service until the plot has been registered in the land register.

Section 46a

Conditions for a clean transition location permit

A clean transition permit shall be subject to the following conditions:

(1) the area of the construction site must not be less than 1 000 square metres;

(2) the construction site is not at risk of flooding, subsidence or landslides;

(3) it is possible for buildings to be located at a distance of at least four metres from the boundaries to neighbouring properties, also taking into account the buffer zone within the meaning of section 44 of the Highways Act and the lateral clearance area within the meaning of section 45 of the same Act, the buffer zone within the meaning of section 37 of the Railways Act, and the lateral clearance area within the meaning of section 38 of the same Act, and the need to apply for permission for obstacles to air navigation within the meaning of section 158 of the Aviation Act;

(4) the construction works are suitable for the built environment and landscape and meet the requirements of beauty, high-quality architecture or harmoniousness;

(5) there is feasible access to the construction site, or the possibility of organising such access;

(6) water supply, wastewater and surface run-off can be managed without harm to the environment;

(7) the provision of roads, water supply or sewerage does not involve any specific costs for the municipality or the State;

(8) the construction must not be detrimental to the neighbours or hinder construction on a neighbouring property;

(9) the construction is suitable from a landscape point of view and does not hinder the preservation of the specific values of natural or cultural environments or the safeguarding of recreational needs;

(10) the construction is suitable for the implementation of infrastructure networks and transport routes, road safety and access to services;

(11) the siting of establishments manufacturing, treating or storing hazardous chemicals or explosives should be appropriate, taking into account the current and future use of the site environment, as indicated in planning that has legal effect under the Spatial Planning Act, as well as any planning provisions applicable to the site.

If construction under a clean transition location permit requires the demolition of a building, the grant of a building permit would also be subject to the conditions for granting a demolition permit.

Section 56

Prerequisites for a demolition permit

The building control authority may authorise the demolition of a building.

A building may be demolished if a local detailed plan, local master plan or regional land use plan, which is less than 13 years old, allows the demolition and the building is not protected by law. In an area where there is no local detailed plan, local master plan or regional land use plan, or the plan is more than 13 years old, the demolition of a building shall not adversely affect future planning or other organisation of spatial planning, nor shall it make it more difficult to achieve the objectives of the protection of the built environment.

Where the demolition results in the reuse or recycling of demolition materials, a building other than a protected building may be demolished when:

(1) the building is located in a municipality where the buildings have lost most of their value;

(2) the building can no longer be demonstrated to have a purpose of use; and

(3) the building is in poor condition and renovation is not considered appropriate.

A municipality may authorise the demolition of a building protected by a local detailed plan if:

(1) the building has been owned by a municipality or a municipal company for at least 10 years;

(2) the building is not technically, functionally and economically repairable;

(3) the demolition will lead to the reuse or recycling of the demolition material; and

(4) the building is not of national or regional importance.

The applicant for a permit shall look into the organisation of the demolition work and the conditions for managing the construction waste generated and the reuse of usable building elements.

Section 59

Permission for minor deviations in the context of the building permit and final inspection

— —

Section 61

Building permit application

The owner or holder of a construction site undertaking a construction project shall apply to the municipality for a building permit in writing. Depending on the nature and scope of the construction works, an application for a building permit shall be accompanied by the following:

(1) the general arrangement drawings included in the concept design, signed and certified by the building designer;

(2) a project information model at the level of general arrangement drawings or information in a machine-readable format created as part of the concept design of the building or, in the

case of a project other than a building, a report on the construction works and its effects on the surrounding area;

(3) a statement that the applicant has control over the construction site;

Taking into account the nature and scope of the project, the building control authority may, for justified reasons, require that the building permit application be accompanied by:

(1) a report on the foundations and ground conditions at the construction site and on the required manner of foundation work and other necessary measures;

(2) an energy report;

(3) a list of construction products;

(4) a report on the sanitary conditions and elevations of the construction site;

(5) a description of the condition of the building in respect of the area of intervention, if the project is a renovation project;

(6) any relevant evidence other than that referred to in paragraphs 1 to 5 necessary for the determination of the application for a permit.

Building control may, for justified reasons, require the applicant to supplement the annex referred to in subsections 1 and 2 or to provide another report relevant to the decision on the permit application.

Further provisions may be laid down by decree of the Ministry of the Environment on the content and presentation of the general arrangement drawings and reports, and on the plans in a data model format and on the content and presentation of the information in a machine-readable format.

Section 62

Application for a location permit

If the party undertaking the construction project applies for a separate decision on the location permit, the permit application shall be accompanied by explanations enabling the municipality to assess whether the conditions laid down in sections 44 to 46 have been met. The statements shall include information on the form and façade, the orientation on the construction site, the provision of vehicle access routes and,for areas where municipal engineering services are in place or are planned to be implemented, information on the location at which point the building is planned to be connected to these.

Section 63a

Consultation and information on the clean transition location permit

The municipality shall announce that an application for a clean transition location permit has been initiated and shall consult neighbours and people living or working in the area or who due to other circumstances could be significantly affected by the construction project. The applicant for a permit may attach to their application a reliable statement that the neighbours or some of the neighbours are aware of the documents and information relevant to the project and an explanation of their possible view on the project.

In addition, the municipality must give the members and participants of the municipality the opportunity to express their views on a building permit application in respect of a building subject to the Act on the Environmental Impact Assessment Procedure.

The applicant for a permit shall inform about the lis pendens of the application at the construction site.

More detailed provisions on consultation and information may be laid down by government decree.

Section 67a

Opinion on the clean transition location permit

The municipality must seek the opinion of the Centres for Economic Development, Transport and the Environment, the Regional Council and any other government authority on the application for a clean transition location permit if the application for a permit relates significantly to its field of activity.

Section 68a

Time limit for processing a building permit application and penalties for failure to comply with the time limit

The building control authority shall decide on the application for a building permit within three months of the application for a building permit, together with the relevant annexes, being initiated in the building control authority and the annexes allow the application to be processed. An application for a building permit for a particularly difficult construction project involving an exceptionally complex design task and the application for a clean transition location permit shall be decided within six months of the building permit application, together with the relevant annexes, being initiated in the building control authority and the annexes allow the application to be processed.

In the event of a delay in the processing of a permit application, the municipality shall, at its own initiative, reimburse 20 % of the building permit fee for each month of delay, unless the delay was caused by the applicant.

Further provisions on the calculation of the time limit may be issued by decree of the Ministry of the Environment.

Section 69

Submission of special plans

The building control authority may, for justified reasons, order, in the context of the building permit, at the kick-off meeting, or during the construction work, that the special plans necessary due to the nature or scope of the construction project should be drawn up and submitted to the building control authority

The party undertaking the construction project or the principal designer must ensure that the special plan for the construction works referred to in subsection 1, and the corresponding project information model or machine-readable information produced by the designers is submitted to the building control authority before the start of work on the work phase in question. Building control may, for justified reasons, require the submitted special plan to be supplemented.

Further provisions on the content and presentation of the special plan and the corresponding project information model or information in a machine-readable format may be issued by decree of the Ministry of the Environment.

Section 71

As-built model for a building

The party undertaking the construction project shall ensure that the designer updates the plans in accordance with changes implemented during the construction work and that the concept design at the level of general arrangement drawings in the form of a project information model or otherwise a machine-readable format is updated to a corresponding as-built model and the special plans are updated to correspond to the finished building. The specialist designer shall provide the principal designer and the building designer with the implemented, updated special plans. The owner of the building shall ensure that the as-built model or machine-readable information for the building is kept up to date in the event of alterations to the building.

Section 75

Environmental impact assessment

— —

The obligation of the permit authority to submit the permit application and decision, together with translations of the essential elements thereof, to the Finnish Environment Institute, for these be sent to another State for projects with transboundary environmental effects, is laid down in section 29a of the Act on the Environmental Impact Assessment Procedure.

— —

Section 75a

Impact assessment of the clean transition location permit

In the context of an application for a clean transition location permit, an assessment shall be made of the environmental, economic, social, cultural and other impacts of implementing the plan.

In the case of a project within the meaning of section 3 of the Environmental Impact Assessment Procedure Act, the environmental impact assessment shall be carried out in accordance with section 75 of this Act.

Section 82

Level of complexity of design tasks

— —

The scope and content of the designer’s training shall correspond to the level of complexity of the design task provided for in subsections 1 and 2.

Further provisions on the determination of the level of complexity of the design task and on the training required for the design task may be issued by government decree.

Section 83

Qualification requirements for designers

— —

The designer must demonstrate their competence for a conventional, complex, highly complex and exceptionally complex design task by means of a certificate issued by an operator authorised by the Ministry of the Environment.

Section 84

Notification of designers to the building control authority

In connection with the building permit application, the party undertaking the construction project shall notify the building control authority in writing of the principal designer and building designer for the project. At the same time, special designers essential for evaluation of the project must also be indicated. Other specialist designers shall be notified before submitting the specific plan to the construction supervisory authority. The notification shall include the designer's consent to the task.

The party undertaking the construction project shall also notify the building control authority in writing of a change of designer in the course of the construction project. The provisions of subsection 1 on the content of the notification shall apply to the notification.

— —

Section 86

Levels of complexity of construction project management tasks

— —

The training of the responsible construction project manager and the specialist project manager shall correspond, in terms of scope and content, to the level of complexity of the construction project management task provided for in subsections 1 and 2.

Further provisions on how to determine the level of complexity of the project management task and on the training required for the construction project management task may be issued by government decree.

Section 93

Building designer

A construction project must have one or more building designers. The building designer shall ensure that they have at their disposal the necessary baseline information for the design and that the concept design complies with the requirements of construction regulations and good building practice. The building designer shall update the concept design in the form of a project information model or otherwise in a machine-readable format for the construction project to correspond to the as-built project, in accordance with the notification of the responsible construction project manager. The building designer shall also draw up operation and maintenance instructions for the building in accordance with section 139 with respect to the content of the concept design.

Section 94

Specialist designer

— —

The specialist designer shall update the special plans in the form of a project information model or otherwise in a machine-readable format for the construction project to correspond to the as-built project, in accordance with the notification of the responsible construction project

manager. In addition, they shall draw up operation and maintenance instructions for the building in accordance with section 139 with respect to their own specialist field.

Section 109

Activities authorised prior to the commencement of the construction work

The authorised measures prior to the commencement of the construction work include excavation, quarrying, felling of trees and other comparable preparatory measures for construction, in accordance with the provisions of the landscape work permit. The party undertaking a construction project must notify the building control authority of such preparatory work for construction before it starts.

The piling work on the foundation of the building may be carried out before the construction work begins in accordance with the piling plan submitted to the building control authority. The party undertaking the construction project must inform the building control authority of the piling work before it starts. Piling work performed prior to the start of the construction work must have a responsible construction project manager or specialist project manager approved by the building control authority.

Section 110

Kick-off meeting

The kick-off meeting shall identify and record in the minutes the main actors involved in the design and construction work and their inspection tasks, checks and inspections by the authorities and any other reports and measures to ensure the quality of the construction. The procedures agreed at the kick-off meeting must be followed in the construction work.

Section 112

Inspections by public authorities

The official carrying out inspections shall ascertain whether the measures, inspections and reports relating to a specific stage of construction have been carried out, as well as whether the measures required in response to any deficiencies or defects identified have been carried out. The responsible construction project manager shall be present at the inspection. The designers and specialist site managers shall be present at the review if their expertise is needed to clarify any aspect of the review. If the review gives rise to a remark, the official who submitted the review shall prescribe in writing the necessary measures and a time limit to eliminate or rectify the irregularity or error. The inspection may be carried out on premises used for permanent residence only if this is necessary to clarify the matter under review. The inspection may only be carried out on the premises of a construction project subject to a building permit. Otherwise, section 38 of the Administrative Procedure Act (434/2003) applies.

Section 122

Final inspection

A final inspection may be carried out when the party undertaking the construction project has informed the building control authority that:

— —

(8) any deviations during implementation have been authorised or approved by the municipality.

(9) the building is below the carbon footprint limit value set for it in accordance with section 38a and which has been demonstrated by means of a climate report;

(10) the list of construction products in accordance with section 38, subsection 3, of the building has been updated;

(11) the plot has been entered in the land register in accordance with section 43b.

— —

Section 179

Right of appeal against a building permit

In respect of a building permit in an area covered by a local detailed plan, a building permit for a construction site located outside an area covered by a local detailed plan and which is not subject to the provisions concerning areas requiring planning, and in respect of a location permit to be decided by means of a separate decision, the following entities shall have a right of appeal:

(1) the owner or holder of the properties or areas located adjacent to or opposite the property;

(2) the owner or holder of any property or other area the construction or other use of which may be materially affected by the decision;

(3) the person whose right, obligation or interest is directly affected by the decision;

(4) the municipality;

(5) a neighbouring municipality whose land-use planning is affected by the decision;

(6) the Finnish Heritage Agency, if the decision concerns a protected site of national or regional importance.

In addition, a registered entity for the promotion of the protection of the environment, health or nature shall have a right to appeal in its area of operations, if the building permit concerns a building in a project that is covered by the Act on the Environmental Impact Assessment Procedure.

If construction in accordance with a building permit entails the demolition of a building of national or regional importance requiring a demolition permit, the Centres for Economic Development, Transport and the Environment also have the right to appeal against the building permit.

Section 179a

Right of appeal against a clean transition location permit

The following entities shall have the right to appeal against a clean transition location permit:

(1) the owner or holder of the properties or areas located adjacent to or opposite the property;

(2) the owner or holder of any property or other area the construction or other use of which may be materially affected by the decision;

(3) the person whose right, obligation or interest is directly affected by the decision;

(4) the municipality;

(5) a neighbouring municipality whose land-use planning is affected by the decision;
(6) the Centres for Economic Development, Transport and the Environment;
(7) an authority other than the one referred to in paragraphs 4 to 6 in matters within its competence.

In addition, a registered entity for the promotion of the protection of the environment, health or nature, shall have the right of appeal in its area of operations.

Section 181

Right of appeal against an implementation permit

The right to appeal against an authorisation to execute a decision shall be:
(1) the owner or holder of the properties or areas located adjacent to or opposite the property;
(2) the owner or holder of any property or other area the construction or other use of which may be materially affected by the decision;
(3) the person whose right, obligation or interest is directly affected by the decision;
(4) the municipality;
(5) the Finnish Heritage Agency, if the decision concerns a protected site of national or regional importance.

Section 182

Right of appeal against permission to terminate

The right to appeal against the authorisation to terminate is:
(1) the owner or holder of the properties or areas located adjacent to or opposite the property;
(2) the owner or holder of any property or other area the construction or other use of which may be materially affected by the decision;
(3) the person whose right, obligation or interest is directly affected by the decision;
(4) the municipality.

The Centres for Economic Development, Transport and the Environment and the Finnish Heritage Agency shall also have the right to appeal against a decision on demolition of a building if the building is of national or regional importance.

Section 183

Right of appeal against a landscape work permit

— —

In the case of a landscape work permit being used to implement a final local detailed plan or local master plan, the right to appeal against the landscape work permit lies with:
(1) the owner or holder of the properties or other areas located adjacent to or opposite the property;
(2) the person whose right, obligation or interest is directly affected by the decision;

Section 197

Transitional provision for the submission of data to the information system for the built environment

The municipality shall begin to submit the information referred to in sections 72 and 73 to the built environment information system no later than 1 January 2029.

This Act shall enter into force on [day] [month] 20xx. However, sections 38, 38a, 61 and 68a shall only apply from 1 January 2026.

Section 131 of the Spatial Planning Act (132/1999) shall be applied to building permit applications from 1 January 2025 until 31 December 2025.

2.

Act

amending the provision on the entry into force of the Act amending the Land Use and Building Act

By decision of Parliament, the following is enacted

subsection 1 of the section on the entry into force of the Act amending the Land Use and Building Act (752/2023) shall be *amended* as follows:

This Act enters into force on 1 January 2025. However, the repeal of section 131 of the Act as amended by this Act shall not take effect until 1 January 2026.

This Act shall enter into force on [day] [month] 20xx.

3.

Act

amending the Spatial Planning Act.

By decision of Parliament, the following is enacted

the Spatial Use Act (132/1999) is *amended:* section 57, subsection 1; sections 131; 188a; and 197, subsection 1; of which, section 57, subsection 1, and section 197, subsection 1, as amended by Act 752/202; section 131 as amended by Act 41/2014; and section 188a as amended by Act 1147/2022, as follows:

Section 57

Local detailed plan regulations

The local detailed plan issues regulations which, taking into account the purpose of the plan and the requirements imposed on its content, are necessary for construction or other use of the area covered by the local detailed plan (*local detailed plan regulations).* Local detailed plan regulations may also apply to the prevention or limitation of adverse effects on the environment.

— —

Section 131

Building permit application

An application for a building permit shall be made in writing to the building control authority. An application for a building permit shall be accompanied by:

(1) a statement that the applicant has control over the construction site;

(2) the general arrangement drawings included in the concept design, signed and certified by the building designer;

Taking into account the nature and scope of the project, the building control authority may, for justified reasons, require that the building permit application be accompanied by:

(1) an extract from the basic map of the area or, in the case of construction in an area covered by a local detailed plan, an extract from the local detailed plan and land registry extract and, where appropriate, the cadastral survey, if not already available to the building control authority;

(2) a report on the foundations and ground conditions at the construction site and on the required manner of foundation work and other necessary measures;

(3) an energy report;

(4) a report on the sanitary conditions and elevations of the construction site;

(5) a report by a qualified person on the condition of the building;

(6) any other relevant evidence other than that referred to in paragraphs 1 to 5 necessary for the determination of the application for a permit.

Further provisions on the content and presentation of the general arrangement drawings and reports may be laid down by decree of the Ministry of the Environment.

Section 188a

Urgent handling of a complaint concerning land use plan regarded as important for the production of renewable energy.

Urgent handling of a complaint concerning land use plan regarded as important for the production of renewable energy.and an appeal against a local master plan steering the construction of wind power plants referred to in section 77a shall be dealt with by the Administrative Court as a matter of urgency in relation to other appeals concerning planning and permit cases under the Construction Act.

Section 197

Relationship to other legislation

Adoption of a plan shall, in addition to the provisions of this Act, also comply with chapter 5 of the Nature Conservation Act. Any other decision by a public authority must also be taken in accordance with that law.

— —

This Act shall enter into force on [day] [month] 20[year].

4.

Act

amending section 156b of the Environmental Protection Act

By decision of Parliament, the following is enacted

section 156b, subsection 1, of the Environmental Protection Act (527/2014), as amended by Act 19/2017, is *amended* as follows:

Section 156b

Implementation of the basic-level purification requirement in other areas

The owner of the property shall ensure that, in an area other than the area referred to in section 156a, the renovation and alteration of a wastewater treatment system referred to in that section, shall meet the basic-level purification requirement when the following measures are implemented at the property:

(1) the construction of a water closet or renovation and alteration of water and sewerage systems where the system or part thereof is completely renewed or renovated. or

(2) work involving renovation and alteration works comparable to the construction of a building is carried out in the building.

— —

This Act shall enter into force on [day] [month] 20xx.

5.

Act

amending section 7 of the Act on the Assessment of the Effects of Certain Plans and Programmes on the Environment

By decision of Parliament, the following is enacted

section 7, subsection 2 of the Act on the Assessment of the Effects of Certain Plans and Programmes on the Environment (200/2005) as amended by Act 768/2023, is *amended* as follows:

Section 7

Delimitation of scope and relation to other legislation

— —

The environmental impact assessment (EIA) corresponding to the assessment of environmental effects on the environment under this Act in the context of land use planning is laid down in the Spatial Planning Act (132/1999).

— —

This Act shall enter into force on [day] [month] 20xx.

Helsinki [day] [Month] 20[year].

Prime Minister,

Name Surname

..Minister First name Last name

1.

Act

amending the Construction Act

By decision of Parliament, the following is enacted

section 39, subsection 2, and section 95 of the Construction Act (751/2023) are *repealed*;

section 17, subsections 2 and 3; section 38; section 39, subsection 3; section 42, subsection 1, paragraph 4; section 56; heading of section 59; sections, 61, 62, 69 and 71; section 75, subsection 3; section 82, subsection 3; section 83, subsection 3; heading and subsections 1 and 2 of section 84; section 86, subsection 3; section 93; section 94, subsection 2; section 109; section 110, subsection 3; section 112, subsection 2; section 122, subsection 2, paragraph 8; and sections 179, 181, 182 and 197 are *amended*; and

to the Act are *added* new sections 38a, 43a, 43b, 46a, 63a, 67a, 68a, and 75a; a new subsection 3 to section 82, upon which the amended subsection 3 becomes subsection 4; a new subsection 3 to section 86, upon which the amended subsection 3 becomes subsection 4; new paragraphs 9 to 11 to subsection 2 of section 122; a new section 179a to the Act; and a new subsection 2 to section 183, as follows:

Existing Act	*Proposal*
Section 17	Section 17
Municipal building ordinance	*Municipal building ordinance*
The building ordinance issues regulations that are based on local conditions and that are necessary for organised and appropriate building, taking cultural, ecological and scenic values into account, and for creating and maintaining a good living environment. The building ordinance regulations shall not be unreasonable in relation to landowners or other titleholders.	The municipal building ordinance may be used to issue regulations that are based on local conditions and take into account planned and *appropriate construction, cultural and ecological values and the establishment and maintenance of a good living environment, and which do not alter the provisions of section 42, subsection 1, on the requirements for a building permit for construction works.* The municipal building ordinance regulations shall not be unreasonable in relation to property owners or other title holders.
The building ordinance regulations may concern construction sites and other areas, the size and location of buildings, adapting a building to its surroundings, the method of construction, planting, fences and other building sites smaller than the building, management of the built environment,	The provisions of the municipal building ordinance may cover, in respect of *construction, renovation and alteration*: (1) the site for construction works *subject to a building permit in accordance with section 42, subsection 1,* and other areas;

Existing Act

management of water resources and drainage and other corresponding matters of local importance pertaining to building.

Proposal

(2) the size of a building *subject to a building permit in accordance with section 42, subsection 1,* and its location;

(3) the adaptation to the environment of a building *subject to a building permit in accordance with section 42, subsection 1*;

(4) the method of construction, planting, fences and construction works *as set out in section 42, subsection 2,* other than construction works *referred to in subsection 1 of that section*;

(5) the distance from a fire safety perspective of construction works from the boundaries to neighbouring properties;

(*6)* the management of the built environment and the management of water resources; and

(7) other aspects relating to local construction comparable to those *referred to in paragraphs 4–6*.

— — — — — — — — — — — — — —

Section 38

Low-carbon buildings

Parties undertaking a construction project shall ensure that the building is designed and constructed as a low-carbon building in a way that is commensurate with its intended use. The carbon footprint and carbon handprint of a new building or a building undergoing major renovation subject to a building permit shall be reported in a climate report prepared in connection with the building permit application. A climate report is not required for a new building that is not required to be designed and constructed in accordance with section 37 as a nearly-zero-energy building, or for a detached single-family house being renovated or a building undergoing major renovation, if their energy efficiency is not required to be improved in connection with the renovation work according to that section.

The carbon footprint and carbon handprint assessment shall cover the life cycle of the building, or the renovation and subsequent life cycle of buildings undergoing major

Section 38

Low-carbon buildings

Parties undertaking a construction project shall ensure that the building is designed and constructed as a low-carbon building in a way that is commensurate with its intended use. *The carbon footprint and carbon handprint of the building and the construction site shall be reported in the climate report to be prepared for the final inspection under section 122 for the following new buildings:*

(1) terraced houses;

(2) apartment blocks;

(3) office buildings and health centres;

(4) commercial buildings, department stores, shopping centres, wholesale and retail trade buildings, market halls, theatres, opera, concert and conference buildings, cinemas, libraries, archives, museums, art galleries and exhibition venues;

(5) tourist accommodation buildings, hotels, residential homes, senior housing, residential care homes and medical care institutions;

(6) educational buildings and kinder-

Existing Act

renovation. The assessment must be based on the low-carbon assessment method for buildings as well as on the data from the national emissions database or other environmental performance data in accordance with the assessment methodology.

The carbon footprint of a new building must not exceed the limit value laid down by category of intended use. However, this does not apply to a new building which, under section 37, is not required to be designed and constructed as a nearly-zero-energy building, nor to detached single-family houses or buildings undergoing major renovation. The carbon footprint limit values for a new building shall be based on the consumption of energy and materials throughout the building's life cycle.

More specific provisions on the carbon footprint limits of a new building may be laid down by government decree. A decree of the Ministry of the Environment may lay down more detailed provisions on the low-carbon assessment method for buildings, as well as on the preparation of a climate statement.

Proposal

gartens;

(7) sports halls;

(8) hospitals;

(9) storage buildings, transport buildings, swimming pools and ice rinks with a net heated area of more than 1 000 square metres.

The obligation to prepare a climate report does not apply to renovation and alteration works, the addition of space included in floor area, or to the extensions of buildings. The assessment of the carbon footprint and carbon handprint shall cover the life cycle of a building. The assessment must be based on the low-carbon assessment methodology for buildings as well as on the data from the national emissions database or other environmental performance data in accordance with the assessment methodology.

The low-carbon assessment shall cover separately the new and recoverable building and technical elements contained in the building and the building site. Parties undertaking a construction project shall ensure that, at the building permit stage, a list of construction products of at least the level of general arrangement drawings is drawn up for buildings referred to in subsection 1. The list shall be updated to take into account any key changes for the final inspection of the building.

Further provisions may be laid down by decree of the Ministry of the Environment on the methodology for assessing the low-carbon performance of a building, the data to be used for the assessment and the reporting of the input data and results of the assessment, the preparation of the climate report and the list of construction products.

Section 38a

Carbon footprint limit value

The carbon footprint of new buildings shall not exceed the limit value laid down for each category of intended use of the buildings re-

Existing Act	*Proposal*
	ferred to in section 38, paragraphs 1–9. Compliance with the carbon footprint limit value of buildings shall be demonstrated by the climate report to be prepared for the final inspection in accordance with section 122. The limit value does not apply to renovations and alterations, the addition of space included in floor area and the extension of buildings. *The limit value for the carbon footprint of a building shall be based on the energy and material consumption over the whole life cycle of the building and shall not include the carbon footprint of the construction site nor the carbon handprint of the building or construction site.* *The setting of limit values could take into account specific situations in which achieving a value below the limit value would be particularly difficult because of the characteristics of the building, its intended use or location, or because of the technical and functional implementation of the essential technical requirements referred to in section 29 of this Act.* *Further provisions on the carbon footprint limit value of new buildings may be laid down by government decree.*
Section 39	Section 39
Life cycle characteristics of buildings	*Life cycle characteristics of buildings*
— — — — — — — — — — — — — — —	— — — — — — — — — — — — — — —
A party undertaking a construction project must ensure that a material specification is drawn up for a new building or a building undergoing major renovation requiring a building permit, containing information on the materials and products used in the construction in a machine-readable format. It is not necessary to prepare a material specification for new buildings which are not to be designed and constructed as nearly-zero energy buildings under section 37, nor for detached single-family houses undergoing renovation or buildings undergoing major renovation which are not	*(subsection 2 is repealed)*

Existing Act	*Proposal*
required to improve their energy performance under said section. The materials and products used in construction shall be listed for work involving the construction or renovation of buildings. Further provisions may be laid down by decree of the Ministry of the Environment: (1) on the target technical service life of the building, its adaptability, maintainability and repairability, and on the demolition of building elements; *2) on the drawing up and content of the material specification for the building and on the storage of the specification, as well as on listing of construction materials and products and on the storage of the list.*	Further provisions may be laid down by decree of the Ministry of the Environment on the target technical service life of a building, its adaptability, maintainability and repairability, and the demolition of building elements.
Section 42	Section 42
Construction permit	*Construction permit*
A construction permit is required for the construction of a new construction work if the site is: — — — — — — — — — — — — — — — —	A construction permit is required for the construction of a new construction work if the site is: — — — — — — — — — — — — — — — —
(4) an audience structure which can be used simultaneously by at least five natural persons; — — — — — — — — — — — — — — — —	(4) an audience structure which can be used simultaneously by at least five natural persons, *with the exception of a stationary event structure to remain in place for of up to two months;* — — — — — — — — — — — — — — — —
	Section 43a
	Clean transition location permit
	At the request of the entity applying for a building permit, the spatial planning review of a clean transition industrial project can be carried out on the basis of a location permit, without a local detailed plan or local master plan providing for its use as a basis for the grant of a building permit. *The clean transition industrial projects referred to in subsection 1 are as follows:*

Existing Act	*Proposal*
	(1) an energy production site that produces energy from renewable energy, with the exception of wind and solar power plants; *(2) an industrial project replacing the use of fossil fuels or raw materials based on renewable energy or electrification;* *(3) the manufacture and use of hydrogen, excluding the production of hydrogen from fossil fuels;* *(4) carbon capture, utilisation and storage;* *(5) battery factory and manufacturing, recovery and reuse of battery materials;* *6) processing industry clean transition investments in areas under Articles 17 and 18 of Regulation (EU) 2024/...of the European Parliament and of the Council on establishing a framework of measures for strengthening Europe's net-zero technology manufacturing ecosystem and amending Regulation (EU) 2018/1724.* *A clean transition location permit shall not result in any significant deterioration in the quality of the living environment of any person that is not justified by the purpose of the clean transition location permit. In addition, a clean transition investment permit shall not impose on the landowner or other title holder a disproportionate restriction or disadvantage that can be avoided without overriding the objectives or requirements of the clean transition location permit.*
	Section 43b *Grant of a building permit prior to plot division and the parcelling of plots* *By way of derogation from section 81, subsection 2, of the Spatial Planning Act, a building permit may be granted before the plot division and the parcelling of plots. In such cases, the building permit shall stipulate that the building may not be put into service until the plot has been registered in the land register.*
	Section 46a

Existing Act

Proposal

Conditions for a clean transition location permit

A clean transition permit shall be subject to the following conditions:

(1) the area of the construction site must not be less than 1 000 square metres;

(2) the construction site is not at risk of flooding, subsidence or landslides;

(3) it is possible for buildings to be located at a distance of at least four metres from the boundaries to neighbouring properties, also taking into account the buffer zone within the meaning of section 44 of the Highways Act and the lateral clearance area within the meaning of section 45 of the same Act, the buffer zone within the meaning of section 37 of the Railways Act, and the lateral clearance area within the meaning of section 38 of the same Act, and the need to apply for permission for obstacles to air navigation within the meaning of section 158 of the Aviation Act;

(4) the construction works are suitable for the built environment and landscape and meet the requirements of beauty, high-quality architecture or harmoniousness;

(5) there is feasible access to the construction site, or the possibility of organising such access;

(6) water supply, wastewater and surface run-off can be managed without harm to the environment;

(7) the provision of roads, water supply or sewerage does not involve any specific costs for the municipality or the State;

(8) the construction must not be detrimental to the neighbours or hinder construction on a neighbouring property;

(9) the construction is suitable from a landscape point of view and does not hinder the preservation of the specific values of natural or cultural environments or the safeguarding of recreational needs;

(10) the construction is suitable for the implementation of infrastructure networks and transport routes, road safety and access to services;

Existing Act

Proposal

(11) the siting of establishments manufacturing, treating or storing hazardous chemicals or explosives should be appropriate, taking into account the current and future use of the site environment, as indicated in planning that has legal effect under the Spatial Planning Act, as well as any planning provisions applicable to the site.

If construction under a clean transition location permit requires the demolition of a building, the grant of a building permit would also be subject to the conditions for granting a demolition permit.

Section 56

Prerequisites for a demolition permit

The municipality shall authorise the demolition of a building. The granting of a demolition permit shall be subject to:

1) the demolition will not adversely affect the planning, the implementation of the layout or other arrangements for the use of the sites;

2) that demolition does not hamper the achievement of the objectives of protecting the built environment.

Subsection 1, paragraph 1 above is not applied if the construction work to be demolished is located in an area where buildings have lost most of their value. In such cases, the requirement for demolition is that the demolition results in significant reuse or recycling of demolition materials.

The applicant for a permit shall look into the organisation of the demolition work and the conditions for managing the construction waste generated and the reuse of usable building elements.

Section 56

Prerequisites for a demolition permit

The building control authority may authorise the demolition of a building.

A building may be demolished if a local detailed plan, local master plan or regional land use plan, which is less than 13 years old, allows the demolition and the building is not protected by law. In an area where there is no local detailed plan, local master plan or regional land use plan, or the plan is more than 13 years old, the demolition of a building shall not adversely affect future planning or other organisation of spatial planning, nor shall it make it more difficult to achieve the objectives of the protection of the built environment.

Where the demolition results in the reuse or recycling of demolition materials, a building other than a protected building may be demolished when:

(1) the building is located in a municipality where the buildings have lost most of their value;

(2) the building can no longer be demonstrated to have a purpose of use; and

(3) the building is in poor condition and renovation is not considered appropriate.

A municipality may authorise the demolition of a building protected by a local detailed plan if:

(1) the building has been owned by a municipality or a municipal company for at

Existing Act	*Proposal*
	least 10 years; *(2) the building is not technically, functionally and economically repairable;* *(3) the demolition will lead to the reuse or recycling of the demolition material; and* *(4) the building is not of national or regional importance.* *The applicant for a permit shall look into the organisation of the demolition work and the conditions for managing the construction waste generated and the reuse of usable building elements.*
Section 59	Section 59
Permission for minor deviations in the context of the building permit	*Permission for minor deviations in the context of the building permit* ***and final inspection***
— — — — — — — — — — — — — — —	— — — — — — — — — — — — — — —
Section 61	Section 61
Building permit application	*Building permit application*
The owner or holder of a construction site undertaking a construction project shall apply to the municipality for a building permit in writing. Depending on the nature and scope of the construction works, an application for a building permit shall be accompanied by the following: (1) the general arrangement drawings included in the concept design, signed and certified by the building designer; (2) a project information model or information in a machine-readable format corresponding to the concept design of the building or, in the case of a project other than a building, a report on the construction works and its effects on the surrounding area; 3) an explanation of the circumstances in which the site was set up and its basis, and of the manner in which it was set up and the other measures required; 4) an energy clearance; 5) a climate statement; (6) the material specification; (7) a report on the sanitary conditions and	The owner or holder of a construction site undertaking a construction project shall apply to the municipality for a building permit in writing. Depending on the nature and scope of the construction works, an application for a building permit shall be accompanied by the following: (1) the general arrangement drawings included in the concept design, signed and certified by the building designer; (2) a project information model *at the level of general arrangement drawings* or information in a machine-readable format *created as part of the concept design* of the building or, in the case of a project other than a building, a report on the construction works and its effects on the surrounding area; (3) a statement *that the applicant has control over the site*. *Taking into account the nature and scope of the project, the building control authority may, for justified reasons, require that the building permit application be accompanied by:*

Existing Act

elevations of the construction site;

(8) a description of the condition of the building in respect of the area of intervention, if the project is a renovation project;

(9) a statement that the applicant has control over the construction site;

(10) any other relevant evidence other than that referred to in paragraphs 1 to 9 necessary for the determination of the application for a permit.

Further provisions on the content and presentation of the general arrangement drawings and reports, and on the plans in a data model format may be issued by decree of the Ministry of the Environment.

Section 62

Application for a location permit

If the party undertaking the construction project applies for a separate decision on the location permit, the permit application shall be accompanied by explanations enabling the municipality to assess whether the conditions laid down in sections 44 to 46 have been met The statements shall include information on the form and façade, the orientation on the construction site, the provision of vehicle access routes and, for areas where municipal engineering services are in place or are planned to be implemented, information on the location at which point the building is planned to be connected to these.

Proposal

(1) a report on the foundations and ground conditions at the construction site and on the required manner of foundation work and other necessary measures;

(2) an energy report;

(3) a list of construction products;

(4) a report on the sanitary conditions and elevations of the construction site;

(5) a description of the condition of the building in respect of the area of intervention, if the project is a renovation project;

(6) any relevant evidence other than that referred to in paragraphs 1 to 5 necessary for the determination of the application for a permit.

Building control may, for justified reasons, require the applicant to supplement the annex referred to in subsections 1 and 2 or to provide another report relevant to the decision on the permit application.

Further provisions may be laid down by decree of the Ministry of the Environment on the content and presentation of the general arrangement drawings and reports, and on the plans in a data model format *and on the content and presentation of the information in a machine-readable format*.

Section 62

Application for a location permit

If the party undertaking the construction project applies for a separate decision on the location permit, the permit application shall be accompanied by explanations enabling the municipality to assess whether the conditions laid down in sections 44 to 46 have been met. The statements shall include information on the *form* and façade, the orientation on the construction site, the provision of vehicle access routes and,for areas where municipal engineering services are in place or are planned to be implemented, information on the location at which point the building is planned to be connected to these.

Section 63a

Consultation and information on the clean transition location permit

The municipality shall announce that an application for a clean transition location permit has been initiated and shall consult neighbours and people living or working in the area or who due to other circumstances could be significantly affected by the construction project. The applicant for a permit may attach to their application a reliable statement that the neighbours or some of the neighbours are aware of the documents and information relevant to the project and an explanation of their possible view on the project.

In addition, the municipality must give the members and participants of the municipality the opportunity to express their views on a building permit application in respect of a building subject to the Act on the Environmental Impact Assessment Procedure.

The applicant for a permit shall inform about the lis pendens of the application at the construction site.

More detailed provisions on consultation and information may be laid down by government decree.

Section 67a

Opinion on the clean transition location permit

The municipality must seek the opinion of the Centres for Economic Development, Transport and the Environment, the Regional Council and any other government authority on the application for a clean transition location permit if the application for a permit relates significantly to its field of activity.

Section 68a

Time limit for processing a building permit application and penalties for failure to com-

Existing Act	*Proposal*
	ply with the time limit
	The building control authority shall decide on the application for a building permit within three months of the application for a building permit, together with the relevant annexes, being initiated in the building control authority and the annexes allow the application to be processed. An application for a building permit for a particularly difficult construction project involving an exceptionally complex design task and the application for a clean transition location permit shall be decided within six months of the building permit application, together with the relevant annexes, being initiated in the building control authority and the annexes allow the application to be processed.
	In the event of a delay in the processing of a permit application, the municipality shall, at its own initiative, reimburse 20 % of the building permit fee for each month of delay, unless the delay was caused by the applicant.
	Further provisions on the calculation of the time limit may be issued by decree of the Ministry of the Environment.
Section 69	Section 69
Submission of special plans	*Submission of special plans*
	The building control authority may, for justified reasons, order, in the context of the building permit, at the kick-off meeting, or during the construction work, that the special plans necessary due to the nature or scope of the construction project should be drawn up and submitted to the building control authority
The party undertaking the construction project or the principal designer must ensure that the special plan for the construction works and the corresponding project information model or machine-readable information is submitted to the building control authority before the start of work on the work phase in question.	The party undertaking the construction project or the principal designer must ensure that the special plan for the construction works *referred to in subsection 1,* and the corresponding project information model or machine-readable information *produced by the designers* is submitted to the building control authority before the start of work on the work phase in question. *Building control*

Existing Act	*Proposal*
On the basis of the content of the concept design and the nature and scope of the construction project, the building control authority may find that the submission of a special plan is unnecessary.	*may, for justified reasons, require the submitted special plan to be supplemented.*
Further provisions on the content and presentation of the special plan and the corresponding project information model or information in a machine-readable format may be issued by decree of the Ministry of the Environment.	Further provisions on the content and presentation of the special plan and the corresponding project information model or information in a machine-readable format may be issued by decree of the Ministry of the Environment.
Section 71	Section 71
As-built model for a building	*As-built model for a building*
The principal operator shall provide to the designers information on the progress of the construction work and any changes made during the construction to enable the designers to update the concept design and special plans in the form of a project information model or in an otherwise machine-readable format to create the as-built model in accordance with the progress of the construction work to correspond to the finished building. The specialist designer shall provide the principal designer and the building designer with the implemented, updated special plans. The owner of a building shall ensure that the as-built model or machine-readable information for the building is kept up to date in the event of changes to the building.	*The party undertaking the construction project shall ensure that the designer updates the plans in accordance with changes implemented during the construction work and that the concept design at the level of general arrangement drawings in the form of a project information model or otherwise a machine-readable format is updated to a corresponding as-built model and the special plans are updated to correspond to the finished building.* The specialist designer shall provide the principal designer and the building designer with the implemented, updated special plans. The owner of the building shall ensure that the as-built model or machine-readable information for the building is kept up to date in the event of alterations to the building.
Section 75	Section 75
Environmental impact assessment	*Environmental impact assessment*
— — — — — — — — — — — — — — —	— — — — — — — — — — — — — — —
The obligation of the permit authority to submit the permit application and decision, together with translations of the essential elements thereof, to the Ministry of the	The obligation of the permit authority to submit the permit application and decision, together with translations of the essential elements thereof, to the *Finnish Environment*

Existing Act	*Proposal*
Environment, for these be sent to another State for projects with transboundary environmental effects, is laid down in section 29a of the Act on the Environmental Impact Assessment Procedure.	*Institute*, for these be sent to another State for projects with transboundary environmental effects, is laid down in section 29a of the Act on the Environmental Impact Assessment Procedure.
	Section 75a *Impact assessment of the clean transition location permit* *In the context of an application for a clean transition location permit, an assessment shall be made of the environmental, economic, social, cultural and other impacts of implementing the plan.* *In the case of a project within the meaning of section 3 of the Environmental Impact Assessment Procedure Act, the environmental impact assessment shall be carried out in accordance with section 75 of this Act.*
Section 82 *Level of complexity of design tasks*	Section 82 *Level of complexity of design tasks*
	The scope and content of the designer's training shall correspond to the level of complexity of the design task provided for in subsections 1 and 2.
Further provisions on the determination of the level of complexity of the design task may be issued by government decree.	Further provisions on the determination of the level of complexity of the design task *and on the training required for the design task* may be issued by government decree.
Section 83 *Qualification requirements for designers*	Section 83 *Qualification requirements for designers*
The majority of the experience required by subsections 2 and 3 must be in the design field in question. The designer of the repair or modification shall have experience in designing repairs or alterations. The designer must demonstrate their competence	The designer must demonstrate their competence for a conventional, complex, highly complex and exceptionally complex design task by means of a certificate issued by an operator authorised by the Ministry of the Environment.

Existing Act	*Proposal*
for a conventional, complex, highly complex and exceptionally complex design task by means of a certificate issued by an operator authorised by the Ministry of the Environment.	
Section 84	Section 84
Notification of designers to the building control authority	*Notification of designers to the building control authority*
In connection with the building permit application, the party undertaking the construction project shall notify the building control authority in writing of the principal designer and building designer appointed by the party for the project. At the same time, special designers essential for evaluation of the project must also be indicated. Other specialist designers shall be notified before submitting the specific plan to the construction supervisory authority. The notification shall include the designer's consent to the task. *If the person undertaking a construction project has appointed a principal operator, said person shall notify the building control authority in writing of the person or entity designated as the principal operator. The notification shall include the agreement of the principal operator to the task.*	In connection with the building permit application, the party undertaking the construction project shall notify the building control authority in writing of the *principal designer* and *building designer* for the project. At the same time, special designers essential for evaluation of the project must also be indicated. Other specialist designers shall be notified before submitting the specific plan to the construction supervisory authority. The notification shall include the designer's consent to the task.
The party undertaking the construction project shall also notify the building control authority in writing of a change of designer *or principal designer* in the course of the construction project. The provisions of subsection 1 on the content of the notification shall apply to the notification.	The party undertaking the construction project shall also notify the building control authority in writing of a change of designer in the course of the construction project. The provisions of subsection 1 on the content of the notification shall apply to the notification.
— — — — — — — — — — — — — — — —	— — — — — — — — — — — — — — — —
Section 86	Section 86
Levels of complexity of construction project management tasks	*Levels of complexity of construction project management tasks*
— — — — — — — — — — — — — — — —	— — — — — — — — — — — — — — — —
	The training of the responsible construction project manager and the specialist

Existing Act	*Proposal*
	project manager shall correspond, in terms of scope and content, to the level of complexity of the construction project management task provided for in subsections 1 and 2.
Further provisions on how to determine the level of complexity of the project management task may be issued by government decree.	Further provisions on how to determine the level of complexity of the project management task *and on the training required for the construction project management task* may be issued by government decree.
Section 93	Section 93
Building designer	*Building designer*
A construction project must have one or more building designers. The building designer shall ensure that they have at their disposal the necessary baseline information for the design and that the building plan complies with the requirements of construction regulations and good building practice. The building designer shall update the concept design in the form of a project information model or otherwise in a machine-readable format for the construction project to correspond to the as-built project, in accordance with the notification of the principal operator. The building designer shall also draw up operation and maintenance instructions for the building in accordance with section 139 with respect to the content of the concept design.	A construction project must have one or more building designers. The building designer shall ensure that they have at their disposal the necessary baseline information for the design and that the concept design complies with the requirements of construction regulations and good building practice. The building designer shall update the concept design in the form of a project information model or otherwise in a machine-readable format for the construction project to correspond to the as-built project, in accordance with the notification of the *responsible construction project manager*. The building designer shall also draw up operation and maintenance instructions for the building in accordance with section 139 with respect to the content of the concept design.
Section 94	Section 94
Specialist designer	*Specialist designer*
— — — — — — — — — — — — — — —	— — — — — — — — — — — — — — —
The specialist designer shall update the special plans in the form of a project information model or otherwise in a machine-readable format for the construction project to correspond to the as-built project, in accordance with the notification of the principal operator. In addition, they shall draw up operation and maintenance instructions for the building in accordance with section 139 with respect to their own	The specialist designer shall update the special plans in the form of a project information model or otherwise in a machine-readable format for the construction project to correspond to the as-built project, in accordance with the notification of the *responsible construction project manager*. In addition, they shall draw up operation and maintenance instructions for the building in accordance with section 139 with respect to their

Existing Act	*Proposal*
specialist field.	own specialist field.
Section 109	Section 109
Activities authorised prior to the commencement of the construction work	*Activities authorised prior to the commencement of the construction work*
The authorised measures prior to the commencement of the construction work include excavation, quarrying, felling of trees and other comparable preparatory measures for construction, in accordance with the provisions of the landscape work permit. The principal operator shall notify the building control authority of such preparatory work for construction before it starts. The piling work on the foundation of the building may be carried out before the construction work begins in accordance with the piling plan submitted to the building control authority. The principal xxxxx xxxxxx shall notify the building control authority of the pile work before it starts. Prior to the start of the construction work, pile work must be carried out by a responsible foreman or a specialist foreman approved by the building control authority.	The authorised measures prior to the commencement of the construction work include excavation, quarrying, felling of trees and other comparable preparatory measures for construction, in accordance with the provisions of the landscape work permit. *The party undertaking a construction project* shall notify the building control authority of such preparatory work for construction before it starts. The piling work on the foundation of the building may be carried out before the construction work begins in accordance with the piling plan submitted to the building control authority. *The party undertaking the construction project* must inform the building control authority of the piling work before it starts. Piling work performed prior to the start of the construction work must have a responsible construction project manager or specialist project manager approved by the building control authority.
Section 110	Section 110
Kick-off meeting	*Kick-off meeting*
The kick-off meeting shall identify and record in the minutes the *obligations of the principal operator*, the main actors involved in the design and construction work and their inspection tasks, checks and inspections by the authorities and any other reports and measures to ensure the quality of the construction. The procedures agreed at the opening meeting must be followed in the construction work.	The kick-off meeting shall identify and record in the minutes the main actors involved in the design and construction work and their inspection tasks, checks and inspections by the authorities and any other reports and measures to ensure the quality of the construction. The procedures agreed at the kick-off meeting must be followed in the construction work.
Section 112	Section 112

Existing Act	*Proposal*
Inspections by public authorities	*Inspections by public authorities*
The holder of the inspection shall ascertain whether the measures, inspections and investigations relating to a given stage of construction have been carried out, as well as the measures required in response to the deficiencies or defects identified. *The principal operator* and the responsible construction project manager shall be present at the inspection. The designers and specialist site managers shall be present at the review if their expertise is needed to clarify any aspect of the review. If the review gives rise to a remark, the official who submitted the review shall prescribe in writing the necessary measures and a time limit to eliminate or rectify the irregularity or error. The inspection may be carried out on premises used for permanent residence only if this is necessary to clarify the matter under review. The inspection may only be carried out on the premises of a construction project subject to a building permit. Otherwise, section 38 of the Administrative Procedure Act (434/2003) applies.	The official carrying out inspections shall ascertain whether the measures, inspections and reports relating to a specific stage of construction have been carried out, as well as whether the measures required in response to any deficiencies or defects identified have been carried out. The responsible construction project manager shall be present at the inspection. The designers and specialist site managers shall be present at the review if their expertise is needed to clarify any aspect of the review. If the review gives rise to a remark, the official who submitted the review shall prescribe in writing the necessary measures and a time limit to eliminate or rectify the irregularity or error. The inspection may be carried out on premises used for permanent residence only if this is necessary to clarify the matter under review. The inspection may only be carried out on the premises of a construction project subject to a building permit. Otherwise, section 38 of the Administrative Procedure Act (434/2003) applies.
Section 122	Section 122
Final inspection	*Final inspection*
A final inspection may be carried out when the party undertaking the construction project has informed the building control authority that:	A final inspection may be carried out when the party undertaking the construction project has informed the building control authority that:
(8) any deviations during implementation have been authorised or approved by the municipality.	(8) any deviations during implementation have been authorised or approved by the municipality. *(9) the building is below the carbon footprint limit value set for it in accordance with section 38a and which has been demonstrated by means of a climate report;* *(10) the list of construction products in accordance with section 38, subsection 3, of the building has been updated;*

Existing Act	*Proposal*
	(11) the plot has been entered in the land register in accordance with section 43b.
	— — — — — — — — — — — — — —
Section 179	Section 179
Right of appeal against a building permit	*Right of appeal against a building permit*
In respect of a building permit in an area covered by a local detailed plan, a building permit for a construction site located outside an area covered by a local detailed plan and which is not subject to the provisions concerning areas requiring planning, and in respect of a location permit to be decided by means of a separate decision, the following entities shall have a right of appeal: 1) the owner and holder of an adjacent or opposite property or other area; 2) the owner and holder of any property or other area the construction or other use of which may be materially affected by the decision; (3) the person whose right, obligation or interest is directly affected by the decision; 4) a municipality; (5) a neighbouring municipality whose land-use planning is affected by the decision; (6) the Finnish Heritage Agency, if the decision concerns a site protected by a plan or by law. In addition, provided that the construction involves the demolition of a building that is protected under planning or by law or is otherwise of historical or architectural value, and the demolition of which requires a demolition permit, the Centres for Economic Development, Transport and the Environment, the Finnish Heritage Agency and, in its area of operations, a registered entity whose activities include protecting the cultural heritage or influencing the quality of the built environment, shall have a right of appeal. In addition, a registered entity for the promotion of the protection of the environment, health or nature shall have a right to appeal in its area of operations, if the building permit concerns a building in a	In respect of a building permit in an area covered by a local detailed plan *and* a building permit for a construction site located outside an area covered by a local detailed plan and which is not subject to the provisions concerning areas requiring planning, and in respect of a location permit to be decided by means of a separate decision, the following entities shall have a right of appeal: (1) the owner or holder of the properties or areas located adjacent to or opposite the property; (2) the owner or holder of any property or other area the construction or other use of which may be materially affected by the decision; (3) the person whose right, obligation or interest is directly affected by the decision; (4) the municipality; (5) a neighbouring municipality whose land-use planning is affected by the decision; (6) the Finnish Heritage Agency, if the decision concerns a protected site of *national or regional importance*. *In addition, a registered entity for the promotion of the protection of the environment, health or nature shall have a right to appeal in its area of operations, if the building permit concerns a building in a project that is covered by the Act on the Environmental Impact Assessment Procedure.* *If construction in accordance with a building permit entails the demolition of a building of national or regional importance requiring a demolition permit, the Centres for Economic Development, Transport and the Environment also have the right to appeal against the building permit.*

Existing Act	*Proposal*
project that is covered by the Act on the Environmental Impact Assessment Procedure.	
	Section 179a
	Right of appeal against a clean transition location permit
	The following entities shall have the right to appeal against a clean transition location permit: *(1) the owner or holder of the properties or areas located adjacent to or opposite the property;* *(2) the owner or holder of any property or other area the construction or other use of which may be materially affected by the decision;* *(3) the person whose right, obligation or interest is directly affected by the decision;* *(4) the municipality;* *(5) a neighbouring municipality whose land-use planning is affected by the decision;* *(6) the Centres for Economic Development, Transport and the Environment;* *(7) an authority other than the one referred to in paragraphs 4 to 6 in matters within its competence.* *In addition, a registered entity for the promotion of the protection of the environment, health or nature, shall have the right of appeal in its area of operations.*
Section 181	Section 181
Right of appeal against an implementation permit	*Right of appeal against an implementation permit*
The right to appeal against an authorisation to execute a decision shall be: 1) the owner and holder of an adjacent or opposite property or other area; 2) the owner and holder of any property or other area the construction or other use of which may be materially affected by the decision; (3) the person whose right, obligation or interest is directly affected by the decision;	The right to appeal against an authorisation to execute a decision shall be: (1) the owner or holder of the properties or areas located adjacent to or opposite the property; (2) the owner or holder of any property or other area the construction or other use of which may be materially affected by the decision; (3) the person whose right, obligation or in-

Existing Act	*Proposal*
4) a municipality; (5) the Finnish Heritage Agency, if the decision concerns construction protected by a plan or by law.	terest is directly affected by the decision; (4) the municipality; (5) the Finnish Heritage Agency, if the decision concerns *a protected site of national or regional importance*.
Section 182	Section 182
Right of appeal against permission to terminate	*Right of appeal against permission to terminate*
The right to appeal against the authorisation to terminate is: 1) the owner and holder of an adjacent or opposite property or other area; 2) the owner and holder of any property or other area the construction or other use of which may be materially affected by the decision; (3) the person whose right, obligation or interest is directly affected by the decision; 4) the municipality. In addition, provided that the construction involves the demolition of a building that is protected under planning or by law or is otherwise of historical or architectural value, the Centres for Economic Development, Transport and the Environment, the Finnish Heritage Agency and, in its area of operations, a registered entity whose activities include protecting the cultural heritage or influencing the quality of the built environment, shall have a right of appeal.	The right to appeal against the authorisation to terminate is: (1) the owner or holder of the properties or areas located adjacent to or opposite the property; (2) the owner or holder of any property or other area the construction or other use of which may be materially affected by the decision; (3) the person whose right, obligation or interest is directly affected by the decision; (4) the municipality. *The Centres for Economic Development, Transport and the Environment and the Finnish Heritage Agency shall also have the right to appeal against a decision on demolition of a building if the building is of national or regional importance.*
Section 183	Section 183
Right of appeal against a landscape work permit	*Right of appeal against a landscape work permit*
— — — — — — — — — — — — — — — —	— — — — — — — — — — — — — — — — *In the case of a landscape work permit being used to implement a final local detailed plan or local master plan, the right to appeal against the landscape work permit lies with:* *(1) the owner or holder of the properties or other areas located adjacent to or opposite the property;* *(2) the person whose right, obligation or interest is directly affected by the decision;*

Existing Act	*Proposal*
Section 197	Section 197
Transitional provision for the submission of data to the information system for the built environment	*Transitional provision for the submission of data to the information system for the built environment*
The municipality shall submit the information referred to in sections 72 and 73 to the built environment information system within three years of the entry into force of this Act.	The municipality shall *begin to submit* the information referred to in sections 72 and 73 *to the built environment information system no later than 1 January 2029*.
	_____
	This Act shall enter into force on [day] [month] 20[year]. However, sections 38, 38a, 61 and 68a shall only apply from 1 January 2026.
	Section 131 of the Spatial Planning Act (132/1999) shall be applied to building permit applications from 1 January 2025 until 31 December 2025.

2.

Act

amending the provision on the entry in force of the Act amending the Land Use and Building Act

By decision of Parliament, the following is enacted

subsection 1 of the section on the entry into force of the Act amending the Land Use and Building Act (752/2023) shall be *amended* as follows:

Existing Act	*Proposal*
	This Act enters into force on 1 January 2025. However, the repeal of section 131 of the Act as amended by this Act shall not take effect until 1 January 2026.
	This Act shall enter into force on [day] [month] 20[year].

3.

Act

amending the Spatial Planning Act.

By decision of Parliament, the following is enacted:

the Spatial Use Act (132/1999) is *amended:* section 57, subsection 1; sections 131; 188a; and 197, subsection 1; of which, section 57, subsection 1, and section 197, subsection 1, as amended by Act 752/202; section 131 as amended by Act 41/2014; and section 188a as amended by Act 1147/2022, as follows:

Existing Act	*Proposal*
Section 57	Section 57
Local detailed plan regulations	*Local detailed plan regulations*
The local detailed plan may be used to issue regulations which, taking into account the purpose of the plan and the requirements imposed on its content, are necessary for construction or other use of the area covered by the local detailed plan (*local detailed plan regulations).* Local detailed plan regulations may also apply to the prevention or limitation of adverse effects on the environment.	The local detailed plan *issues* regulations which, taking into account the purpose of the plan and the requirements imposed on its content, are necessary for construction or other use of the area covered by the local detailed plan (*local detailed plan regulations).* Local detailed plan regulations may also apply to the prevention or limitation of adverse effects on the environment.
— — — — — — — — — — — — — — —	— — — — — — — — — — — — — — —
	. .
Section 131	Section 131
Building permit application	*Building permit application*
An application for a building permit shall be made in writing to the building control authority. Applications for building permits shall be accompanied by: (1) a statement that the applicant has control over the construction site; (2) the general arrangement drawings included in the concept design, signed and certified by the building designer; Taking into account the nature and scope of the project, the building control authority may, where appropriate, require that the building permit application be accompanied by:	An application for *a building permit* shall be made in writing to the building control authority An application for a building permit shall be accompanied by: (1) a statement that the applicant has control over the construction site; (2) the general arrangement drawings included in the concept design, signed and certified by the building designer; Taking into account the nature and scope of the project, the building control authority may, where appropriate, require that the *building permit application* be accompanied by:

Existing Act

(1) an extract from the basic map of the area or, in the case of construction in an area covered by a local detailed plan, an extract from the local detailed plan and land registry extract and, where appropriate, the cadastral survey, if not already available to the building control authority;

(2) a report on the foundations and ground conditions at the construction site and on the required manner of foundation work and other necessary measures;

(3) an energy report;

(4) a report on the sanitary conditions and elevations of the construction site;

(5) a report by a qualified person on the condition of the building;

(6) any other evidence relevant to the decision on the building permit application.

Further provisions on the content and presentation of the general arrangement drawings and reports may be laid down by decree of the Ministry of the Environment.

Section 188a

Urgent handling of a complaint concerning land use plan regarded as important for the production of renewable energy.

Urgent handling of a complaint concerning land use plan regarded as important for the production of renewable energy.and an appeal against a local master plan steering the construction of wind power plants referred to in section 77a shall be dealt with by the Administrative Court as a matter of urgency in relation to other appeals concerning planning and permit cases under the Construction Act.

Section 197

Relationship to other legislation

Adoptions and establishment of a plan shall, in addition to the provisions of this

Proposal

(1) an extract from the basic map of the area or, in the case of construction in an area covered by a local detailed plan, an extract from the local detailed plan and land registry extract and, where appropriate, the cadastral survey, if not already available to the building control authority;

(2) a report on the foundations and ground conditions at the construction site and on the required manner of foundation work and other necessary measures;

(3) an energy report;

(4) a report on the sanitary conditions and elevations of the construction site;

(5) a report by a qualified person on the condition of the building;

(6) any relevant evidence other than that *referred to in paragraphs 1 to 5 necessary for the determination of the building permit application*.

Further provisions on the content and presentation of the general arrangement drawings and reports may be laid down by decree of the Ministry of the Environment.

Section 188a

Urgent handling of a complaint concerning land use plan regarded as important for the production of renewable energy.

Urgent handling of a complaint concerning land use plan regarded as important for the production of renewable energy.and an appeal against a local master plan steering the construction of wind power plants referred to in section 77a shall be dealt with by the Administrative Court as a matter of urgency in relation to other appeals under this Act concerning planning and *appeals concerning permit cases under the Construction Act*.

Section 197

Relationship to other legislation

The adoption and establishment of a plan shall, *in addition to the provisions of this Act,*

Existing Act	*Proposal*
Act, also comply with chapter 5 of the Nature Conservation Act. In addition, the Nature Conservation Act must be complied with in decisions on permit matters and any other decisions by a public authority.	*comply with chapter 5 of the Nature Conservation Act. Any other decision by a public authority must also be taken in accordance with that law.*

This Act shall enter into force on [day] [month] 20xx.

4.

Act

amending section 156b of the Environmental Protection Act

By decision of Parliament, the following is enacted

section 156b, subsection 1, of the Environmental Protection Act (527/2014), as amended by Act 19/2017, is *amended* as follows:

Existing Act	*Proposal*
Section 156b	Section 156b
Implementation of the basic-level purification requirement in other areas	*Implementation of the basic-level purification requirement in other areas*
The owner of the property shall ensure that, in an area other than the area referred to in section 156a, the renovation and alteration of a wastewater treatment system referred to in section 156 shall meet the basic-level purification requirement when the following measures are implemented at the property: (1) the construction of a water closet or renovation and alteration *subject to a permit* of water and sewerage systems where the system or *part thereof* is completely renewed or renovated; or (2) work involving renovation and alteration works comparable to the construction of a building and which requires a building permit is carried out in the building.	The owner of the property shall ensure that, in an area other than the area referred to in section 156a, the renovation and alteration of a wastewater treatment system referred to *in that section*, shall meet the basic-level purification requirement when the following measures are implemented at the property: (1) the construction of a water closet or renovation and alteration of water and sewerage systems where the system or *part thereof* is completely renewed or renovated; or (2) work involving renovation and alteration works comparable to the construction of a building and which requires *a building permit* is carried out in the building.

———————————————

———————————————

This Act shall enter into force on [day] [month] 20[year].

5.

Act

amending section 7 of the Act on the Assessment of the Effects of Certain Plans and Programmes on the Environment

By decision of Parliament, the following is enacted

section 7, subsection 2 of the Act on the Assessment of the Effects of Certain Plans and Programmes on the Environment (200/2005), as amended by Act 768/2023, is *amended* as follows:

Existing Act	*Proposal*
Section 7	Section 7
Limitation of scope and relationship to other legislation	*Delimitation of scope and relation to other legislation*
The environmental impact assessment (EIA) corresponding to the assessment of environmental effects under this Act is laid down in the Spatial Planning Act (132/1999) *and, in the context of drawing up the river basin management plan and the marine strategy plan and their programmes of measures in the Act on the Organisation of River Basin Management and the Marine Strategy and their programmes of measures (1299/2004).*	The environmental impact assessment (EIA) corresponding to the assessment of environmental effects on the environment under this Act in the context of land use planning is laid down in the Spatial Planning Act (132/1999).
	. .

This Act shall enter into force on [day] [month] 20[year].

Click or tap here to enter text.

Click or tap here to enter text.