



COUNTRY REPORT: Finland

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- 1. How has the parliamentary law-making practice changed during the pandemic in your state under study?**
 - could you provide and shortly describe the new practices?**
 - could you evaluate these practices? In your opinion, do these practices empower, disempower or do not change anything regarding the parliamentary law-making powers and practice?**

The parliamentary law-making practice did not radically change during the pandemic in Finland. The major changes were purely technical and organizational and did not directly impact the rules regulating the legislative procedure. Even during the state of emergency, parliamentary approval was necessary for pandemic-related legislation. There were two main changes. First, remote settings have been introduced for both plenary sessions and committee meetings in the fall 2020². Similarly, experts hearing has also been deemed possible to be held online³. In Finland, committee meetings and hearings are not public and only statements are published. The public has, then, normally no access the debates and no minutes are published. The rationale is that confidentiality ensures trustworthy exchanges and facilitates consensus building. Specific tools have been thus created to ensure this confidentiality and avoid any leaks in the media or online. Remote parliamentary meetings are temporary and supposed to last until the last day of 2022⁴. On the other hand, the procedures for hearings have been made

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² <https://www.finlex.fi/fi/laki/alkup/2020/20200708>

³ <https://www.finlex.fi/fi/laki/alkup/2021/20210864>

⁴ <https://www.finlex.fi/fi/laki/alkup/2022/20220108>

permanent⁵. In its proposal, the Speakers Council justifies the new rules not only to limit unnecessary gatherings, but also as a way to save money.

The second change is more informal. During the first phase of the pandemic (March-May 2020), the “normal” law-making was put on hold meaning that non-urgent matters were not treated and both the government and parliament were focusing on the management of the pandemic⁶. These limitations were, however, not included in the rule of procedure and remain informal. The wording of the statement (*Puhemiesneuvosto piti toivottavana, että valtioneuvostosta lähetettäisiin nykyisessä poikkeustilanteessa eduskuntaan ainoastaan välttämättömät kiireelliset asiat*) is important: focusing on necessary matters is “desirable.” It is actually more an agreement between parties (including the opposition) than a rule. It had thus led to some delays, but this situation did not last long. As soon as remote options were included in the Parliament's rules of procedure, regular matters were, again, handled almost normally. When looking at the use of parliamentary instruments, one may even conclude about an opposite effect. 2020 saw, indeed, a higher number of Private Member Bills (PMBs) and Written Questions than 2019 and 2021. MPs made thus a more frequent use of these parliamentary instruments that do not require a physical presence in the Eduskunta.

So, there have been some adaptations to the pandemic and temporary changes have occurred. However, they remain very limited, and the law-making practice remains largely unchanged. The pandemic has not been used as an opportunity to modify the rules of the game, either in a way or another. In other words, the parliamentary powers did not change during the pandemic and one can hardly argue about an *Eduskunta* that would have been either weakened or empowered. The Parliament has been able to keep its powers and to use them when necessary. It is important to note that, in Finland, emergency powers do not necessarily grant the government the right to override the parliament. In fact, the parliament was able to exercise its power in the same way that in normal time and, in March 2021, even prevented the government to pass a bill deemed too disproportional to efficiently curb the pandemic⁷.

There is thus only one change that has been made permanent (remote option for committees' hearings) and it can be seen as an improvement, making easier for the committees to proceed to the hearings that play an important role in the policymaking. In that sense, we can argue about an empowerment or at least an improvement of the policymaking. More generally, the online tools created to ensure the continuity in the parliament may also facilitate the parliamentary work. Even though some of them may not be used anymore, they have been proven to be efficient and may be reused again.

⁵ <https://www.finlex.fi/fi/laki/alkup/2021/20210864>.

⁶ https://www.eduskunta.fi/FI/vaski/KokousPoytakirja/Sivut/PmNP_36%2B2020.aspx

⁷ <https://yle.fi/news/3-11866001>

2. Looking at formal changes and the practice of law-making in your state under study, has the respect for the rule of law increased, decreased or perhaps has not changed at all during the pandemic? Please, elaborate on that question.

The respect for rule of law did not change during the pandemic. This period was not used by any political actor to change the rules of the game or simply to gain power. As a whole, the Finnish parliament is highly institutionalized with very codified norms and procedures. The government also must deal with these norms and the events of March 2021 show that they are more important than political agreements.

More generally, Finland is considered as one of the most resilient European democratic countries and the management of the pandemic did not really alter this trend. MPs kept the right to intervene in the plenary sessions and committees were still playing a key role in evaluating government proposals. One reason for this is the absence of a proper alternative in the Constitution. Unlike other countries, the state of Emergency does not necessarily weaken the parliament. For example, when deciding to temporarily close the schools in March 2020, the parliament was able to review the government's decision⁸ on the basis of the work done by the Constitutional Laws committee and experts' consultation⁹. Actually, during the pandemic, the government was concerned by the impact of its decisions on rule of law, and frequently consulted the parliament and its constitutional laws committee in order to have their opinion even when not needed.

The main reason for the lack of impact of the pandemic on rule of law comes from the strategies of the actors themselves and their willingness to go through the crisis with existing legal instruments. The Emergency Powers Act has not been deeply reformed during the pandemic and, more importantly, these reforms were not designated to strengthen the powers of a specific actor. Finally, the most stringent decisions came with a sunset clause. It is automatic for the use of the powers deemed by the Emergency Powers Act, but also for other decisions directly impacting daily life: schools and restaurant closures as well as the isolation of Uusimaa (Capital Region) from the rest of the country. Altogether, it prevented an actor to benefit from the crisis since.

⁸ https://www.eduskunta.fi/FI/vaski/EduskunnanVastaus/Sivut/EK_11+2020.aspx

⁹ https://www.eduskunta.fi/FI/vaski/Mietinto/Sivut/PeVM_6+2020.aspx

Table 1: Formal changes

Country	Name_legal act	Chamber	Short description of the content	year
Finland	708/2020: Eduskunnan päätös eduskunnan työjärjestyksen väliaikaisesta muuttamisesta: https://www.finlex.fi/fi/laki/alkup/2020/20200708	Eduskunta	Remote work in committees and plenary. It also includes instructions on remote vote in the plenary	2020
Finland	864/2021: Eduskunnan päätös eduskunnan työjärjestyksen muuttamisesta: https://finlex.fi/fi/laki/alkup/2021/20210864	Eduskunta	Remote committees' hearings and notifications that confidential documents should not be available online	2021

Source: own

Table 2: Law-making practice

Country	Chamber	Year	Number of ALL legislative bills	Number of resolutions/decisions/statements (various non-legislative measures)	Number of fast-tracked legislation	Most common forms of fast-track measures	Number of decree laws/gov decisions (no parliamentary consent)	Number of working days	Number of oral questions	Number of written questions
Finland	Eduskunta	2019	Government proposals (<i>Hallituksen esitys</i>): 109	Petition from the Government to the Parliament (<i>Valtioneuvoston U-kirjelmä</i>): 13	0	No fast-track measures in Finland. Chapter 6 of the Constitution (about Legislation) does not grant any exceptions to the normal procedure. Parties groups may, however, decide to speed up the process, but this decision is highly informal.	470*	125	104	481
			Legislative initiative (<i>Lakialoite</i>): 43	Government statement (<i>Valtioneuvoston selvitys</i>): 63						
				Government report (<i>Valtioneuvoston State Council's UTP report (Valtioneuvoston</i>						
Finland	Eduskunta	2020	Government proposals (<i>Hallituksen esitys</i>): 265	Petition from the Government to the Parliament (<i>Valtioneuvoston U-kirjelmä</i>): 72	0	No fast-track measures in Finland. Chapter 6 of the Constitution (about Legislation) does not grant any exceptions to the normal procedure. Parties groups may, however, decide to speed up the process, but this decision would be highly informal.	560*	138	186	1049
			Legislative initiative (<i>Lakialoite</i>): 106	Government statement (<i>Valtioneuvoston selvitys</i>): 167						
				Government report (<i>Valtioneuvoston State Council's UTP report (Valtioneuvoston</i>						
Finland	Eduskunta	2021	Government proposals (<i>Hallituksen esitys</i>): 243	Petition from the Government to the Parliament (<i>Valtioneuvoston U-kirjelmä</i>): 84	0	No fast-track measures in Finland. Chapter 6 of the Constitution (about Legislation) does not grant any exceptions to the normal procedure. Parties groups may, however, decide to speed up the process, but this decision would be highly informal	604*	136	233	783
			Legislative initiative (<i>Lakialoite</i>): 58	Government statement (<i>Valtioneuvoston selvitys</i>): 143						
				Government report (<i>Valtioneuvoston selonteko</i>): 12 State Council's UTP report (<i>Valtioneuvoston UTP-selvitys</i>): 43						

Source: own