

# AUTONOMY ACT OF THE ÅLAND ISLANDS

## Chapter 1 General provisions

### **Section 1**

#### **Autonomy of Åland**

The Åland Islands are autonomous, as hereby enacted.

### **Section 2**

#### **Territory of Åland**

Åland comprises the territory it has at the time of the entry into force of this Act and the territorial waters directly adjacent to its land territory according to the enactments in force on the limits of the territorial waters of Finland.

If the jurisdiction and sovereignty of the State are extended beyond the limits of the territorial waters the jurisdiction and sovereignty of Åland may be likewise extended, as agreed by the State and Åland.

### **Section 3**

#### **Organs of Åland**

The Åland Legislative Assembly shall represent the people of the Åland Islands in matters relating to its autonomy.

The administration of Åland is vested in the Government of Åland and the officials subordinate to it.

### **Section 4**

#### **Governor**

The Governor shall represent the Government of Finland in Åland. He shall be appointed in the manner prescribed in section 52.

### **Section 5**

#### **Åland Delegation**

The Åland Delegation shall be a joint organ of Åland and the State. Its composition, duties and expenses are as provided by sections 5557.

## Chapter 2

### Right of domicile in Åland

### **Section 6**

#### **Right of domicile by virtue of law**

The right of domicile in Åland shall belong to

- 1) a person who at the time of the entry into force of this Act had the right of domicile under the Autonomy Act for Åland (28 December 1951/670); and
- 2) a child under 18 years of age who is a citizen of Finland and a resident of Åland, provided that his father or mother has the right of domicile.

## **Section 7**

### **Right of domicile on application**

The power to grant the right of domicile is vested in the Government of Åland.

Unless there are persuasive reasons for not granting the right of domicile, it shall be granted on application to a citizen of Finland

- 1) who has taken up residence in Åland;
- 2) who has without interruption been habitually resident in Åland for at least five years; and
- 3) who is satisfactorily proficient in the Swedish language.

For a special reason the right of domicile may also be granted to a person who does not fulfil the requirements of paragraph 2, subparagraphs 2 and 3, subject to the provisions of an Act of Åland.

## **Section 8**

### **Forfeiture of the right of domicile**

A person who forfeits the citizenship of Finland shall likewise forfeit the right of domicile. The forfeiture of the right of domicile of a person who moves his permanent residence from Åland shall be as provided by an Act of Åland.

## **Section 9**

### **Participation in elections and eligibility for office**

Only a person with the right of domicile may participate in the elections of the Legislative Assembly, the municipal councils and the other positions of trust in the Åland and municipal administration. Only a person with the right of domicile shall be eligible for such positions of trust. The right to vote and the eligibility for office in certain cases shall be governed by the provisions of section 67.

## **Section 10**

### **Right to acquire real property**

The limitations on the right to acquire real property or property of a similar nature in Åland with full legal title or with the right to enjoy are as provided by the Act on the Acquisition of Real Property in Åland (3 January 1975/3). The limitations shall not apply to a person with the right of domicile.

## **Section 11**

### **Right of trade**

The right of a person without the right of domicile to exercise a trade or profession in Åland for personal gain may be limited by an Act of Åland. However, such an Act of Åland may not be used to limit the right of trade of a person residing in Åland, if no person other than a spouse and minor children is employed in the trade and if the trade is not practiced in business premises, an office or any other special place of business.

## **Section 12**

### **Service of conscription**

A person with the right of domicile may in place of conscription for military service serve in a corresponding manner in the pilotage or lighthouse services or in other civilian administration. Service in the pilotage and lighthouse services shall be as provided by a State Act after the Legislative Assembly has been reserved an opportunity to submit an opinion on the matter. Service in other civilian administration shall be provided by a State Act with the consent of the Legislative Assembly. Until such service has been organised, the residents of Åland referred to in paragraph 1 shall be exempt from conscription for military service.

Paragraph 1 shall not apply to a person who has taken up residence in Åland after having reached the age of twelve years.

## Chapter 3

### Legislative Assembly and the Government of Åland

#### **Section 13**

##### **Election of the members of the Legislative Assembly**

The members of the Legislative Assembly shall be elected by direct and secret ballot. The suffrage shall be universal and equal.

#### **Section 14**

##### **Opening and closing the sessions of the Legislative Assembly**

The sessions of the Legislative Assembly shall be opened and closed by the President of the Republic or, on his behalf, by the Governor. The Governor shall present the proposals and statements of the President to the Legislative Assembly.

#### **Section 15**

##### **Dissolution of the Legislative Assembly**

After consultation with the Speaker of the Legislative Assembly, the President of the Republic may dissolve the Legislative Assembly and order an election. The right of the Legislative Assembly to decide on a dissolution and the ordering of an election shall be provided by an Act of Åland.

#### **Section 16 Government of Åland**

The Government of Åland shall be appointed as provided by an Act of Åland.

## Chapter 4

### Authority of Åland

#### **Section 17**

##### **Legislation of Åland**

The Legislative Assembly shall enact legislation for Åland (*Acts of Åland*).

#### **Section 18**

##### **Legislative authority of Åland**

Åland shall have legislative powers in respect of:

- 1) the organisation and duties of the Legislative Assembly and the election of its members, the Government of Åland and the officials and services subordinate to it;
- 2) the officials of Åland, the collective agreements on the salaries of the employees of Åland and the sentencing of the officials of Åland to disciplinary punishment;
- 2 a) the employment pensions of the employees of Åland and the elected representatives in the administration of Åland, as well as of the head teachers, teachers and temporary teachers in the primary and lower secondary schools in Åland; (12 July 1996/520)
- 3) the flag and coat of arms of Åland and the use thereof in Åland, the use of the Åland flag on vessels of Åland and on merchant vessels, fishing-vessels, pleasure boats and other comparable vessels whose home port is in Åland, without limiting the right of State offices and services or of private persons to use the flag of the State;
- 4) the municipal boundaries, municipal elections, municipal administration and the officials of the municipalities, the collective agreements on the salaries of the officials of the municipalities and the sentencing of the officials of the municipalities to disciplinary punishment;

- 5) the additional tax on income for Åland and the provisional extra income tax, as well as the trade and amusement taxes, the bases of the dues levied for Åland and the municipal tax;
- 6) public order and security, with the exceptions as provided by section 27, subparagraphs 27, 34 and 35; the firefighting and rescue service;
- 7) building and planning, adjoining properties, housing;
- 8) the appropriation of real property and of special rights required for public use in exchange for full compensation, with the exceptions as provided by section 61;
- 9) tenancy and rent regulation, lease of land;
- 10) the protection of nature and the environment, the recreational use of nature, water law;
- 11) prehistoric relics and the protection of buildings and artifacts with cultural and historical value;
- 12) health care and medical treatment, with the exceptions as provided by section 27, subparagraphs 24, 29 and 30; burial by cremation;
- 13) social welfare; licences to serve alcoholic beverages;
- 14) education, apprenticeship, culture, sport and youth work; the archive, library and museum service, with the exceptions as provided by section 27, subparagraph 39; (12 July 1996/520)
- 15) farming and forestry, the regulation of agricultural production; provided that the State officials concerned are consulted prior to the enactment of legislation on the regulation of agricultural production;
- 16) hunting and fishing, the registration of fishing vessels and the regulation of the fishing industry;
- 17) the prevention of cruelty to animals and veterinary care, with the exceptions as provided by section 27, subparagraphs 31-33;
- 18) the maintenance of the productive capacity of the farmlands, forests and fishing waters; the duty to transfer, in exchange for full compensation, unutilised or partially utilised farmland or fishing water into the possession of another person to be used for these purposes, for a fixed period;
- 19) the right to prospect for, lay claim to and utilise mineral finds;
- 20) the postal service and the right to broadcast by radio or cable in Åland, with the limitations consequential on section 27, subparagraph 4;
- 21) roads and canals, road traffic, railway traffic, boat traffic, the local shipping lanes;
- 22) trade, subject to the provisions of section 11, section 27, subparagraphs 2, 4, 9, 12-15, 17-19, 26, 27, 29-34, 37 and 40, and section 29, paragraph 1, subparagraphs 35, with the exception that also the Legislative Assembly has the power to impose measures to foster the trade referred to in the said paragraphs;
- 23) promotion of employment;
- 24) statistics on conditions in Åland;
- 25) the creation of an offence and the extent of the penalty for such an offence in respect of a matter falling within the legislative competence of Åland;
- 26) the imposition of a threat of a fine and the implementation thereof, as well as the use of other means of coercion in respect of a matter falling within the legislative competence of Åland;
- 27) other matters deemed to be within the legislative power of Åland in accordance with the principles underlying this Act.

## **Section 19**

### **Supervision of legislation**

The decision on the adoption of an Act of Åland shall be delivered to the Ministry of Justice and to the Åland Delegation; the latter shall give its opinion to the former before the decision is presented to the President of the Republic. (31 December 1994/1556)

After having obtained an opinion from the Supreme Court the President of the Republic may order the Act of Åland annulled in full or in part, if he considers that the Legislative Assembly has exceeded its legislative powers or that the Act of Åland relates to the internal or external security of the State. The President shall order the annulment within four months of the date when the decision of the Legislative Assembly was delivered to the Ministry of Justice. (31 December 1994/1556)

For purposes of uniformity and clarity an Act of Åland may contain provisions on matters relating to the legislative powers of the State, provided that in their substance they agree with the corresponding provisions of a State Act. The inclusion of such provisions in an Act of Åland shall not alter the separation of the legislative powers of the State and Åland.

## **Section 20**

### **Entry into force of an Act of Åland**

If the President of the Republic has annulled an Act of Åland, or if he has decided not to use his veto, the Government of Åland shall be so informed.

Where the Presidential veto concerns only a part of an Act of Åland, the Government of Åland shall decide, as provided by an Act of Åland, whether the remaining part of the Act shall enter into force or whether the entire Act is annulled.

Acts of Åland shall be published by the Government of Åland. If the Legislative Assembly has not specified the day on which the Act shall enter into force the Government of Åland shall do so.

## **Section 21**

### **Decrees of Åland**

By virtue of an authorisation in an Act of Åland the Government of Åland may issue Decrees of Åland on the organisation and activities of the Åland administration, on the implementation and application of the Act and on other matters within the powers of Åland.

The provisions of section 19, paragraph 3 on Acts of Åland shall apply correspondingly to Decrees of Åland.

## **Section 22**

### **Initiatives of the Legislative Assembly and the Government of Åland**

The Legislative Assembly may submit initiatives on matters within the legislative power of the State. The Government of Finland shall present the initiative for the consideration of the Parliament of Finland.

The Government of Åland may submit initiatives on matters referred to in paragraph 1 for the issuance of administrative provisions and regulations for Åland.

## **Section 23**

### **Administrative authority of Åland**

Åland officials shall conduct the administration of matters within the legislative power of Åland, subject to the following:

- 1) statistical information that is necessary for the State and in the possession of Åland officials shall on request be made available for State officials;
- 2) statistical information for the use of Åland shall be collected in cooperation with the State officials concerned;
- 3) the Government of Åland shall obtain opinions from the State officials concerned before undertaking measures regarding a non-movable prehistoric relic;
- 4) the Government of Åland shall obtain an opinion from the National Archives before the Åland officials or the municipal or ecclesiastical officials render a decision on the destruction of documents in an archive located in Åland.

## **Section 24**

### **Citizenship of officials**

A citizen of Finland, Iceland, Norway, Sweden or Denmark may be employed as an official of Åland or of a municipality in Åland. The employment of other aliens for such service shall be as provided by an Act of Åland.

Only a citizen of Finland may be employed in the police force.

## **Section 25**

### **Administrative procedure**

An appeal may be brought to the Government of Åland against an administrative decision made by a body subordinate to the Government of Åland, provided that the decision does not concern a tax or dues. An appeal against a decision of the municipal authorities may be brought before a County Administrative Court, or another instance as provided by a State Act. Notwithstanding this, an Act of Åland may provide that an appeal against a decision by a municipal authority on a matter within the competence of Åland may be brought to the Government of Åland.

An appeal as to the legality of a decision of the Government of Åland may be brought before the Supreme Administrative Court. A decision of the Government of Åland relating to appointments shall not be subject to appeal.

## **Section 26**

### **Establishment of an administrative court**

An administrative court may be established in Åland by a State Act. Notwithstanding section 25 such a court may by an Act of Åland be granted jurisdiction over administrative matters within the competence of Åland.

## Chapter 5

### Authority of the State

## **Section 27**

### **Legislative authority of the State**

The State shall have legislative power in matters relating to

- 1) the enactment, amendment, explanation and repeal of a Constitutional Act and an exception to a Constitutional Act;
- 2) the right to reside in the country, to choose a place of residence and to move from one place to another, the use of freedom of speech, freedom of association and freedom of assembly, the confidentiality of post and telecommunications;
- 3) the organisation and activities of State officials;
- 4) foreign relations, subject to the provisions of chapter 9;
- 5) the flag and coat of arms of the State and the use thereof, with the exceptions provided by section 18, subparagraph 3;
- 6) surname and forename, guardianship, the declaration of the legal death of a person;
- 7) marriage and family relations, the juridical status of children, adoption and inheritance, with the exceptions provided by section 10;
- 8) associations and foundations, companies and other private corporations, the keeping of accounts;
- 9) the nationwide general preconditions on the right of foreigners and foreign corporations to own and possess real property and shares of stock and to practice a trade;
- 10) copyright, patent, copyright of design and trademark, unfair business practices, promotion of competition, consumer protection;
- 11) insurance contracts;
- 12) foreign trade;
- 13) merchant shipping and shipping lanes;
- 14) aviation;
- 15) the prices of agricultural and fishing industry products and the promotion of the export of agricultural products;
- 16) the formation and registration of pieces of real property and connected duties;
- 17) mineral finds and mining, with the exceptions as provided by section 18, subparagraph 19;

- 18) nuclear energy; however, the consent of the Government of Åland is required for the construction, possession and operation of a nuclear power plant and the handling and stockpiling of materials therefor in Åland;
- 19) units, gauges and methods of measurement, standardisation;
- 20) the production and stamping of precious metals and trade in items containing precious metals;
- 21) labour law, with the exception of the collective agreements on the salaries of the Åland and municipal officials, and subject to the provisions of section 29, paragraph 1, subparagraph 6, and section 29, paragraph 2;
- 22) criminal law, with the exceptions provided by section 18, subparagraph 25;
- 23) judicial proceedings, subject to the provisions of sections 25 and 26; preliminary investigations, the enforcement of convictions and sentences and the extradition of offenders;
- 24) the administrative deprivation of personal liberty;
- 25) the Church Code and other legislation relating to religious communities, the right to hold a public office regardless of creed;
- 26) citizenship, legislation on aliens, passports;
- 27) firearms and ammunition;
- 28) civil defence; however, the decision to evacuate residents of Åland to a place outside Åland may only be made with the consent of the Government of Åland;
- 29) human contagious diseases, castration and sterilisation, abortion, artificial insemination, forensic medical investigations;
- 30) the qualifications of persons involved in health care and nursing, the pharmacy service, medicines and pharmaceutical products, drugs and the production of poisons and the determination of the uses thereof;
- 31) contagious diseases in pets and livestock;
- 32) the prohibition of the import of animals and animal products;
- 33) the prevention of substances destructive to plants from entering the country;
- 34) the armed forces and the border guards, subject to the provisions of section 12, the actions of the authorities to ensure the security of the State, state of defence, readiness for a state of emergency;
- 35) explosive substances, as to the part relating to State security;
- 36) taxes and dues, with the exceptions provided by section 18, subparagraph 5;
- 37) the issuance of paper money, foreign currencies;
- 38) statistics necessary for the State;
- 39) archive material derived from State officials, subject to the provisions of section 30, subparagraph 17;
- 40) telecommunications; however, a State official may only grant permission to engage in general telecommunications in Åland with the consent of the Government of Åland;
- 41) the other matters under private law not specifically mentioned in this section, unless the matters relate directly to an area of legislation within the competence of Åland according to this Act;
- 42) other matters that are deemed to be within the legislative power of the State according to the principles underlying this Act.

## **Section 28**

### **State Acts of special importance to Åland**

The amendment of a Constitutional Act or another State Act shall not enter into force in Åland without the consent of the Legislative Assembly, insofar as it relates to the principles governing the right of a private person to own real property or business property in Åland.

An opinion shall be obtained from Åland before the enactment of an Act of special importance to Åland.

## **Section 29**

### **Delegation of legislative authority to Åland**

In addition to the provisions of section 27, the following matters come under the legislative power of the State:

- 1) the population registers;
  - 2) the trade register, the association register and the shipping register;
  - 3) the employment pensions of the employees of the municipalities and the elected officials of the municipalities, and the employment pensions of other persons, with the exceptions as provided by section 18, subparagraph 2 a, as well as other social insurance; (12 July 1996/520)
  - 4) other alcohol legislation than that referred to in section 18, subparagraph 13;
  - 5) the banking and credit services;
  - 6) employment contracts, with the exception provided for apprenticeship by section 18, subparagraph 14, and cooperation in enterprises. (12 July 1996/520)
- With the consent of the Legislative Assembly an Act may be enacted to the effect that the legislative authority referred to in paragraph 1 be delegated to Åland in full or in part. Such an Act shall contain provisions on the measures consequent on the delegation of authority. A person whose contract of service with the State is affected by the delegation of authority referred to in paragraph 2 shall with his consent be transferred to the service of Åland to comparable duties and with his former benefits, as further provided by Decree.

### **Section 30**

#### **Administrative authority and procedure**

State officials shall conduct the administration of matters within the legislative power of the State, with regard to the following:

- 1) when making an appointment to a State office in Åland, special weight shall be given to the fact that the appointee has knowledge of the local conditions in Åland or resides in Åland;
- 2) the word "Åland" shall be incorporated in a passport issued in Åland, if the holder of the passport has the right of domicile;
- 3) the Åland officials shall partake in civil defence, as provided by Consentaneous Decree;
- 4) a person with the right of domicile may be assigned only to civilian duties within Åland by virtue of the general obligation of the citizenry to work;
- 5) statistics relating to the local conditions in Åland that are in the possession of State officials shall on request be handed over to the appropriate Åland officials;
- 6) State officials shall ensure that Åland gain access to the necessary frequencies for radio and television broadcasts;
- 7) the Government of Åland shall decide on granting foreigners or foreign corporations permission to acquire ownership or possession of real property in Åland or to practice a trade in Åland; before making a decision it shall request an opinion from the State official concerned;
- 8) the duties that according to legislation on contagious diseases in humans or pets and livestock, legislation on the prevention of substances destructive to plants from entering the country and legislation on the production and use of poisons belong to State officials, shall in Åland be performed by the Government of Åland or by another official as provided by an Act of Åland;
- 9) (repealed by the Act of 31 December 1994/156);
- 10) the duties that in the State belong to the Consumer Complaint Board shall in Åland be performed by a special board appointed by the Government of Åland;
- 11) the duties that according to legislation on consumer counselling belong to a municipality shall in Åland be performed by Åland officials, as agreed by Åland and the municipalities;
- 12) a new merchant shipping lane may only be opened in Åland with the consent of the Government of Åland, subject to the provisions of section 62;
- 13) a matter relating to the permission to conduct merchant shipping in Åland or between Åland and the rest of Finland in a foreign vessel shall be negotiated on with the Government of Åland;
- 14) the speed limits for merchant vessels on the lanes in Åland and the other matters relating to

shipping that are of special importance to Åland shall be negotiated on with the Government of Åland;

15) matters relating to the right to practice air traffic in Åland shall belong to the Government of Åland; however, an opinion on such matters shall be obtained from a State official;

16) when considering matters relating to air traffic that are of special importance to Åland, State authorities shall consult the Government of Åland;

17) archive material deriving from State authorities in Åland may be removed from Åland only after negotiations with the Government of Åland;

18) a decision of the Bank of Finland that may be presumed to be especially important for the economic life or for employment in Åland shall, if possible, only be made after negotiations with the Government of Åland;

19) the Government of Åland shall have the right to be represented together with the Council of State in the negotiations with the central organisations of the producers on income from agriculture and the fishing industry and on the regulation of agricultural production and the fishing industry;

20) the Government of Åland shall be heard before a decision is reached on changes in import regulations that may be especially important to the agricultural production or fishing industry in Åland;

21) an opinion shall be obtained from the Government of Åland before granting a licence to practice a licenced trade, if a State official has the competence to grant the licence;

22) the Government of Åland shall be heard before a decision is reached on closing down an institution or permanent post of local administration of the State in Åland;

23) statistics on Åland that are necessary for the State shall be collected in cooperation with the appropriate Åland officials.

### **Section 31**

#### **Obligation of State officials to aid the Åland officials**

On request of the Government of Åland, State officials are obliged as within their general competence to aid the Åland officials in the performance of duties relating to autonomy .

### **Section 32**

#### **Consentaneous Decrees**

In agreement with the Government of Åland, duties belonging to State administration may be transferred by Decree (*Consentaneous Decree*) to an Åland official for a fixed period or until further notice. Correspondingly, duties belonging to Åland administration may be transferred to a State official.

If notice is given on the agreement, the Decree shall be amended or repealed as soon as possible and in any case within one year from the date of the notice. Unless the Decree is amended or repealed within the said time, the agreement shall be deemed to have been terminated one year after the notice. An Act of Åland contrary to a Consentaneous Decree shall not apply for the part contrary to the Consentaneous Decree while the Decree is in force.

An opinion on a proposition for a Consentaneous Decree shall be requested from the Åland Delegation. The Consentaneous Decree shall be issued by the President of the Republic. (31 December 1994/1556)

### **Section 33**

#### **Obtaining an opinion from the Government of Åland**

Before the President of the Republic or the Council of State issue provisions that only concern Åland or that otherwise are especially significant to Åland, an opinion on the matter shall be obtained from the Government of Åland. The above provision shall apply also to regulations issued by other officials.

## **Section 34**

### **Decision and presentation**

The President of the Republic shall make his decision on matters relating to the autonomy of Åland as provided by section 34 of the Constitution.

Matters relating to autonomy shall be presented to the Council of State from the Ministry of Justice. However, matters relating to the economy of Åland shall be presented from the Ministry of Finance. The Council of State shall appoint persons with good knowledge of the autonomy of Åland as presenting officials for matters referred to in paragraph 2.

## **Section 35**

### **Administration of the law**

The administration of the law in Åland shall be conducted by the courts and officials as provided by State legislation, unless otherwise provided by section 25 or 26.

## Chapter 6

### Language provisions

## **Section 36**

### **Official language**

The official language of Åland shall be Swedish. The language used by the State and Åland officials and in the municipal administration shall be Swedish.

The official language of the Åland Delegation shall be Swedish. The opinions and decisions of the Supreme Court referred to in this Act shall be written in Swedish.

The provisions of this Act on the language used in State administration shall also apply, where appropriate, to the officials of the Evangelical Lutheran Church, unless otherwise provided by the Church Code.

## **Section 37**

### **Right to use Finnish**

In a matter concerning himself a citizen of Finland shall have the right to use Finnish before a court and with other State officials in Åland.

## **Section 38**

### **Language of correspondence**

Letters and other documents between Åland officials and the State officials in Åland shall be written in Swedish. The same provision shall apply also to correspondence between the said authorities and the Åland Delegation, on one hand, as well as the Council of State, the officials in the central government of Finland and the superior courts and other State officials to whose jurisdiction Åland or a part thereof belongs, on the other hand.

However, a treaty referred to in section 59 that is submitted for approval of the Legislative Assembly may be sent to Åland in the original language, if the treaty by law is not to be published in Swedish. A document referred to in section 59 a that is notified to Åland may be sent to Åland in the original language, if it has not yet been translated into Swedish. (31 December 1994/1556)

The provisions of paragraph 1 on Åland officials shall also apply to municipal officials in Åland.

## **Section 39**

### **Translations**

On the request of a party, the courts and the County Government of Åland shall enclose a Finnish translation in their documents.

If a document submitted to a court or another State official is written in Finnish, the official shall see to its translation into Swedish, if necessary.

A private party in Åland shall have the right to receive an enclosed Swedish translation with his copy of the document in matters that are considered by a State official in the State, referred to in section 38, paragraph 1, and on which the document shall according to general language legislation be written in Finnish.

#### **Section 40**

##### **Language of education**

The language of education in schools maintained by public funds or subsidised from the said funds shall be Swedish, unless otherwise provided by an Act of Åland.

#### **Section 41**

##### **Proficiency in Finnish**

A graduate of an educational institution in Åland may, as further provided by Decree, be admitted to a State-maintained or State-subsidised Swedish or bilingual educational institution and be graduated therefrom, even if he does not have the proficiency in Finnish required for admittance and graduation.

#### **Section 42**

##### **Linguistic proficiency of State officials**

Provisions on the linguistic proficiency of a State official in Åland shall be issued by Decree with the consent of the Government of Åland.

The State shall organise training in Swedish for the persons in its service in Åland.

#### **Section 43**

##### **Information and regulations issued in Swedish**

The Council of State shall take measures to have the necessary product and service information distributed to the consumers in Åland in Swedish, where possible.

The Council of State shall also see to the availability in Swedish of the regulations to be followed in Åland.

#### Chapter

##### Financial Management of Åland

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#### **Section 44 (12 July 1996/520)**

##### **Budget**

The Legislative Assembly shall confirm a budget for Åland. More detailed provisions on the budget for Åland shall be given by an Act of Åland.

When confirming a budget, the Legislative Assembly shall strive to ensure at least the same level of social benefits for the people of Åland as enjoyed by the people in the State.

The right of the Legislative Assembly to legislate on taxes and the bases of the dues levied in Åland administration is as provided by section 18, subparagraph 5.

#### **Section 45**

##### **Equalisation**

Åland shall every year receive a sum of money from State funds to cover the costs of autonomy. The sum (*amount of equalisation*) shall be determined in a special equalisation procedure. The equalisation shall take place retroactively for every calendar year. Advance payments of the amount of equalisation shall be made every year.

#### **Section 46**

##### **Calculation of the amount of equalisation**

The amount of equalisation shall be calculated by multiplying the State income for the appropriate year, not including new State loans, as established in the State final accounts, by a certain index (*basis for equalisation*).

#### **Section 47**

##### **The basis for equalisation and the alteration thereof**

The basis for equalisation shall be 0.45 per cent.

The basis for equalisation shall be altered if the bases for the State final accounts change in a manner that has a considerable effect on the amount of equalisation.

The basis for equalisation shall be raised if

- 1) the expenditures of Åland have increased because administrative duties of the State have been transferred to Åland, or because Åland by agreement with the State pursues in full or for a considerable part an activity that is in the interest of the State
- 2) the realisation of the purposes of autonomy causes substantial additional expenditures;
- 3) other significant expenditures which have not been taken into notice when enacting this Act are caused to the Åland administration.

The basis for equalisation shall be lowered if administrative duties of Åland have been transferred to the State and the expenditures of Åland have hence decreased.

The alteration of the basis for equalisation shall be provided by a State Act with the consent of the Legislative Assembly.

#### **Section 48**

##### **Extraordinary grant**

An extraordinary grant may be given on the proposition of the Government of Åland for particularly great non-recurring expenditures that may not justifiably be expected to be incorporated in the budget of Åland. An extraordinary grant may only be given for purposes within the competence of Åland.

#### **Section 49**

##### **Tax retribution**

If the income and property tax levied in Åland during a fiscal year exceeds 0.5 per cent of the corresponding tax in the entire country, the excess shall be retributed to Åland (*tax retribution*).

#### **Section 50**

##### **Loans**

Bond loans may be issued and other loans taken out for the needs of Åland.

#### **Section 51**

##### **Special subsidy**

Åland shall be subsidised from State funds in order to

- 1) prevent or remove substantial economic disorders that affect especially Åland;
- 2) cover the costs of a natural disaster, nuclear accident, oil spill or another comparable incident, unless the costs are justifiably to be borne by Åland.

The Government of Åland shall initiate the proceedings for a subsidy at the latest on the year following the emergence of the costs. A decision on the matter shall, if possible, be made within six months of the initiation of the proceedings.

#### Chapter 8

##### Governor and the Åland Delegation

#### **Section 52**

### **Appointment of the Governor**

A person who has the necessary qualifications for conducting the administration of Åland well and for attending to State security shall be appointed Governor.

The President of the Republic shall appoint the Governor after having agreed on the matter with the Speaker of the Legislative Assembly. If a consensus is not reached, the President shall appoint the Governor from among five candidates nominated by the Legislative Assembly.

### **Section 53**

#### **Acting Governor**

When the office of Governor is vacant or when the Governor is prevented from attending to his duties the President may, after having agreed on the matter with the Speaker of the Legislative Assembly, appoint a suitable person as Acting Governor.

### **Section 54**

#### **Dismissal of the Governor**

The Speaker of the Legislative Assembly shall be heard before making a decision on a matter relating to the dismissal of the Governor.

### **Section 55**

#### **Composition and competence of the Åland Delegation**

The duties of the Chairman of the Åland Delegation shall be performed by the Governor or another person, whom the President of the Republic has appointed after having agreed on the matter with the Speaker of the Legislative Assembly. When the Chairman is prevented from attending to his duties, they shall be performed by the Vice Chairman, also appointed by the President after having agreed on the matter with the Speaker. The Council of State and the Legislative Assembly shall both elect two persons as Members of the Delegation and two Deputy Members for each Member. The Delegation shall only have a quorum when all the Members are present.

The Delegation may hear expert opinions.

### **Section 56**

#### **Duties of the Åland Delegation**

Upon request the Delegation shall give opinions to the Council of State, the ministries thereof, the Government of Åland and the courts.

The Delegation shall decide upon the matters referred to in section 62.

In addition, the Delegation shall:

- 1) carry out the equalisation referred to in section 45;
- 2) determine the tax retribution in accordance with section 49;
- 3) give the extraordinary grant referred to in section 48 and award the subsidy referred to in section 51, and decide upon the possible conditions therefor.

The Delegation shall determine the amount of the advance payments referred to in section 45, paragraph 2.

The President of the Republic shall confirm the decision of the Delegation on a matter referred to in paragraph 3. The decision shall within three months be confirmed unaltered or left unconfirmed. If the decision is not confirmed, the matter shall be returned to the Delegation for reconsideration.

### **Section 57**

#### **Expenses of the Åland Delegation**

Åland shall bear the expenses of the Åland Delegation derived from the Delegates elected by the Legislative Assembly. The other expenses shall be covered from State funds.

## International Treaties

### **Section 58**

#### **Negotiations on international treaties**

The Government of Åland may propose negotiations on a treaty with a foreign State to the appropriate State officials.

The Government of Åland shall be informed of negotiations on a treaty with a foreign State if the matter is subject to the competence of Åland. If the negotiations on a treaty with a foreign State otherwise relate to matters of special importance to Åland, the Government of Åland shall be informed of the negotiations, if appropriate. For a special reason the Government of Åland shall be reserved the opportunity to participate in the negotiations.

### **Section 59**

#### **Entry into force of international treaties**

If a treaty that Finland has concluded with a foreign State contains a provision contrary to this Act, the provision shall enter into force in Åland only if so provided by an Act enacted in accordance with sections 67 and 69 of the Parliament of Finland Act and section 69 of this Act. If the treaty contains a provision that according to this Act is subject to the authority of Åland, the Legislative Assembly must consent to the statute implementing the treaty in order to have the provision enter into force in Åland.

The Legislative Assembly may authorise the Government of Åland to give the consent referred to in paragraph 2.

Chapter 9 a (31 December 1994/1556)

Matters relating to the European Union

#### **Section 59 a** (31 December 1994/1556)

##### **Preparation of EU matters**

The Government of Åland shall be notified of matters under preparation in the institutions of the European Union, if the matters are within the legislative power of Åland or may for other reasons be especially important to Åland.

The Government of Åland shall have the right to participate in the preparation of the matters referred to in paragraph 1 within the Council of State.

#### **Section 59 b** (31 December 1994/1556)

##### **Application of a Common Policy of the European Community**

In so far as the matter belongs to the legislative power of Åland, the Government of Åland shall formulate the national position of Finland relating to the application of a Common Policy of the European Community in Åland.

#### **Section 59 c** (31 December 1994/1556)

##### **The Committee of the Regions of the European Community**

A candidate designated by the Government of Åland shall be nominated as one of the representatives of Finland in the Committee of the Regions of the European Community.

Chapter 10

Miscellaneous provisions

### **Section 60**

#### **Legality of Decrees, conflicts of authority**

If a provision of a Decree of Åland conflicts with an Act of Åland or a State Act applied in Åland, it shall not apply.

If a conflict of authority arises between Åland officials and State officials on a given administrative function, a decision on the matter shall be rendered by the Supreme Court on the proposal of the Government of Åland or the State official. Before rendering the decision the Supreme Court shall obtain opinions from the appropriate official and the Åland Delegation.

#### **Section 60 a** (31 December 1994/1556)

##### **Confidentiality**

State legislation shall apply on confidentiality and access to documents in matters referred to in chapters 9 and 9 a.

#### **Section 61**

##### **State land and State buildings**

If the State requires land in the Åland Islands for regular State administration, Åland shall allocate suitable lots for the purpose. If Åland does not allocate the lots, the State may acquire the required land without the cooperation of Åland.

If the land referred to in paragraph 1 is no longer required for regular State administration, the right of the State to the land shall pass to Åland. Åland shall also acquire the buildings and facilities rendered unnecessary, unless they are removed.

The allocation of land according to paragraph 1 and the transfer of land and other property to Åland according to paragraph 2 shall be agreed upon by the appropriate ministry and the Government of Åland.

State legislation shall apply to the redemption, for full compensation, of real property for State needs.

#### **Section 62**

##### **Controversy in certain situations**

If controversy arises in situations referred to in section 30, subparagraph 12, or section 61, paragraph 1 or 2, the matter shall be resolved by the Åland Delegation.

#### **Section 63**

##### **Right of Åland to inheritance**

If a person habitually resident in the Åland Islands dies without an heir, the inheritance shall pass to Åland. However, real property and comparable property inherited by Åland not located in the Åland Islands and not required to cover the debts of the estate shall be handed over to the State.

#### **Section 64**

##### **Degree earned in another Nordic country**

A Decree may be issued to the effect that a degree required for a State office in Åland may be substituted with a comparable degree earned in Iceland, Norway, Sweden or Denmark.

#### **Section 65**

##### **Trade activity of the State and certain offices in Åland**

If the right to practice a trade, regulated in State legislation according to section 27 or section 29, is reserved to the State, an independent State institution or a corporation where the State holds the power of decision, a Decree may be issued to the effect that Åland or a corporation where Åland holds the power of decision be entitled to practice the same trade in the Åland Islands, unless there are substantial reasons for the contrary.

The provisions of section 30, subparagraph 1, section 42, paragraph 1 and section 64 on State offices shall apply also to service in independent State institutions in Åland and, as further provided by a Decree, in corporations where the State holds the power of decision.

## **Section 66**

### **Exemption from taxes**

Åland shall have the same right of exemption from taxes and for comparable benefits as the State.

## **Section 67**

### **Implementation of municipal suffrage in certain cases**

A citizen of Finland without the right of domicile and citizens of Iceland, Norway, Sweden and Denmark shall be awarded the suffrage and eligibility for office in municipal elections on the prerequisites provided by an Act of Åland. Citizens of other states may be awarded the suffrage and eligibility for office in the same manner. (31 December 1994/1556)

A decision to enact an Act of Åland referred to in paragraph 1 shall require at least a two thirds' majority of the votes cast.

## **Section 68**

### **Electoral district**

In Parliamentary and Presidential elections Åland shall constitute an electoral district. Provisions on the said elections shall be enacted separately.

## **Section 69**

### **Amendment of the Autonomy Act and the Enactment of an Act of Åland by qualified majority**

This Act may be amended, explained, repealed or exceptions to it may be made only by consistent decisions of Parliament of Finland and the Legislative Assembly. In Parliament of Finland the decision shall be made as provided for the amendment, explanation and repeal of Constitutional Acts and in the Legislative Assembly by at least a two thirds' majority of votes cast. An Act of Åland may be enacted to the effect that the Legislative Assembly is to enact an Act of Åland by at least a two thirds' majority of votes cast. An Act of Åland containing such a provision shall be enacted in the same manner.

## **Chapter 11**

### **Entry into force and transitory provisions**

## **Section 70**

### **Entry into force**

This Act shall enter into force on 1 January 1993.

This Act shall repeal the Autonomy Act for Åland (28 December 1951/760), as later amended (*the previous Act*), the Act on the Application of the Administrative Appeals Act in The Åland Islands (16 February 1979/182) and the other provisions contrary to this Act.

Measures required for the implementation of this Act may be undertaken before its entry into force. When enacting an Act of Åland, the Legislative Assembly may apply the provisions of this Act even before its entry into force. However, such an Act of Åland shall not enter into force before this Act has entered into force.

The Åland Delegation elected in accordance with this Act shall perform also the duties of the Åland Delegation provided by the previous Act.

## **Section 71**

### **Application of previous provisions**

If an area of legislation that has previously been regulated by Acts of Åland has been transferred to the legislative power of the State or if an area previously subject to the legislative power of the State has been transferred to the legislative power of Åland by this Act or on the basis of this Act, an Act of Åland or State Act enacted before the entry into force of this Act, relating to the said area of legislation, shall apply in Åland until the Act of Åland has been repealed by Decree and the State Act by an Act of Åland.

## **Section 72**

### **Right of domicile**

A person habitually resident in Åland at the time of the entry into force of this Act shall upon request to the Government of Åland have the right to gain the right of domicile according to the provisions of the previous Act.

The right of domicile of an adopted child shall be determined according to the adoptive parents also in cases where the adoption has taken place before the entry into force of this Act.

## **Section 73**

### **Trade**

A person habitually resident in Åland at the time of the entry into force of this Act shall, after having resided in Åland for five years without interruption, have the right to practice a trade in Åland in accordance with the provisions of the previous Act.

The private persons, companies, co-operations, associations and other corporations and foundations that at the time of the entry into force of this Act practice a trade in Åland in accordance with the provisions of the previous Act shall have the right to continually practice the said trade in accordance with the provisions of the previous Act.

## **Section 74**

### **Dealing with matters at transfer of authority**

A matter, where the authority is transferred between officials in accordance with this Act, shall be dealt with by the officials with whom the matter was pending at the time of the transfer of authority. The matter shall be dealt with in accordance with the provisions of force before the transfer of authority.

The previous Act and the other applicable former Acts shall apply to an appeal against an official decision made before the transfer of authority.

## **Section 75**

### **State officials**

A person whose duties in a State office are in accordance with this Act transferred to the authority of Åland shall, if he so consents, be transferred with equal benefits to corresponding duties in an Åland office, as provided by Decree.

Until the issuance of the Decree referred to in section 42, paragraph 1, the previous Act and the legislation on the linguistic proficiency of State officials, in the form they were at the time of the entry into force of this Act, shall apply to the required linguistic proficiency of a State official in Åland.

A person in a State office in Åland at the time of the entry into force of this Act shall be continually qualified for the said office, regardless of the provisions of the Decree issued in accordance with section 42, paragraph 1.

## **Section 76**

### **Impeachment**

The provisions of the previous Act on the impeachment of the Chairman or a member of the Government of Åland, a presenting official thereof or another Åland official shall be continually applied, until otherwise provided by Decree.

#### **Section 77**

##### **Regular equalisation, extraordinary grants and the alteration of the basis for equalisation**

The regular equalisation referred to in the previous Act shall be carried out for the last time for the year preceding the entry into force of this Act.

An extraordinary grant given before the entry into force of this Act may be supplemented on the two years following the entry into force of this Act.

The basis for equalisation shall be altered if the bases for the State final accounts change before the entry into force of this Act in a manner referred to in section 47, paragraph 2.

#### **Section 78**

##### **Land, buildings and facilities**

The provisions of section 61, paragraph 2 shall apply also to land, buildings and facilities used in regular State administration at the time of the entry into force of this Act. A Decree may be issued to the effect that the State land, building or facility not referred to in paragraph 1 be handed over to Åland.

#### **Section 79**

##### **Movable property**

When the duties of a State official are transferred to an Åland official in accordance with this Act, the State movable property in Åland necessary for the carrying out of the said duties shall pass to Åland without compensation.