Åland in the European Union

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Contents

To the reader	7
Introduction	9
The historical background	
of Åland's status under constitutional and international law	11
Åland's autonomy	13
Åland's path to the EU	16
Åland chooses the "inside track" in the integration proces	ss 16
Åland's position in the membership negotiations	17
The outcome of negotiations in respect of Åland	18
Åland's decision on EU membership	19
Åland's influence at EU level	
Åland's influence on EU affairs at national level	
Åland's tax exemption	26
The EU and Åland's economy	28
The EU and public opinion in Åland	31
Conclusion and outlook	
Annex 1 – Protocol No 2 or the Åland Protocol	34
Annex 2 – Chapter 9 a of the Act on the Autonomy of Åland	35
Appendix 3 A – The Åland Study	39
Appendix 3 B – Summary of the regional studies in Finland	45

To the reader

Åland is located in a strategically important place, near a sea route to Stockholm. This strategic position was one of the factors that influenced the decision of the Paris Peace Conference in 1856 to demilitarise the Åland Islands.

The population of Åland wanted the islands to become part of Sweden, but through a decision of the League of Nations in 1921 Finland gained sovereignty over Åland, which was granted extensive autonomy. The Ålanders were guaranteed the preservation of their Swedish language and their culture and local customs. However, issues such as legislation, the economy and rights of ownership were only solved after the Second World War. The Act on the Autonomy of Åland has undergone two total revisions, in 1951 and 1991. An amendment to its provisions on the European Union entered into force on 1 June 2004. These new provisions enhance the status of Åland's autonomy in relation to the EU.

The relationship between the Åland Islands and mainland Finland has in many ways been marked by conflict since the beginning of the 1960s. The Åland Islands became a member of the Nordic Council at the beginning of the 1970s and has been part of the European Union since Finland's accession to the EU in 1995.

The Act on the Autonomy of Åland gave the Ålanders the right to decide autonomously whether the province should be integrated into the European Union. In order to safeguard the economy and autonomy of Åland, Finland negotiated special arrangements for the islands. They are established by the Åland Protocol, which is part of the agreement on Finland's accession to the EU. By adopting the Åland Protocol, the EU Member States accepted the existing limitations on the rights to own real property and to exercise a trade in Åland. These rights are closely connected with the right of domicile in Åland.

The EU legislation on indirect taxation is not applicable in Åland, which means that imports and exports to and from the province fall outside the Union's taxation territory. The taxfree sales on journeys between Åland and the rest of the Union are the most visible example of this.

Although Åland is one of the 20 provinces of Finland, it does not fit into the standard format for a province. The monolingually Swedish-speaking Åland has a strong individual identity, which is reflected in a flag and postage stamps of its own, to mention just two examples.

This overview of the Åland Islands in the EU was compiled in 2005 by Sören Silverström, who was regional information officer at the European Information Office on the Åland Islands. The information was updated in 2013.

Helsinki in November 2005 Mariehamn in August 2013

EUROPE INFORMATION

Introduction

Åland is an autonomous, demilitarised, Swedish-speaking province of Finland. The Åland Islands have a population of 28,500 and comprises about 6,500 islands, islets and reefs. Mariehamn is Åland's only town while Sottunga, with some 100 inhabitants, is Åland's and Finland's smallest municipality. The status of the Åland Islands is unique from both a Finnish and a European perspective. From both a Finnish and a European point of view Åland has a special status, reflected partly in the terminology denoting Åland's status in Finland. The Act on the Autonomy of Åland makes a distinction between Åland and the State, and when Ålanders speak about the State, they are referring to the rest of Finland.

The grounds for Åland's status in the EU are rooted in the history of the province. Even before Finland's accession to the EU, the status of Åland was defined by international decisions. The autonomy of Åland was primarily guaranteed by a decision of the League of Nations (the predecessor of the United Nations) in 1921. Today, the EU regulates an increasing part of all legislation, and the decision-making power of the Member States has been reduced.

The word federalism occurs occasionally in discussions about the EU. Then, it should be borne in mind that the relationship between Åland and the State of Finland shows some federalist features. The autonomous nature of the Åland Islands also involves determining what the Åland Islands should decide by themselves and what should come under the jurisdiction of the Finnish state. It has been said that Åland Islands function as an independent state in those areas where the Åland Islands have legislative authority.

In this article we provide a review of various effects of EU membership on Åland.

ÅLAND IN THE EUROPEAN UNION

Historical background to the governmental and international legal status of the Åland Islands

Åland's special status in both national and international terms is based on past international relations. Superpowers have often showed interest in the strategically important location of the province. Napoleon, for example, reputedly said that the Åland Islands in the hands of a great power is like a weapon aimed at Sweden's heart. During the Russian era, Åland – like the whole of Finland – was incorporated in the Russian Empire. Russia wished to strengthen Åland and begun to construct a large fortress at Bomarsund on the main island of Åland, in the current municipality of Sund. The Bomarsund fortress was, however, destroyed by French and English forces at the time of the Crimean War. Under the Peace of Paris of 1856, Åland was demilitarised through a unilateral commitment by Russia. Thus the demilitarisation of Åland was protected by international law. Today, Åland celebrates its demilitarisation annually on 30 March, which is – like Autonomy Day – an official flag-raising day in the province.

When the Russian Empire collapsed and Finland started its way towards independence, attained in 1917, public opinion in Åland was largely in favour of reincorporating the province into Sweden. Finland did not accept such aspirations and was only willing to grant Åland limited autonomy. The Åland question was referred to the newly established League of Nations, which resolved it in June 1921. Finland gained sovereignty over Åland and committed itself to guarantee the Ålanders the preservation of their Swedish language, culture and local customs.

The solution to the Åland question has often been described as a compromise which benefited no one. The Åland Islands did not become part of Sweden. However, the Åland islanders were given autonomy with international legal and constitutional guarantees. Finland could keep Åland, but the province was to be granted a special status in Finland. Sweden was presumably satisfied with the continued demilitarisation of Åland, because there were now certain guarantees that its strategic location would not become a military threat in the future. Thus, the question of Åland was resolved internationally in 1921, and at the same time the League of Nations decided to conclude a convention on the demilitarisation and neutralisation of the province. The convention was signed by ten European states during the same year. Russia is not party to the convention of 1921, but the 1940 Moscow Treaty and the 1947 Paris Peace Treaty contain provisions on the demilitarisation of Åland. Anyone who has the right of domicile or was born in Åland or moved there before the age of 12 is exempt from conscription for military service. This exemption is not, however, actually based on Åland's demilitarisation.

After resolving the issue of Åland with the cooperation of the League of Nations, Finland faced the question of how Åland's autonomy should be implemented in practice. The Finnish Parliament had passed the Act on the Autonomy of Åland in 1920, but the Ålanders had been unwilling to accept it at that time. Now, however, they were ready to apply the Act. After the Autonomy Act came legal provisions mainly relating to land acquisition and the right to vote. The first election of representatives to the "Landsting" (Åland's "parliament") was held in 1922. The "Landsting" which is now called the "Lagting", the Åland Parliament, held its first plenary session on 9th June 1922. Åland's Autonomy Day is celebrated annually on 9 June. The Act on the Autonomy of Åland, which regulates, inter alia, the division of legislative powers between Åland and the State of Finland, has been revised completely twice, in 1951 and 1991.

Åland's autonomy

The autonomy of Åland means that the province enacts legislation independently in a great number of sectors, the most important of which are:

- Education, culture and the preservation of ancient monuments
- Healthcare
- Business growth
- Internal traffic
- Local government and administration
- The police service
- The postal service
- Radio and television.

The position of Provincial Governor of Åland is one of the special features of the relationship between the province and the State of Finland. The Governor represents the State in Åland, but only a person accepted by the Ålanders themselves can become Governor. He or she is appointed by agreement between the President of Finland and the Speaker of the Åland Parliament.

Åland's autonomy also means that the province has legislative and administrative institutions of its own. Åland's legislative assembly is called the "Lagting", the Åland Parliament. The legislative assembly of Åland, the Åland Parliament, enacts provincial legislation in sectors that fall within the terms of autonomy and appoints the Government of Åland (landskapsregeringen). The Government of Åland was called the "Landskapsstyrelsen" (the Åland government) until 1st June 2004.

The Åland Parliament has 30 members and is elected every fourth year. The political groups in Åland are independent from the political parties in mainland Finland. The seats in the Åland Parliament (legislative assembly) are currently shared between the following political groups: Åländsk Center, Liberalerna på Åland (Åland Liberals), Moderaterna på Åland (Åland Moderates), Ålands Socialdemokrater (Åland Social Democrats), Obunden samling (The Independent Group) and Ålands Framtid (Åland's Future). The Government of Åland drafts and implements the provincial administration acts. The chairman is the spokesperson for the government of Åland which may have no more than seven members. These members are called ministers. The Government must enjoy the confidence of the Åland Parliament, in accordance with that principle of parliamentarism.

Besides legislative and administrative institutions of its own, which are elements of autonomy, Åland also has concrete rules aimed at preserving the Swedish language and the local culture and customs. When the League of Nations had resolved the question of Åland in 1921, a set of rules was established in order to preserve this heritage. Special requirements were laid down concerning mainly the language, land ownership, the right to exercise a trade and the right to vote.

Åland is a monolingually Swedish-speaking province, which means that Swedish is the official language of the province and its municipalities and the State too uses Swedish as its official language in Åland. All documents addressed by State authorities to Åland have to be written in Swedish. Swedish is the language of instruction in all Ålandic schools. The Ålanders actively defend their monolingualism. It can be said that Åland identity is distinct from Finnish identity. The Åland Islands have their own flag and their own stamps.

The right of domicile in Åland is a form of regional citizenship, introduced to protect the local culture and Swedish language and to guarantee that the land is kept in Ålandic ownership. The right of domicile in Åland shall belong to a child under 18 years of age who is a citizen of Finland and a resident of Åland, provided that the child's father or mother has the right of domicile. Migrants may also apply for the right of domicile (or regional citizenship). However, as a rule, the migrant must have lived on the Åland Islands for at least five years, be a Finnish citizen and have adequate knowledge of Swedish. Only persons with the right of domicile are entitled to vote and stand as candidates in elections for the Åland Parliament. A person without the right of domicile (or regional citizenship) may vote and stand in municipal elections if the person's home municipality has been on the Åland Islands for the year preceding the elections. There are also limitations on the right to acquire real property and the right to exercise a trade. The Act on the Acquisition of Real Property in Åland lays down the principles for such acquisitions. Anyone who has resided outside the province for more than five years forfeits his or her right of domicile. The Åland Parliament is currently discussing an extension to the number of years a student may be away from the Åland Islands without losing his or her right of domicile (or regional citizenship).

Åland differs from the other Finnish provinces also in terms of economy. The State of Finland levies taxes, customs duties and charges in Åland, but compensates for the expenditure of the province by allocating a State budget appropriation for use by the Åland Parliament. Thus, the State refunds the sum needed for those responsibilities of society which the province handles on behalf of the State. The appropriation is 0.45 per cent of the estimated annual revenues in the central government accounting, State borrowings excluded.

Åland's autonomy has very strong constitutional protection. The Act on the Autonomy of Åland may be amended only by the Parliament of Finland as provided for the amendment and repeal of the Constitution, and by a decision of the Åland Parliament.

Åland became a member of the Nordic Council in 1970. The Åland Parliament appoints two of the 87 members of the Nordic Council, and the Government of Åland participates in the work of the Nordic Council of Ministers. However, membership of the European Union will have much greater significance than membership of the Nordic Council.

It was important to Åland that its special status would remain safeguarded if the province became a member of the EU. Initially, It seemed that certain derogations were necessary to make Åland's EU membership possible. For instance, it was difficult to combine the right of domicile with EU membership without derogations. The strong dependence of Åland's economy on merchant shipping and passenger ferry traffic and the consequences that EU membership might entail were regarded as threats.

Åland's path to the EU

The Åland Islands have chosen the EU "inside track" in terms of the integration process.

The late 1980s saw great upheavals in the vicinity of Finland, such as the Soviet Union's collapse and dissolution, which contributed decisively to Finland's orientation towards the West. Finland's efforts to take an active part in Western European integration became increasingly visible when the country became a full member of the Council of Europe in 1989. At approximately the same time Finland begun to negotiate on the EEA Agreement (the European Economic Area). Finland's membership plans developed rather rapidly, and in March 1992 it filed an application for membership in the European Communities.

It was seen at an early stage that some central aspects of Åland's autonomy could hardly be combined with the principles associated with Western European economic integration. The Single European Act introduced the objective of creating a common market without internal borders where goods, services, persons and capital could move freely across borders. This objective could not be reconciled with those limitations on, for instance, the rights to exercise a trade and to acquire real property which are incorporated in the Ålandic right of domicile. If the Åland Islands had joined the EU without negotiated exemptions, the right of domicile would have contravened EU regulations. In respect of Åland, Finland had to choose its strategy towards the EU as early as the negotiations on the EEA Agreement in 1989-1991. The Agreement entered into force at the beginning of 1994, one year before Finland's final accession to the EU. Thus, the EEA Agreement was only an interim stage before full EU membership.

Åland had two main options to choose between: "the inside track" and "the outside track". "The inside track" meant that Åland could participate in the integration process and aspire to become part of the EEA and later of the EU. To preserve the right of domicile, it was necessary to negotiate some kind of special arrangements. There are some islands and other areas in Europe which have a special status within the EU, but none of these could serve as a model for arranging Åland's relationship with the EU.

The "outside track" would have meant that the Åland Island would have been left out of the integration process. For example, the Danish autonomous territories of Greenland and the Faroe Islands are outside the European Union. But even if Åland had opted out of the integration process, it would have been necessary to regulate its relationship with the Union in some way, for example by a cooperation agreement. Today it can be seen that Åland ended up on "the inside track", with certain derogations, but such a situation was not at all self-evident at the beginning of the 1990s.

The Åland Parliament approved the EEA Agreement in November 1992 almost without controversy, and the discussion around the Agreement was rather dispassionate. This was presumably partly due to the fact that the limitations on land acquisition and the right to exercise a trade linked to the right of domicile were excluded from the scope of the Agreement. The EEA Agreement pointed the direction for Åland's later status in the EU.

The Åland Islands' role in membership negotiations

The decision on Finland's EU membership had significant effects on Åland's autonomy and was one of the most important decisions in the province's history. According to the Act on the Autonomy of Åland, the conclusion of international treaties concerning matters within the competence of Åland is subject to the consent of the Åland Parliament. The agreement on Finland's accession to the European Union was such a treaty.

Finland aimed to guarantee special arrangements to safeguard Åland's autonomy, right of domicile and economy. Above all, it was important to ensure the continuity of the right of domicile after Finland's accession to the EU. The underlying reason for exempting Åland from the EU taxation rules was that all tax-free sales would be abolished in the EU in 1999 and this would have significant effects on Åland, which is largely dependent on shipping and tourism. This had a significant impact on the Åland Islands which are very dependent on shipping and tourism. Studies carried out prior to membership indicated that the economy of the Åland Islands could have shrunk by up to 50 percent if duty-free sales on ferries sailing between Finland, Sweden and the Åland Islands had ceased. A fall in income from ferry traffic might cause a chain reaction with negative effects on the tourism industry as a whole.

A group of senior officials, known as the Jääskinen Group, was set up to deal solely with the question of Åland in the negotiations. This group was one of many committees responsible for practical preparations for the membership negotiations. In parallel with this process between Åland and the State of Finland, the Finnish Government also conducted unofficial negotiations with the EU Commission in order to ascertain the Commission's position on the various options concerning Åland's status in the EU.

When Finland had submitted a proposal concerning Åland's status in the EU as a basis for negotiations, the Commission prepared a counter proposal to the Council of Ministers in order to state the EU party's common position on the question. At a conference on Finland's accession to the EU on 22 February 1994, the representatives of the Finnish Government approved the EU's common position on Åland. Finland's accession agreement was signed at the meeting of the European Council on the Greek island of Corfu on 24 June 1994.

What the Åland Islands achieved through negotiations

Broadly speaking, the EU accepted all arrangements concerning Åland that Finland proposed during the membership negotiations. This was remarkable given that the EU usually stipulates that prospective members approve the so-called acquis communautaire (or EU regulations) without exception. The most important provisions concerning Åland were laid down in a special protocol, Protocol No 2 or the Åland Protocol, which was annexed to Finland's accession agreement.

The Protocol recognised the existing limitations on the rights to own real property and to exercise a trade in Åland. The EU also accepted the proposal that the Åland Islands should be excluded from the EU's fiscal union. This allowed duty-free sales on the Åland Islands' vital ferry services to continue after duty-free sales within the EU had ceased on 30th June 1999.

The provisions on the rights to vote and stand as a candidate in

municipal elections in Åland were amended after the province became part of the EU. Nowadays a person without the right of domicile (or regional citizenship) on the Åland Islands but who has been living in an Åland municipality for at least three years may vote and stand in municipality elections on the Åland Islands. However, the stipulation regarding the right of domicile (or regional citizenship) remains in force in regard to voting and standing in Åland's parliamentary elections. The EU has not imposed any requirements concerning the rights of voting and candidacy in elections of the Member States' legislative assemblies.

Thus, most proposals for derogations concerning the province were accepted. These derogations have a very high legal status, because the Åland Protocol is part of Finland's accession agreement. The accession agreement is classified under the primary law of the EU and can only be amended with the consent of all Member States.

The outcome of the negotiations was generally considered a success for Åland. The reference in the Åland Protocol to "the special status that the Åland islands enjoy under international law" was a positive surprise. It further consolidates the autonomy, demilitarisation and neutralisation of the province at international level.

The decision of the Åland Islands regarding membership of the EU

Finland's membership negotiations were completed on 1 March 1994. Now, it was time to take a stand on the outcome of the negotiations, but some controversial issues still remained between Åland and the State of Finland. The Government of Åland wanted Åland to be granted expanded powers to levy taxes because the province had been excluded from the EU tax union. Moreover, the Åland Government wanted the province's influence within the EU to be safeguarded. Consequently, the Government made a demand for Åland to have a member of its own in the European Parliament. Neither the Finnish Government nor the Finnish Parliament made any binding promises on this issue.

Finland did not want to find itself in a situation where the Åland Parliament refused to endorse EU membership, while the accession treaty meant that Finland was under obligation to comply with EU regulations also in matters relating to the Åland Islands. Therefore, Finland made a special arrangement. It would later, but before EU membership would come into force, announce whether the accession agreement would be applicable also in Åland. The announcement depended on whether the Ålanders and the Åland Parliament would vote in favour of or against Åland's EU membership.

A referendum was held on 16 October 1994 in the whole of Finland (including Åland) and on 20 November 1994 separately in Åland. In the joint referendum, the Ålanders voted less clearly in favour of membership than the rest of Finland. Of the population of Åland, 51.9 per cent voted for membership and 48.1 per cent against it. In mainland Finland, the figures were 57.0 per cent for membership and 43.0 per cent against.

Before the separate referendum in Åland on 20 November 1994 Sweden held a membership referendum on 13 November. The Swedes voted in favour of membership. Thus, Åland had to decide whether to join the EU on the negotiated conditions or to opt out of the EU, while Finland and Sweden would become members.

In the Åland referendum a large majority of the Ålanders voted for membership. 73.6 percent of the Åland electorate voted for membership while 26.4 percent voted against. The Åland Parliament too clearly supported membership. On 2 December 1994, 26 of the 30 members of the Parliament voted for EU membership. Thus the Ålanders and their representatives in the Åland Parliament had given their consent to EU membership. Now Finland could announce to the EU Member States that the accession agreement would also apply in Åland.

After joining the EU, the Åland Parliament also approved the Amsterdam, Nice and Lisbon treaties.

Åland's influence at EU level

In the European Union, the decisions are made by the Member States. The State of Finland negotiated Finland's accession to the EU with the Member States and signed the accession agreement. The dominant position of the Member States as decision makers is also reflected in the most important decision-making body of the EU, the Council of Ministers. Only representatives of the Member States are entitled to vote in the Council. Because autonomous territories do not have the right to vote in the Council, they must try to make themselves heard by influencing their own Member States. The principle that a member state - per se - can be brought before various EU bodies for its actions also applies to the European Court of Justice. For example, if an a legislative provision passed by the Åland "Lagting" (and which comes under the terms of Åland's autonomous state) is in conflict with EU law, it is Finland, not the Åland Islands, that is formally brought before the European Court of Justice. However, under the terms of the Autonomy Act, a representative from the Government of Åland is allowed to take part in the hearing at the European Court of Justice.

The question regarding the division of any financial sum that the European Court of Justice rules that Finland must pay on account of the violation by the Åland Islands of EU law must now be settled in accordance with the Autonomy Act. The underlying principle is that the province is liable for the sanction if it has arisen from an act or omission on the part of the province, but the amount of the sanction is negotiable.

An autonomous territory, such as Åland, may affect the decision-making of the EU at two levels. Åland may influence the formulation of Finland's positions in the Council of Ministers through the national preparation procedure, or try to make itself heard at supranational level. In both the Council and the European Parliament Åland exerts influence indirectly because it does not have a member of its own in either body.

Still, Åland is not completely unrepresented in Brussels. There are other bodies and unofficial channels through which regional viewpoints may be presented. According to the Act on the Autonomy of Åland, the Government of Åland nominates a representative to the EU Committee of the Regions. The Committee of the Regions is a consultative body representing various regional interests in the EU. Moreover, Åland has a special adviser at the Permanent Representation of Finland to the EU in Brussels. The special adviser's main function is to convey information to the Åland Islands and the Government of Åland about work relating to EU institutions. The adviser's duties also include providing information and facts about the Åland Islands to EU institutions.

Åland's influence on EU affairs at national level

Upon Finland's accession to the EU, both the Finnish Parliament and the Åland Parliament renounced part of their legislative powers. The matters prepared and decided in the EU concern a number of sectors – including sectors on which Åland had earlier decided independently under the Act on the Autonomy of Åland. That is why it is particularly important for Åland to take part in the national preparation of EU matters.

When the Commission proposes new legal rules, the Member States prepare national positions on the proposals. Thus, Finland as a Member State declares its position in the Council, which is the most important decision-making EU institution.

Åland may make itself heard and express its opinions during the preparation of Finland's national positions. For this purpose, the EU matter in question has to be prepared by the Government of Åland and, if necessary, by the Åland Parliament. Finland's position is formulated in a national preparation process in parallel with the preparation in Åland.

When Finland became a member of the EU, the Act on the Autonomy of Åland was supplemented with provisions on Åland's participation in the national preparation process. These provisions were developed by an amendment to the Act which took effect in summer 2004. According to the Act, the Government of Åland has to be notified of a matter under preparation by an EU institution, if it falls within the powers of Åland or may otherwise have special significance for the province. The Government of Åland has the right to participate in the preparation of such matters within the Council of State, i.e. the Finnish Government. The Act also permits the Government of Åland to formulate Finland's position in so far as the matter concerned falls within the powers of Åland, if the decision to be made in the EU pertains to the application of a common policy of the European Union in Åland. Such cases mainly relate to the application of legislation in force, the preparation of indicative and development programmes in order to apply for EU supports, notifications of national supports, and the normal management of supports to which Åland is one of the contributors.

The processing of an EU matter – for instance the adoption of a new EU directive – may be divided into stages, and it takes place in interaction between Åland, the national level and the supranational level. First, the matter is prepared by the Commission. At this stage the matter is not yet public but becomes public when an official legislative proposal is submitted for further measures. The Commission's proposal is also sent to the Government of Åland and its European Law and External Matters Unit. An assessment is made as to whether the proposal falls within the jurisdiction of the Åland Islands or whether other factors are important and of interest to the Åland Islands. According to the Government of Åland's report on EU affairs from 2012, about half of the commission's initiatives are estimated to be such cases.

The Government of Åland keeps the Åland Parliament informed about EU matters important to Åland, because the Government must enjoy the Parliament's confidence. In EU matters the Government has different options for contacting the Parliament. The Government may send a notification to the Parliament, whereafter the matter is discussed by the Parliament at a plenary session. This option is mainly used for major EU matters, for example intergovernmental conferences. The Government of Åland and the Åland Parliament work together to prepare the case in the event of a so-called consultation process. This work is carried out either by the Åland Parliament's autonomy committee or by any of the specialized committees. If joint consultation is not possible, the EU matter is submitted to the Parliament for information. In that case the matter is considered less significant, and the Parliament may decide whether consultation is needed in the matter.

The State of Finland prepares EU matters in parallel with their preparation in Åland. Finland's positions on these matters are coordinated by a procedure where the different ministries concerned, the different preparative subcommittees (some 40), the Committee for EU Affairs and the Cabinet Committee on European Union Affairs have different roles and functions. Each ministry has appointed an official who has responsibility for the Åland Islands. The Åland Islands have their own representative in each processing division. The Government of Åland must be informed of Åland's viewpoint on important EU matters dealt with in the processing divisions.

An EU case can be passed from the processing divisions to the Committee for EU Affairs in which the Government of Åland's administrative director is involved. Finally, it may be prepared at political level by the Cabinet Committee on European Union Affairs, where the Head of the Government of Åland has the right to be heard, if the matter falls within Åland's powers or is otherwise particularly significant for the province. As a rule, all politically, economically and judicially significant EU matters are considered by the Cabinet Committee. In addition to these bodies, also the EU Secretariat and the Permanent Representation of Finland to the EU in Brussels have important tasks in the national preparation process. The EU Secretariat coordinates the EU matters prepared by the different ministries, and it functions as the secretariat for the Cabinet Committee on European Union Affairs and the Committee for EU Affairs. The national preparation process is not separated from parliamentary influence and control. Especially the Grand Committee of the Finnish Parliament is responsible for this function. The member of the Finnish Parliament representing Åland is entitled to attend the meetings of the Grand Committee and present Åland's opinions there.

The next step is preparation at EU level in the Council's working groups and the European Parliament. The Government of Åland has to be reserved an opportunity to participate, on request, in the work of the Finnish delegation for instance in the Council and its working groups. If, during the national preparation in Finland of an EU matter that falls within the powers of the province, it has not been possible to reconcile the positions of the province and the State on this matter, the Government of Åland may request that the divergent position of the province should be made known when Finland's position is presented in the EU institutions. The special adviser of the Government of Åland at Finland's Permanent EU Representation in Brussels follows matters which are important to Åland. After a decision has been taken at EU level, the Member States implement it. The Government of Åland and the Åland Parliament deal with EU matters during their preparation and when EU directives are implemented. As Åland has extensive legislative powers, the province has to ensure that its legislation is in harmony with EU legislation.

EU membership has entailed increasingly close contacts between the authorities in Åland and mainland Finland.

Åland's tax exemption

The European Union is, above all, associated with economic cooperation, and European integration has doubtless been intensive. Customs duties and taxes have been abolished in trade among EU Member States, and an internal market has gradually evolved with free movement of goods, services, persons, and capital. The abolition of tax free sales within the EU on 1 July 1999 was a step towards the unification of Member States' economies.

The tax exemption granted to Åland and the related tax border were not ultimate targets of the membership negotiations, but the tax exemption was a precondition for continuing tax free sales and thus keeping Åland's economy viable. There was fear that abolition of tax free sales would cause a chain reaction with negative effects on ferry traffic, tourism and the economy of the province as a whole.

The theoretical basic principle behind the establishment of the tax border around the territory of Åland was that the province, as part of Finland, belongs to the customs territory of the European Union but not to the EU tax territory. The EU has common customs duties applicable to areas outside the customs territory, but no duties are levied on goods in free circulation within the customs territory. As Åland is part of the EU customs territory, no customs duties are levied on goods transported over the province border to and from countries in the customs territory. And as Åland does not belong to the EU tax territory, trade to and from other areas within the EU, including the rest of Finland, is comparable with imports and exports in respect of taxation. This means that an Åland-based company acquiring goods from an EU Member State purchases the goods free of tax and pays value added tax for them when it imports them to Åland. On the other hand, an Ålandbased company which exports goods to an EU Member State is exempt from taxes. If a German company imports goods from Åland, it has to pay value added tax on the imports. Thus, the tax border arrangements require taxation and controls at borders.

The Tax Limit Declarations are handled at the "Ämbetshus" in Mariehamn's customs office. Import and export clearance is done by submitting a bill of lading at Mariehamn's Västerhamn, in Långnäs, at Mariehamn airport or on the archipelago ferries.

Goods traded between the Åland Islands and an EU member state can either be declared using a so-called SAD document (Single Administrative Document) or given customs clearance online. The SAD document is also used in trade between a EU member state and countries outside the EU. Trade between Åland and the Finnish mainland has been largely simplified, and the SAD is not used.

According to the safeguard clause of the Åland Protocol, the tax exemption is aimed at maintaining a viable local economy in the province. It must not have any negative effects on the interests of the Union nor on its common policies. The Commission is responsible for supervising the tax exemption for Åland. If the Commission considers that the exemption causes unfair competition, it may propose changes to it.

The Åland Protocol ensured the viability of Åland's shipping and tourist industries by retaining the tax free sales on board ferries. However, the tax border and the practical consequences of the tax exemption have aroused some criticism in Åland. The tax border involves increased work and extra costs for entrepreneurs who trade across it.

The EU and Åland's economy

In the early 2000s the Åland Islands were relatively successful with only 2.3 percent of unemployment in 2004, but this figure rose as the economic situation in Europe deteriorated. In 2010 unemployment crept over 3 percent for the first time since 1998. In 2012 official unemployment was an average of 3.1 percent. However, these figures are low compared to Finland which had an unemployment rate of 7.7 percent in the same year. The average GNP per inhabitant exceeds the average in the rest of Finland. Typical of Åland is its relatively high percentage of private entrepreneurs. Also saving in shares is more common in Åland than on the Finnish mainland. Life expectancy on the Åland Islands is probably one of the highest in the world. Life expectancy for Åland women, i.e. girls born in 2010, is 83.8 years.

The Finnish state collects taxes and duties on Åland as it does in the rest of Finland. In return, the islands' expenditure is offset by a grant in the state budget which is submitted to the Åland Parliament. This so-called lump sum accounts for 0.45 percent of revenue in central government accounts excluding government loans. During 2013, the reduction in tax revenues in Finland meant that the lump sum to the Åland Islands is expected to decline by nearly five million euro, which places significant demands on Åland's ability to save money in its public finances.

In an investigative report published by Åland's Central Statistics and Research Office (ÅSUB) from the early 2000s, it emerges that the tax threshold has created both winners and losers in the Åland economy. For Åland's business community in general, trade with the rest of Finland has entailed additional costs. From a broader economic perspective, the Åland economy benefited from the tax exemption, where, for example, shipping companies and businesses in the tourist industry have received increased revenues. Duty-free sales, particularly in ferry services, have also benefited from the tax exemption. The abolition of tax free sales in maritime traffic between the Finnish mainland and Sweden illustrates their significance to passenger services. The maritime industry is largely of an international nature and its future has aroused much discussion. Any flagging out can lead to significant changes in the Åland shipping industry and ferry services. A further investigative report published by Åland's Central Statistics and Research Office in 2012 revealed that Åland companies are greatly affected by transport costs. Such costs impact on the product exports and the import of necessary commodities. Costs on the Åland Islands are generally high, and this can partly be explained by rising transport costs. In 2012, merchandise trade was over the tax threshold in terms of trade with the Finnish mainland, and a little lower when it came to trade with foreign countries. Exports abroad were slightly higher (EUR 155 million) than exports to the mainland (EUR 138 million), while imports from abroad were significantly higher (EUR 428 million) than imports from the mainland (EUR 310 million).

There are approximately 14,000 hectares of arable land on the Åland Islands, which accounts for about 9 percent of the total land area. The number of large farms on the Åland Islands has increased while the number of small farms has decreased. Åland agriculture is still small-scale compared to that in the rest of Finland. Statistics show that the number of farms in the Åland Islands has decreased from 617 to 535 from 2006 to 2011. Average farm size has increased from 23.4 acres to 26.1 acres over the same period. Furthermore, the average age (52.7) of farmers on the Åland Islands is the highest for any region in Finland. The trend shows that the proportion of older farmers is constantly increasing. Since increasingly fewer young people have the courage to choose the occupation of farmer and income from agriculture has fallen, farming in Åland – like all primary production – is one of the losers generated by EU membership. The number of people employed in the agricultural sector is constantly decreasing. Numbers declined from about 700 in 2000 to 464 in 2009. Interest in taking over farms or starting up farms is also declining, both among young people and women. Extensive bureaucracy pervading the agricultural sector is often seen to be a deterrent. Furthermore, high transport costs and increased operating costs mean that the Åland Islands are less able to cope with EU agricultural policy than is the case in the rest of Finland.

Despite the general decline in the agricultural sector, studies show that there is growing interest among farmers to make investments. This optimism is clearly linked to opportunities in finding public investment grants. Organic farming has also become more popular. Farmland given over to organic production has increased continuously since Finland became a member of the EU. In 2011 organic farmland covered about 3,400 hectares.

Many sectors in Åland agriculture are dependent on significant

subsidies and support. This means that agriculture as a whole is significantly affected by political decisions relating to agricultural policy reforms. EU support is another economic factor affecting Åland society.

The Åland Islands are involved in various programs, partly financed by EU funds – the European Regional Development Fund (ERDF), the European Social Fund (ESF), the European Agricultural Fund for Rural Development (EAFRD) and the European Maritime and Fisheries Fund (EMFF). The EAFRD is the most important program in economic terms. It has a number of objectives, of which environmentally friendly agriculture is promoted by agri-environmental measures. The Åland Islands are defined as a less favoured area, which means that the islands qualify for so-called LFA support. LFA support is designed to offset the higher production costs and unfavourable production conditions prevailing on the Åland Islands. Setting-up support is intended to encourage the establishment of new production in agriculture. There are also fully funded EU initiatives for agriculture (the so-called CAP subsidies).

The Åland Island will carry out an operating system for Åland 2014– 2020 for the ERDF and ESF. The program aims to develop knowledge and improve skills in the workplace, increase employment, productivity and innovation capacity, regenerate and diversify the Åland economy and help create a well trained, egalitarian and inclusive society. Achieving these goals is expected to provide a high level of employment, a good tax base, competitive businesses and sustainable growth that will make it possible to maintain high standards of welfare on the Åland Islands.

The Interreg VA Central Baltic Programme 2014–2020, which includes the Åland Islands, the coastal areas of Sweden, Finland, Estonia and Latvia, aims to promote competitiveness and innovation, environmentally friendly transport, proper development of water quality and skills provision in the region.

When it comes to fishing, fish farming is particularly important in the archipelago. In the last few years, the significance of sea fishing has decreased, whereas small-scale coastal and island fishing and fishing tourism have gained in significance. Almost half of Åland's professional and part-time fishermen live in the archipelago and nearly 90 percent of fish farming's total revenue of EUR 16.6 million (2011) comes from businesses in the archipelago. The fishery program's (the structural plan for the fishing industry) so-called financial framework for 2007–2013 totalled EUR 6.8, of which EU accounted for about half. Under the current proposal, the financial framework for 2014–2020 remains at about the same level.

The EU and public opinion in Åland

The difficulty of making European citizens take an active part in the European integration process has been one of the problems of the European Union. Occasionally, the EU has been criticized for being an elitist bureaucracy with no contacts with people's everyday lives. The fact that the voting rates in elections for the European Parliament have often been alarmingly low indicates a democracy deficit. The Ålanders have not been an exception in this respect.

It was mentioned in this article that the Ålanders voted in favour of EU membership in both the referendum for the whole of Finland and the referendum arranged for Åland separately. Their voting rates in the referendums were, however, relatively low: 61.2 per cent in the national referendum and 49.1 per cent in Åland's referendum. The national referendum showed a clear trend, namely that of all Ålandic municipalities only Mariehamn and, with a very small majority, Lemland, voted in favour of membership. In all the other 14 municipalities of the province the majority of voters were against membership. Thus, there seemed to be a contrast between urban and rural areas. In the separate referendum for Åland the trend was different. Not a single municipality had a majority opposed to EU membership. But it has to be borne in mind that, at the time when Åland had its own referendum, it was already known that both Finland and Sweden would join the EU.

The Ålanders' interest in the EU was also tested by the elections for the European Parliament on 13 June 1999. In Åland, these elections were characterised by two circumstances. Most voters supported the Swedish People's Party and the candidate Astrid Thors, but the voting rate was very low. Only 21.8 per cent of all Ålanders entitled to vote went to the polls. At the 2004 elections for the European Parliament, the voting rate in Åland was as high as 35.6 per cent. The main reason for the higher voting rate in these elections was probably the candidacy of two Ålanders, Viveka Eriksson and Barbro Sundback. Voting in the 2009 election was the highest ever on the Åland Islands with an electoral turnout of 48.2 percent, which was higher than those in Sweden and Finland. The Ålander Britt Lundberg was the most popular candidate, winning almost 82 percent of all approved Åland votes. If we compare voting activity between the sexes, significantly more women than men voted and the difference increased further since the 2004 election. In terms of geographical area, people living on the archipelago were most active with a voting percentage of 55 percent compared to 48 percent in rural areas and 47 percent in Mariehamn. As the Åland Islands do not have a seat in the European Parliament and do not constitute a separate constituency in the elections, Åland's candidates stood in the nationwide party lists.

Even though Ålanders have increased their voting rate in elections for the European Parliament, it remains a major challenge to raise people's interest in the EU, both in Åland and elsewhere in the EU.

Attitudes towards the EU on the Åland Islands may (with certain reservations) also be deduced from the opinion poll conducted in 2013 by Taloustutkimus Oy on behalf of the European Commission Representation in Finland. For further information on the survey of attitudes towards the EU on the Åland Islands, please refer to appendices 3 A and 3 B.

The survey took the form of telephone interviews. A total of 250 randomly selected Ålanders aged 15 to 79 years were interviewed, and there were a number of interesting findings. Along with Uusimaa, Southwest Finland and Häme, the Åland Islands are one of the regions that is more positively disposed towards EU membership. The region believes to a greater extent than any of the other regions that membership has a positive impact on everyday life.

Åland women are generally a little more favourably disposed towards EU membership than Åland men. However, in terms of the impact of EU membership on daily life, more men than women feel that they are positively affected. However, it is interesting to note that public opinion on both these questions is far more negative among young people aged 15–24 than among the elderly. The same age group also has a low degree of interest in EU policies – almost half as low as that of 65–79 year olds. It should be noted, however, that positive views as well as interest in EU membership increase significantly in the next age group, namely the 25 to 34 year olds.

On the question of whether Europe's open borders have made it easier in any particular area, a majority of 53 percent indicated "travel". Furthermore, a majority of respondents in the survey deemed that Åland companies have been able to benefit from the opportunities offered by the EU.

Conclusion and outlook

The picture of Åland's role in the EU is neither uniform nor uncontroversial. The membership negotiations produced a rather advantageous outcome for Åland. The Ålandic right of domicile will be preserved, and the tax free sales on board aircraft and ferries will continue, because the province is not included in the EU's tax union. This has meant continued success for Åland's economy as a whole, but all branches and businesses have not been equal winners.

As for the future outlook and potential threats facing the EU, Åland cannot be straightforwardly compared with the rest of Finland. Depopulation in archipelagic and rural areas seems to constitute a common threat. The age structure is very negative in all archipelago municipalities, where an average of 27.7 percent of the population is aged over 65 years compared to 18.9 percent for the Åland Islands as a whole. Living in an island municipality in Åland involves extra costs, and services are not always as good as in Mariehamn for instance. Although Åland is a successful province economically, it should be borne in mind that its economy is largely dependent on shipping and tourism. Developments and policy concerning the shipping industry are of paramount importance to Åland.

Much has happened since the EU was formed in 1952 and the number of member states has been continually growing. The enlargement of the European Union will also require modernization, which was last done by the so-called Lisbon Treaty. After a final vote held on 25th November 2009, the Åland Parliament gave its approval to the Lisbon Treaty with 24 votes, giving a qualified majority. During the autumn of 2009, all EU member countries finally approved the Treaty, which entered into force on 1st December 2009. However, the EU's future development remains an ongoing debate in Europe.

The economic crisis which began early in the 2000s has had a significant impact throughout the EU, but has impacted particularly hard on a number of member states in southern Europe. The Åland Islands have not been unaffected by the crisis either. Future prospects and threats are felt in much of the economy. Some of the EU's main objectives, therefore, are to stimulate growth and employment, expand the internal market and strengthen the Economic and Monetary Union (EMU).

Another challenge for the Åland Islands is the ever increasing number of EU issues that have to be addressed. As the European Union grows, there is an increasing number of EU matters that affect the Åland Islands directly or indirectly. However, resources are limited and this means that the Government of Åland has to prioritize. Every year, therefore, the Government of Åland draws up an EU statement listing the issues it deems to be the most important to address during the coming year. During 2013, the agenda focused on, for example, the new agricultural program, the fisheries program, the new tobacco directive, the EU Strategy for the Baltic Sea region and public procurement. Efforts to get an Åland representative into the European Parliament remains an important issue.

ANNEX 1

Protocol No 2 or the Åland Protocol

Taking into account the special status that the Åland islands enjoy under international law, the Treaties on which the European Union is founded shall apply to the Åland islands with the following derogations:

Article 1

The provision of the EC Treaty shall not preclude the application of the existing provisions in force on 1 January 1994 on the Åland islands on:

- restrictions, on a non-discriminatory basis, on the rights of natural persons who do not enjoy right of domicile/kotiseutuoikeus (regional citizenship) in Åland, and for legal persons, to acquire and hold real property on the Åland islands without permission by the competent authorities of the Åland islands;

– restrictions, on a non-discriminatory basis, on the right of establishment and the right to provide services by natural persons who do not enjoy right of domicile/kotiseutuoikeus (regional citizenship) in Åland, or by legal persons without permission by the competent authorities of the Åland islands.

Article 2

a) The territory of the Åland islands being considered as a third territory, as defined in Article 3(1) third indent of Council Directive 77/388/ EEC as amended, and as a national territory falling outside the field of application of the excise harmonization directives as defined in Article 2 of Council Directive 92/12/EEC shall be excluded from the territorial application of the EC provisions in the fields of harmonization of the laws of the Member States on turnover taxes and on excise duties and other forms of indirect taxation. This exemption shall not have any effect on the Community's own resources.

This paragraph shall not apply to the provisions of Council Directive 69/335/EEC, as amended, relating to capital duty.

b) This derogation is aimed at maintaining a viable local economy in the islands and shall not have any negative effects on the interests of the Union nor on its common policies. If the Commission considers that the provisions in paragraph (a) are no longer justified, particularly in terms of fair competition or own resources, it shall submit appropriate proposals to the Council, which shall act in accordance with the pertinent articles of the EC Treaty.

Article 3

The Republic of Finland shall ensure that the same treatment applies to all natural and legal persons of the Member States in the Åland islands.

ANNEX 2

Protocol No 2 or the Åland Protocol

9 a (30.1.2004/68) Matters relating to the European Union

59 a § (30.1.2004/68) Preparation of national positions

The Government of Åland shall have the right to participate in the preparation, within the Council of State, of the national positions of Finland preceding decision-making in the European Union, if the matter would in other respects fall within the powers of Åland or if the matter otherwise may have special significance to Åland. If the positions of Åland and the State cannot be harmonised in accordance with this Act in a matter falling within the powers of Åland, the position of Åland shall on the request of the Government of Åland be declared when the positions of Finland are being presented in the institutions of the European Union.

If a decision to be made in the European Union pertains in full or in part to the application of a common policy of the European Community in Åland, the Government of Åland shall formulate the position of Finland in so far as the matter would in other respects fall within the powers of Åland.

The Government of Åland shall be notified of matters referred to in paragraph 1 under preparation in the European Union. Upon request, the Government of Åland shall also be reserved an opportunity to participate in the work of the Finnish delegation when matters falling within the powers of Åland under this Act are being prepared in the European Union.

As far as questions on local jurisdiction are concerned, the Åland Parliament may communicate a reasoned opinion to the Finnish parliament on whether a draft legislative act of the European Union complies with the subsidiarity principle. The position of the Åland Parliament must be submitted to the institutions of the European Union. (4.11.2011/1115)

59 b § (30.1.2004/68) Implementation of decisions made in the European Union

In the decision-making on the measures in Finland relating to decisions made in the European Union, the legislative power and the administrative power shall be divided between Åland and the State as provided in this Act.

The authorities of Åland and the State shall consult each other if their measures are interdependent. If only one measure can be taken in a Member State in an administrative matter which under this Act would fall both within the powers of Åland and of the State, the decision on the measure shall be made by the State authority. Before such decision-making, the Åland authority shall be consulted in good faith and the positions put forward by it shall be taken into account as far as possible. If the authorities of Åland and the State do not agree on the measures necessary in situations referred to in this paragraph, a recommendation for the resolution of the disagreement may be requested from the Åland Delegation.

If, under Community law, a Member State may designate only one administrative authority in a situation where both Åland and the State have powers, the authority shall be designated by the State. A decision by such an authority in a matter that would in other respects fall within the powers of Åland shall be consistent with the position put forward by the Government of Åland.

The Government of Åland may take contact with the Commission of the European Communities in matters falling within the powers of Åland and concerning the implementation in Åland of decisions made in the European Union. The Government of Åland and the Council of State shall agree in greater detail on how the Council of State is to be informed of such contacts.

59 c § (6.11.2009/847)

The Government of Åland's position in matters involving non-compliance of treaty obligations and cases handled by the European Court of Justice

The State authorities, in co-operation with the Government of Åland, shall prepare the response of Finland to a position taken by the Commission of the European Communities on shortcomings in the fulfilment of a Member State's obligations in so far as that fulfilment falls within the powers of Åland, as well as the positions of Finland that in such a matter are to be submitted to the Court of Justice of the European Communities.

If the positions of the Government of Åland and the Finnish government cannot be reconciled in a matter referred to in subsection 1, the response and position of the Finnish government as regards the Åland government's request shall be formulated in such a way that the position of the Åland Island is made clear. If the proceedings in a case referred to in subsection 1 are instigated as a result of an action or omission by the Government of Åland, a representative from the Government of Åland shall be given the right to participate in the hearing at the European Court of Justice.

The Government of Åland may make a reasoned request to the Council of State of Finland to participate in a pending tribunal at the European Court of Justice or instigate proceedings at the Court of Justice on issues pertaining to the jurisdiction of the Government of Åland or other matters that may have particular relevance to Åland.

59 d § (30.1.2004/68) The national liability of the Government of Åland

If the European Court of Justice rules that the Finnish government should pay a lump sum, a fine or something that is equivalent to a monetary amount, the Government of Åland is liable to pay this sum to the state insofar as an action or omission by the Government of Åland is the cause of the ruling.

If Finland is under the rules of liability of a Member State liable to refund European Community funds to the European Community, Åland shall be liable for the refund vis-à-vis the State in so far as the administration or supervision of the refunded funds were tasks for Åland.

If Finland has been rendered liable in damages to a private party for loss arising from rights under Community law having been incompletely or incorrectly implemented in a matter falling within the powers of Åland, Åland shall be liable for the damages vis-à-vis the State to the corresponding amount.

The Finnish government and the Government of Åland may agree on the amount referred to in paragraphs 1–3. Any dispute about liability shall be treated as an administrative litigation case at Åland's Administrative Court as stipulated in section 12 of the Administrative Procedure Act (586/1996) and in this paragraph.

59 e § (30.1.2004) The European Community's Regional Committee

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. APPENDIX 3 A

The Åland Study

The European Commission's Representation in Finland The Åland study

Taloustutkimus Oy Jari Pajunen and Markus Mervola 15.8.2013

taloustutkimus oy

taloustutkimus oy

10939 The European Commission's Representation in Finland, The 2013 Åland Study / JPA / MAM 2.9.2013

1. Introduction

This study was carried out by Taloustutkimus Oy on behalf of the European Commission's Representation in Finland.

Aim of the study and target group

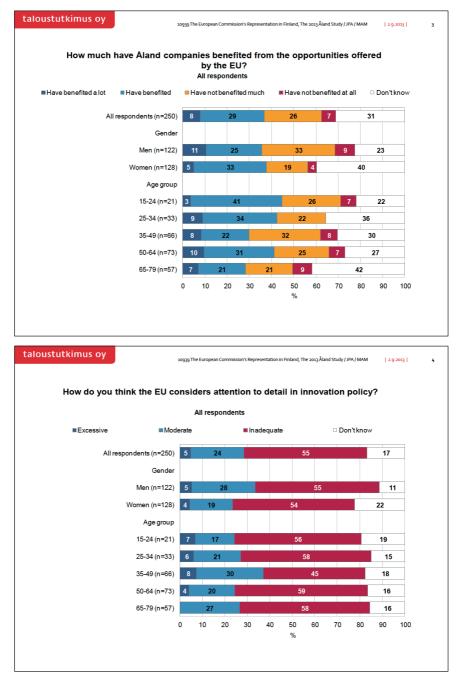
The aim of the study was to find out what the people of the Åland Islands think of the EU.

How the study was conducted

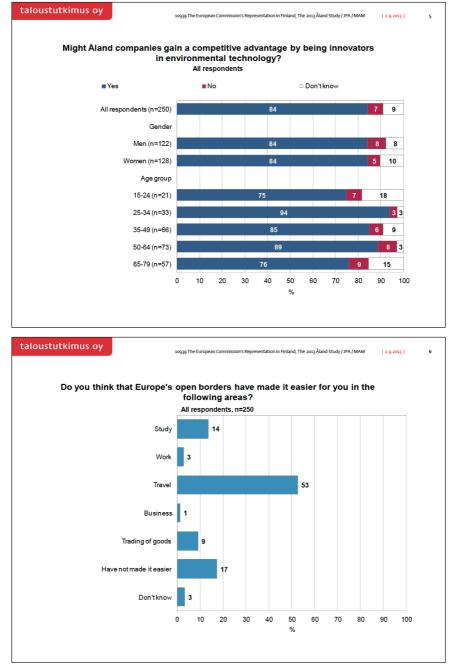
The study was carried out as a telephone survey in which a total of 250 Ålanders were interviewed. A random sample of Ålanders aged between 15 and 79 were selected from the population register to take part in the telephone survey. The telephone interviews were conducted between 19th and 22nd August 2013 by 5 trained interviewers from Taloustutkimus Oy.

Handling of data

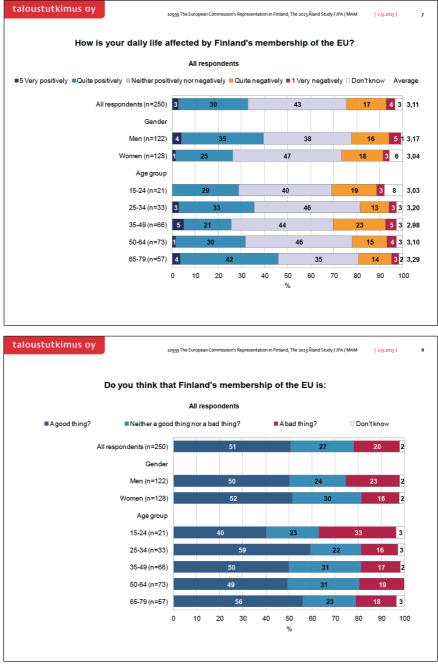
Taloustutkimus Oy handled the data using a program designed specifically for analyzing this type of material.



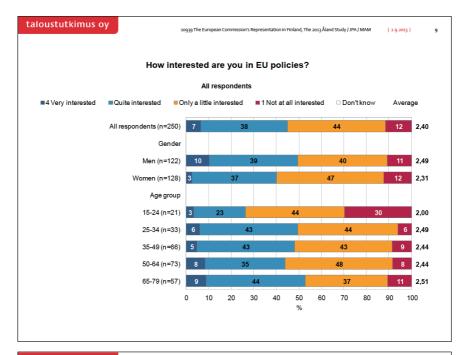
THE EUROPEAN COMMISSION'S REPRESENTATION IN FINLAND 41 THE REGIONAL STUDIES 2010–2013

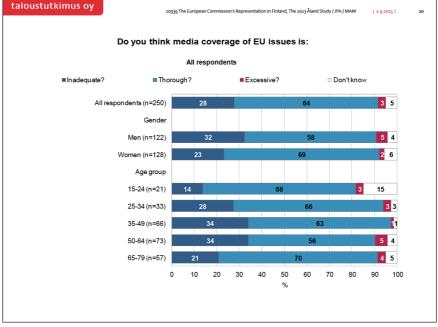


42 THE EUROPEAN COMMISSION'S REPRESENTATION IN FINLAND THE REGIONAL STUDIES 2010–2013



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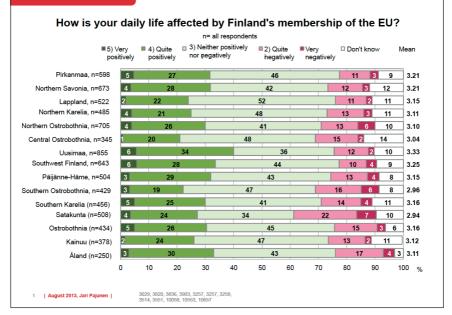


APPENDIX 3 B

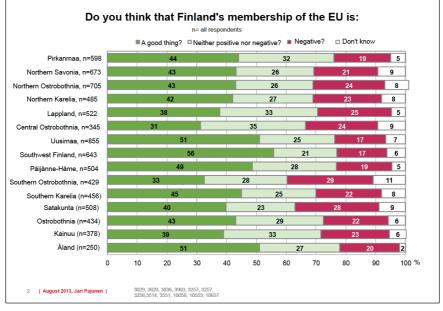
Summary of the regional studies

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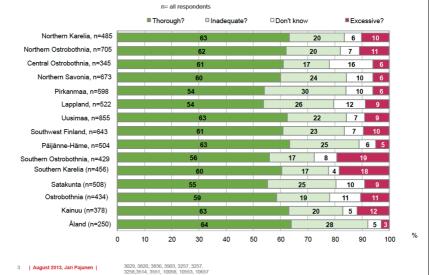
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46 THE EUROPEAN COMMISSION'S REPRESENTATION IN FINLAND THE REGIONAL STUDIES 2010–2013

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taloustutkimus oy

	4) Very intereste	■3) Quite d intereste		n't know	2) Only a li interested		Not at all erested	Me	ean
Pirkanmaa, n=598	6	35		3		48		9	2.52
Northern Ostrobothnia, n=705	8	40		3		37		12	2.50
Northern Savonia, n=673	6	43		3		39		9	2.47
Lappland, n=522	6	36	į ir statistas ir	2		44		11	2.37
Northern Karelia, n=485	5	34	i		50	D		10	2.36
Central Ostrobothnia, n=345	3	37		5		47		8	2.36
Uusimaa, n=855	10		47		1	36	i	6	2.63
Southwest Finland, n=643	8		47		1	38		7	2.56
Päijänne-Häme, n=504	5	39		1		46		9	2.40
Southern Ostrobothnia, n=429	10	3	9	4		34		13	2.48
Southern Karelia (n=456)	7	41		1		41		10	2.46
Satakunta (n=508)	12		41		1	37		9	2.57
Ostrobothnia (n=434)	7	42		1		42		8	2.48
Kainuu (n=378)	3	41		1		46		9	2.39
Åland (n=250)	7	38				44		12	2.40
	0 10	20 3	30 40	50	60	70	80 9	0 1	00 %

THE EUROPEAN COMMISSION'S REPRESENTATION IN FINLAND 47 THE REGIONAL STUDIES 2010–2013



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