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## **Act on the Forestry Centres and Forestry Development Centre Tapio (1474/1995, amendments up to 1210/2004 included)**

### *Section 1 - General function of the organisations*

- (1) The regional Forestry Centres and Forestry Development Centre Tapio (hereinafter the Development Centre) are responsible for the sustainable management and use of the forests, the maintenance of their diversity, and other tasks relating to the promotion of forestry.
- (2) In addition to the promotion tasks referred to in subsection 1 above, the Forestry Centres control the compliance with forestry legislation and manage other public authority tasks as provided separately. Public authority tasks do not fall under the scope of the Development Centre's activities.

### *Section 2 - Forestry Centres*

- (1) Further provisions on the forestry promotion tasks of the Forestry Centres are issued by decree. Provisions concerning the public authority tasks are included in the relevant special acts and the provisions issued under these. The Forestry Centres also carry out specific tasks assigned to them by the Ministry of Agriculture and Forestry.
- (2) The Government lays down the number, operating areas, locations and names of the Forestry Centres.
- (3) When the Government decides to change the number of Forestry Centres or their territories, it has the right to decide the arrangements between the Forestry Centres concerning their assets and debts and agreements and other commitments, as well as rights and obligations arising from these or otherwise. The Government also has the right to make decisions concerning the transfer of pending administrative matters and personnel of the Forestry Centres between the Forestry Centres concerned.
- (4) At least one of the Forestry Centres is primarily concerned with the Swedish-speaking areas.

### *Section 3 - Forestry Development Centre Tapio*

- (1) The Forestry Development Centre Tapio is a forestry development and expert organisation which carries out the tasks assigned to it by making proposals and submitting motions concerning forestry, by providing forestry development and expert services for the Ministry of Agriculture and Forestry, the Forestry Centres and other parties, and by carrying out tasks assigned to it by the Ministry of Agriculture and Forestry, taking into account the delimitation on its scope of activities set down in section 1(2). The Development Centre also manages the administrative service tasks of the Forestry Centres.
- (2) Further provisions on the tasks of the Development Centre are issued by decree.
- (3) There is a Swedish-speaking unit in the Development Centre.

#### Section 4 - *Guidance and control*

- (1) The Forestry Centres and Development Centre operate under the guidance and control of the Ministry of Agriculture and Forestry.
- (2) The Ministry of Agriculture and Forestry assigns guidance tasks concerning the Forestry Centres to the Development Centre, except for those concerning public authority tasks.

#### Section 5 - *Differentiation of the tasks*

- (1) The management of public authority tasks of the Forestry Centres which concern decision-making directly with respect to a private citizen or corporation in an individual matter is to be differentiated from the management of the promotion tasks so that the official who resolves such matters does not participate in the management of tasks other than the public authority tasks. Further provisions on the differentiation of the tasks are issued by decree.
- (2) The management of the public authority tasks to be differentiated referred to in subsection 1 does not fall under the scope of the tasks of the Board of Directors or Director of the Forestry Centres.
- (3) The official who resolves public authority matters which are to be differentiated referred to in subsection 1 above is not subject to the Board of Directors or Director of the Forestry Centre when resolving such matters.

#### Section 6 - *Legal capacity*

- (1) The Forestry Centres and Development Centre may obtain rights, make commitments and act as the claimant, plaintiff or respondent in courts of law and before other authorities.
- (2) As an exception to the provision set down in subsection 1 above, the Forestry Centres and Development Centre may not make commitments on behalf of a corporation which is engaged in business operations nor finance the activities of such a corporation without authorisation granted by the Parliament in the context of the State budget and permission issued separately by the Ministry of Agriculture and Forestry.

#### Section 7 - *Economic activities*

- (1) The Forestry Centres and Development Centre may not engage in economic activities which are not connected to carrying out their function. Neither may the Forestry Centres or Development Centre engage in economic activities which could compromise the management of their statutory tasks or its impartiality.

#### Section 8 - *Public liability and the procedure to be followed in public authority tasks*

- (1) The members of the Board of Directors and officials of the Forestry Centres and Development Centre act subject to the public liability as regards the use of funds and, in the case of the Board of Directors and officials of the Forestry Centres, when performing the public authority tasks assigned to the Forestry Centres.
- (2) When performing public authority tasks assigned to them the Forestry Centres must comply with the provisions set down in the Administrative Procedure Act (434/2003) and Language Act (423/2003). Regarding the publicity of the documents and activities of the Forestry Centres, the provisions set down in the Act on the Openness of Government Activities (621/1999) apply. (1145/2003)

#### Section 9 - *Board of Directors of the Forestry Centres*

- (1) Each Forestry Centre has a Board of Directors with seven members. Each member has a personal alternate, who is subject to the same provisions as the member. The Board of Directors is appointed by the Ministry of Agriculture and Forestry for four calendar years at a time.
- (2) The members of the Board of Directors must represent the forest owners within the territory of the Forestry Centres and other important expertise in terms of the activity of the Forestry Centres.
- (3) Further provisions on the tasks, appointment and other matters pertinent to the Board of Directors are issued by decree.

#### Section 10 - *Board of Directors of the Development Centre*

- (1) The Development Centre has a Board of Directors with no more than seven members. Each member has a personal alternate, who is subject to the same provisions as the members. The Board of Directors is appointed by the Ministry of Agriculture and Forestry for four calendar years at a time.
- (2) The members of the Board of Directors must represent important expertise in terms of the activity of the Development Centre. Three of the members of the Board of Directors must represent the Forestry Centres. The representatives of the Forestry Centres must be nominated from among the candidates proposed by the Forestry Centres so that one of them is appointed upon the proposal of the Forestry Centre primarily concerned with the Swedish-speaking areas.
- (3) Further provisions on the tasks, appointment, more detailed composition and other matters pertaining to the Board of Directors are issued by Government decree.

#### Section 11 - *Financing of activities (amended by 1210/2004)*

- (1) Each year an appropriation is included in the State budget which provides the framework for allocating State aid to the Forestry Centres and Development Centre for the operating expenses incurred from the tasks assigned to them and for capital expenditure approved by the Ministry of Agriculture and Forestry. The Act on Discretionary Government Transfers (688/2001) applies to the State aid unless otherwise provided in this Act.
- (2) Expenditure of the Forestry Centres and Development Centre referred to in subsection 1 may be financed in full by State aid.

#### Section 11a - *State aid authority (1210/2004)*

- (1) For the State aid referred to in this Act the State aid authority is the Ministry of Agriculture and Forestry.

#### 11b - *Application for State aid (1210/2004)*

- (1) The Forestry Centres and Development Centre apply for the State aid referred to in this Act by submitting a draft budget and proposals for performance objectives for the period of use of the State aid to the Ministry of Agriculture and Forestry

#### 11c - *Control of the use of funds (1210/2004)*

- (1) The Ministry of Agriculture and Forestry controls the use of the funds of the Forestry Centres and Development Centre. For the implementation of the control the Forestry Centres and Development Centre must yield to the Ministry of Agriculture and Forestry any information and accounts it requests.

#### 11d - *Management and use of funds (1210/2004)*

- (1) State funds granted to the Forestry Centres and Development Centre other than those intended for their activity must be kept separate from the other funds of the Forestry Centres and Development Centre in the account of a bank carrying out government transactions. Funds may be withdrawn from the account only for using them for their specific purpose.
- (2) The provisions on the collection and payment agency laid down in the State Budget Decree (1243/1992) apply to the management and accounting of funds granted to the Forestry Centres and Development Centre other than those intended for their activity. However, the Ministry of Agriculture and Forestry may issue further administrative regulations on the accounting referred to in section 52 of the said Decree, which the Forestry Centre and Development Centre submits to the Ministry of Agriculture and Forestry.

#### Section 12 - *Fees charged for services*

- (1) The Forestry Centres and Development Centre charge fees for their services. The provisions set down in the Act on Criteria for Charges Payable to the State (150/92) apply to the charging and general criteria for the charges.
- (2) As an exception to the provisions set down in the Act on Criteria for Charges Payable to the State, the fees charged for services on the basis of commercial criteria can be reduced if this is appropriate due to forestry promotion, regional aspects or other special reason. The State aid allocated to the Forestry Centres and Development Centre in the State budget and their other revenue may be used to reduce the charges.

#### Section 13 - *Accounting and auditing*

- (1) The provisions set down in the Accounting Act (655/73) apply, as appropriate, to the bookkeeping obligation, accountancy and financial statements of the Forestry Centres and Development Centre.
- (2) Auditing covers the bookkeeping and financial statements of the accounting period and inspection of the administration of the Forestry Centres and Development Centre. For the auditing, the Forestry Centres and Development Centre must have at least one auditor who is an auditor or auditing corporation approved by the Central Chamber of Commerce, Chamber of Commerce or the Chartered Public Finance Auditors. The auditors are nominated by the Ministry of Agriculture and Forestry for four calendar years at a time.
- (3) Further provisions on the tasks, rights, obligations, independence and the content of the auditing and other matters pertinent to the accounting obligation, auditors and auditing are issued by decree.
- (4) The Forestry Centres and Development Centre are subject to the control and inspection by the State auditors and the State Audit Office.

#### Section 14 - *Pension fund*

- (1) The Forestry Centres and Development Centre may establish funds for providing pensions for the employed staff and their dependants. Other employers engaged in the forestry sector may also be members of these funds.
- (2) The Ministry of Agriculture and Forestry ratifies the criteria used in determining the pension benefits to be paid from the funds referred to in subsection 1 on the basis of proposals of the members of the funds.

#### Section 15 - *Inspection committee*

- (1) Within the territory of each Forestry Centre there is an inspection committee which carries out the tasks set down for it separately by act or decree.
- (2) The inspection committee has a Chairperson and Vice-Chairperson and the necessary number of members representing the Forestry Centre and forest owners concerned.
- (3) The inspection committee functions as a three-member body where the Chairperson or Vice-Chairperson and the member representing the Forestry Centre and the member representing the forest owners are present. The members of the inspection committee act under public liability. The forest owner has the right to be present at inspection proceedings.
- (4) Further provisions on the inspection committee and the selection and qualifications of the members are issued by decree.

#### Section 16 - *Confidentiality obligation of the Development Centre and auditor*

- (1) Regarding the confidentiality obligation of those employed at the Development Centre and the auditor, the provisions set down in sections 23 and 24 of the Act on the Openness of Government Activities apply, as appropriate.

#### Section 16a - *Further provisions (1210/2004)*

- (1) Further provisions on the implementation of this Act are issued by Government Decree.

#### Section 17 - *Entry into force*

- (1) This Act enters into force on 1 March 1996.
- (2) This Act repeals the Act of 8 February 1991 on the Forestry Centres and Forestry Boards (265/91).
- (3) Upon the entry into force of this Act the Forestry Centre Tapio (Metsäkeskus Tapio) and Forestry Centre Skogskultur (Skogscentralen Skogskultur) merge into the Forestry Development Centre Tapio (Metsätalouden kehittämiskeskus Tapio), which will continue the operations of the above organisations as set down in this Act. All the assets and debts, agreements and other commitments, as well as rights and obligations arising from them or otherwise of the merging organisations are taken over by the Forestry Development Centre Tapio. The statutory administrative matters pending at Metsäkeskus Tapio and Skogscentralen Skogskultur are taken over by the Ministry of Agriculture and Forestry upon the entry into force of this Act.
- (4) Upon the entry into force of this Act the Forestry Boards will be formed into Forestry Centres which continue their operations as set down by Government decision. All the assets and debts, agreements and other commitments, as well as rights and obligations arising from them or otherwise of the Forestry Boards are taken over by the Forestry Centres as provided by the Government. The administrative matters pending at the Forestry Boards are also taken over by the Forestry Centres as provided by the Government.
- (5) Upon the entry into force of this Act the personnel employed by Metsäkeskus Tapio and Skogscentralen Skogskultur is taken over by the Forestry Development Centre Tapio and the personnel of the Forestry Boards is taken over by the Forestry Centres subject to the same benefits and obligations as earlier except for the position and tasks, unless otherwise decided due to production and economic reasons. The Ministry of Agriculture and Forestry decides on the placement of the personnel of the Forestry Boards into the Forestry Centres.
- (6) After the entry into force of this Act the provisions concerning the Forestry Boards in other law apply to the Forestry Centres.
- (7) When the Board of Directors and auditors of the Forestry Centres and Development Centre are appointed for the first time, the term of both terminates at the end of 1999.

- (8) Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

*1210/2004*

- (1) This Act enters into force on 1 January 2005.
- (2) Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.
- (3) This Act applies to a State subsidy granted after the entry into force of this Act and to a State subsidy where the advance is paid after the entry into force of this Act.