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Fishing Act (286/1982; amendments up to 154/2003 included)

Chapter 1 - **General provisions**

Section 1

In the pursuance of fishing, efforts shall be made to maintain the maximum permanent productivity of the waters. Special consideration should be given to ensuring that the fish stock is exploited rationally and with due attention to fishery viewpoints, and ensuring that the fish stock is managed and expanded. Consequently, such measures shall be avoided that might harmfully or adversely affect nature or the balance of nature.

Section 2

- (1) The holder of fishing rights is primarily responsible for organizing fishing and the management of the fish stock in a way that duly takes into account the goals referred to in section 1.
- (2) As regards fishing waters and grounds belonging to the State, the responsibility laid down in subsection 1 lies with the state authority which has authority over the waters or the fishing ground.

Section 3

- (1) For the purposes of this Act, a fishing corporation means the partnership formed by joint owners of fishing waters that functions in accordance with the Act on Jointly Owned Areas (758/1989). (687/2000)
- (2) In order to promote the fisheries sector and in order to implement other objectives referred to in section 1, waters are divided into fishing regions regardless of their ownership, municipal division or division under Government administration. (687/2000)
- (3) The Government's fisheries administration is arranged by the Ministry of Agriculture and Forestry. The district administrative authorities for the fisheries sector are the Employment and Economic Development Centres. (1355/1993)

Section 4

- (1) What is provided on fishing rights in this Act or under it also applies as appropriate to the right to catch crayfish. Provisions on the prohibition on catching pearl oysters are issued separately.
- (2) Catching lamperns is considered fishing, and what is provided in this Act on fish also applies to lamperns, unless otherwise specified in the provision.

Chapter 2 - **Fishing rights**

Section 5

The right to engage in fishing and issue orders related to it belongs to the owner of the waters, unless this right has been assigned to another party and unless otherwise provided in this Act. The right to fish in a flood area, when flooded, located outside the boundary of the waters mentioned in the Waters Act (264/61), Chapter 1, section 6(1), belongs to the owner of the waters.

Section 6

- (1) Each citizen of a state belonging to the European Economic Area who resides permanently in Finland has a right to engage in fishing in public waters in sea areas and in Finland's fishing zone. Citizens of Finland, Iceland, Norway, Sweden and Denmark have a right to fish for domestic needs and recreation in the above area irrespective of their residence. (489/1993)
- (2) Employment and Economic Development Centres may introduce administrative rules concerning engagement in the fishing referred to in subsection 1 provided that the waters do not belong to the fishing regions referred to in section 68(1). In this case, special care shall be taken in the said area to ensure that other types of fishing do not excessively hinder or impede professional fishing in the area, nor weaken the conditions for it.
- (3) When required by the needs of professional fishing, the Employment and Economic Development Centres may for this purpose lease out salmon or trout fishing grounds located in the waters referred to in subsection 1 or give permission to use them for a fixed period of time. The Employment and Economic Development Centres may also grant permission to foreigners other than those referred to in subsection 1 to fish for domestic needs and recreation in the said area. (1355/1993)
- (4) Only professional fishermen may use fishing gear intended for professional fishing in the waters referred to in subsection 1. Further provisions on fishing gear intended for professional fishing shall be given by decree. (489/1993)

Section 6 a (756/2001)

- (1) A professional fisherman is a person who is engaged in fishing and earns his living, or a substantial part of it, from fishing and from the processing of the catch he has caught.
- (2) A fisherman is deemed to earn his living, or a substantial part of it, from fishing and from the processing of the catch he has caught if the sales proceeds he receives from these activities (total fishing income) is at least 30 per cent of the total amount of his overall business income, earned income and other regular overall income. The total income of a fisherman engaged in fishing as a partner in a company or a cooperative also includes his share of the total fishing income of the company or cooperative. The total fishing income of a fisherman working for somebody else also includes his earned income from fishing.
- (3) A person whose total fishing income is less than 30 per cent but at least 15 per cent of the total amount of his overall business income, earned income and other regular overall income is considered a professional fisherman when section 6(4) and the provisions on the declaration of the catch and regulation of fishing are applied.

Section 7

- (1) With the exception of temporary residents, each inhabitant of a municipality that includes a lake area has a right to engage in fishing with hooks in the public waters of the lake. (1045/1996)
- (2) The fishing region shall decide on other fishing in the waters referred to in subsection 1. When the decision is made, special consideration should be given to the needs of professional fishermen. The fishing region may charge a reasonable fee for the fishing referred to in this subsection. The fishing region may use the income collected as fees for managing the fish stock in the waters in which the public waters are located. (687/2000)

Section 8

- (1) Further to what is provided in section 6(1) and section 7(1) on fishing in public waters, each inhabitant shall have the right to engage in angling, ice fishing and lure fishing with one rod, reel and lure in other waters as well; and also trolling with one weighted lure or dividing sinker, but not in rapids and currents in waters that contain salmon and powan nor in those waters in which fishing is prohibited on the basis of some other provision. Also the permission of the owner of the fishing rights shall be obtained for fishing, ice fishing and lure fishing competitions as well as for other similar arranged occasions. (1045/1996)

- (2) With the exception of temporary residents, persons residing in the municipality shall have the right to engage in fishing vendace, smelt, Baltic herring and sprat with a net in the sea including waters which are not public waters but are located in the municipality either in the outer archipelago or facing the open high seas. Whenever such waters are within a village boundary, persons residing in the village, with the exception of temporary residents, shall also have the right to engage in fishing with hooks, but not with a boulter. (1045/1996)
- (3) What is provided above on waters within village boundaries also applies to partitioned waters.
- (4) Fishing referred to in this section must not be conducted in a way that prevents or disturbs the fishing engaged in by the owner or the leaseholder of the fishing waters in normal fishing grounds and places for fishing with large bow nets.

Section 9

Each inhabitant of a village, with the exception of temporary residents, shall have the right to acquire a licence to fish for domestic needs or recreation in an area within the village boundaries and designated by the owner of the waters and on condition that the directions of the owner are observed. The holder of such a licence is obligated to pay the owner of the waters a reasonable fee. If the amount of the fee is not agreed, it may be forwarded for the decision of the Employment and Economic Development Centre.

Subsection 2 has been repealed.

Section 10

- (1) Fishing referred to in section 8(1) may not be conducted and licences referred to in section 9(1) may not be granted in a way that excessively hinders the owner or the leaseholder of the waters or a person engaged in professional fishing in the said area from making use of his/her fishing rights. (1045/1996)
- (2) The owner of the waters may transfer the responsibility for granting licences and collecting payments referred to in section 9(1) to the fishing region.
- (3) What is provided in section 9 and in subsection 2 of this section on the owner of the waters also applies to fishing corporations with regard to fishing waters belonging jointly to several different real estate areas.

Section 11 (154/2003)

- (1) If the objectives referred to in section 1, the safeguarding of the economic use of fish stockings carried out with a commercial or other specific purpose, or specific reasons so require, the Employment and Economic Development

Centre has, at the request of the owner of the waters or the fishing region, or on its own initiative, a right to restrict in a specific area the angling and ice fishing referred to in section 8 or the granting of licences referred to in section 9 or suspend them for a specific period.

- (2) In waters in which the securing of the results of more extensive than usual fish stock management, the safeguarding of the economic use of fish stockings carried out with a commercial or other specific purpose, the protection of important spawning areas of predatory fish or the prevention of excessive disturbance to them, or the protection of the nesting of sea birds during the nesting season so require, the Employment and Economic Development Centre must ban the lure fishing referred to in section 8. This ban shall be issued on the application of the owner of the water area, the fishing region, a tenant, a professional fisherman, the regional environment centre or the person whose interest the matter concerns or on the initiative of the Employment and Economic Development Centre, and the area covered by the ban may not be more than 25 per cent of the total water area of the fishing region.
- (3) The fishing region can, at the request of the owner of the water area or on its own initiative, because of a low yield of the fishing waters or for another valid reason, impose the ban or restriction referred to in subsection 1 for a maximum of six months. If the ban or restriction is necessary on a repeated basis, the decision must be submitted to the Employment and Economic Development Centre for approval.

Section 12 (1212/1997)

- (1) The private fishing grounds of the State shall remain in the possession of the State in areas where they have traditionally been and still are under State administration. Further provisions on their use as well as on the use of fishing rights belonging to the State and on fishing in waters owned by the State are given by decree, in which case the interests of professional fishermen and local residents should be given priority. Permanent residents of the municipalities of Enontekiö, Inari and Utsjoki who are engaged in professional fishing, domestic fishing or indigenous occupations, are, however, entitled to a free licence for fishing in State-owned waters in the municipalities concerned.
- (2) However, the provisions of section 8(1) also apply to State-owned waters.

Section 13

- (1) Usufruct exercised since time immemorial, or a right legally gained on another basis to a fishing place or to fishing within the boundaries of a village or outside the boundaries of a village will continue to apply as such. However, usufruct exercised since time immemorial regarding a fishing place is valid only if the boundaries of the place can be reliably proven.

- (2) If the right to a fishing place or to fishing in the waters of another village has not been approved when the demarcation of the district boundary is carried out, any action concerning the matter shall be brought in the general court of first instance within three years of the demarcation gaining legal force.
- (3) Where fishing rights have been provided by a court decision or in some other legal manner otherwise than stipulated above in this Act, such a stipulation shall continue to be observed.

Section 14 (93/2000)

- (1) Anybody with a previously gained right to keep a large fyke or comparable lock fishing gear closer to the mouth of a river containing salmon and whitefish than would normally be allowed under appropriate provisions, may be obliged to relinquish the right, if the achievement of the objectives laid down in section 1 so require. If the Employment and Economic Development Centre and the holder of the right fail to reach agreement on relinquishing the right, the Employment and Economic Development Centre may submit the case to the decision of the environmental permit authority on application. A compensation corresponding to the full value of the right shall be paid for relinquishing the right. If the value cannot otherwise be determined, it shall be deemed to be equal to twenty times the average annual net yield from the fishing carried out during the previous five years as calculated on the basis of the catch.
- (2) A dispute regarding relinquishment of the right may be submitted, on application, for decision by the environmental permit authority. If there is no agreement on the value of the fishing rights, two competent persons appointed by the environmental permit authority shall perform the necessary evaluation before the case is settled

Section 14 a (1212/1997)

- (1) The Employment and Economic Development Centre shall appoint an advisory committee to examine the questions related to fisheries in State-owned fishing waters in the municipalities of Enontekiö, Inari and Utsjoki. The committee shall be appointed for each municipality for three years at a time. It shall, within its operating area, issue opinions, make proposals and initiatives and carry out any other tasks assigned to it.
- (2) The Forest and Park Service and the Forest Research Institute shall request an opinion from the committee every year on the organization of fishing and the principles governing the granting of fishing licences. The authority may not deviate from the opinions issued unless there are specific reasons for doing so.

Section 14 b (1212/1997)

- (1) The advisory committee referred to in section 14a above shall have five members each of whom shall have a personal deputy. The Forest and Park Service, the Sami Parliament, fishing regions, the municipality and the local professional fishermen's organizations shall each appoint one member and his/her deputy. If the professional fishermen are not organized or the organizations fail to agree on a joint candidate, the municipality shall appoint one of their candidates. The advisory committee shall appoint a chairman and a deputy chairman from among its members.
- (2) The advisory committee shall convene at the invitation of the chairman or should he/she be prevented from attending to his/her duties, at the invitation of the deputy chairman; the chairman and two other members constitute a quorum.
- (3) Otherwise, the provisions on State committees apply to the advisory committee.

Chapter 3 - **Leasing out of fishing rights**

Section 15

- (1) Anybody possessing fishing rights in specific waters may lease them out. Provisions on the right of a fishing corporation to lease out waters belonging to a fishing corporation are contained in the Act on Jointly Owned Areas. (687/2000)
- (2) For the purpose of this Act, 'leasing fishing rights' means the leasing of waters for the purpose of engaging in fishing or other relinquishment against remuneration for a right to a certain fishing ground, or to catch a specified fish species or use specified fishing gear. A fee to be paid for a licence to authorize fishing or for a permit is not considered a remuneration in the sense referred to here.

Section 16

- (1) When fishing rights are leased, special consideration shall be given, subject to feasibility, to the interests of professional fishing. When the terms of the lease are agreed, the aim shall be to exploit the fish stock rationally and take into account the aspects of fishing management.
- (2) When non-utilization of certain waters should substantially affect the management of the fish stock of the water system or its economic exploitation, the fishing region may request the owner of the waters to lease it out for the purpose of professional fishing. (1355/1993)
- (3) If the owner of the waters does not observe the request mentioned in subsection 2, and no agreement is otherwise reached either about using the fish stock of the area in an appropriate way from the economic point of view, the general court of first instance may, on the application of the fishing region, oblige the owner

of the waters to permit against compensation that an area required for such a method of catching as is referred to in subsection 2 be put into use or to pay for other measures necessary to remove the adverse consequences resulting from the non-utilization of the waters.

Section 17

- (1) Further to what is provided in this Act or under it on leasing fishing rights, the provisions of the Tenancy Act (258/66) on leasing an area for a particular purpose as defined in section 72 of this Act are also to be observed as appropriate.
- (2) Further to the provisions of this Act, what is decreed on leasing the waters and fishing rights that the State owns shall also apply.

Section 17 a (687/2000)

If a property belonging to a joint owner of a common land and its fishing rights have been leased out in accordance with section 5 of the Tenancy Act (258/1966), the tenant has a right to be heard as a party in the meetings of the joint owners in matters pertaining to fishing during the validity of the tenancy unless the landlord uses his right to speak or unless otherwise agreed.

Section 18 (687/2000)

A joint owner of common waters may, without the consent of the other joint owners, permit others to use his/her fishing rights in the common waters, freely or against payment. Otherwise, the provisions elsewhere in the law on the right of the joint owners to decide on the joint property in question shall apply.

Section 19

- (1) When fishing rights are leased out for the purpose of professional fishing, the lease shall be drawn up in writing and for a fixed period, for at least five and not more than twenty years. If such a lease of fishing rights has been agreed on verbally, the contracting party may, by an action instituted in the general court of first instance, demand that a lease thus contracted be ratified. The ratified lease is as valid as a legally drawn up written lease.
- (2) If a contract of lease referred to in subsection 1 has been drawn up on fishing rights, the tenant, who, when engaging in fishing has observed what is laid down in sections 1 and 2, will have priority in renewing the lease. A tenant who is denied this right or who is dissatisfied with the terms of the lease presented for the renewal may institute an action concerning the matter in the general court of first instance.

- (3) A lease referred to in subsection 1 or ratified as provided therein is also binding on the new owner of the waters even if not mortgaged and even though no special stipulation has been entered on this matter into the deed of conveyance.

Section 20

- (1) The lessor may rescind the lease on fishing rights or leave it unrenewed if the tenant, despite a reminder, misuses his/her fishing rights, neglects the payment of the rent or otherwise violates his/her obligations according to the said lease or sections 1 and 2 of this Act.
- (2) In case of dispute, an action on the matter of rescission shall be instituted in the general court of first instance.

Chapter 4 - **Rights related to pursuance of fishing**

Section 21 (1355/1993)

A person engaging in fishing as a profession has a right on seashores, islands and islets that belong to the State and are not reserved for other purposes, according to the assignment of the Employment and Economic Development Centre and on reasonable terms ratified by it, to lease a land area for storage rooms necessary for fishing and for drying fishing gear, as well as for temporary accommodation required in pursuance of the profession.

Section 22

- (1) The holder of fishing rights and his/her assistants have, when necessary for lowering and lifting, searching and emptying the fishing gear, a right to step on another person's land, not, however, on a plot, building site, a garden or a bathing beach, and to place their fishing gear to dry on another person's beach, except in the aforementioned areas and other areas in special use, and on cultivated land. If the riparian owner has designated an appropriate place for these purposes, no other area shall be used for them.
- (2) The owner of riparian property shall arrange for the holder of the fishing rights to have access to the fishing waters through his/her lands unless he/she is able to reach them otherwise, and, if necessary, a place for drawing the boat on to the land and securing it.
- (3) The landowner has a right to receive compensation for any damage or inconvenience caused by the right of use referred to above in this section . If no agreement is reached on the right of use or on the compensation, the matter may be left to the decision of the municipal road board. In that case, what has been provided in the Act on Private Roads (358/62) shall apply, as appropriate, to the hearing of the matter, decision-making and appeal.

Chapter 5 - Securing the passage of fish and safeguarding the fish stock

Section 23

In the pursuance of fishing, such measures shall be avoided that prevent the access of fish to another party's waters or to a closed area or elsewhere where catching is restricted in order to safeguard the fish stock, or that impede the movements of migratory fish in a water system or hinder the management of the fish stock.

Section 24

- (1) In a river and in a sound or narrow channel referred to in Chapter 1, section 13 of the Water Act, the main passage shall be kept open for the passage of fish, as laid down in the Water Act.
- (2) Where a river joins the sea or a lake, the main passage continues as a fish passage, which at its deepest point is one third of the width of the waters in question and extends far enough into the open waters for the passage of fish to be secured. However, the environmental permit authority may, on application, determine a new location for the fish passage or change its width, if necessary for securing the passage of fish. (93/2000)
- (3) The boundaries of a fish passage may be determined and marked on a map in a survey arranged on the application of the Employment and Economic Development Centre, the owner of the waters or the holder of fishing rights. The survey shall be conducted by a chartered surveyor without trustees, and it is otherwise subject to what is provided on demarcation in the Land Partition Act. The cost of the survey shall be for the account of the applicant.

Section 25

- (1) Keeping open and closing a fish passage is subject to the provisions of the Water Act concerning the main passage. Apart from longline and other hook gear, which do not hinder passage in the main passage, the main passage and the fish passage shall also be kept free of stationary fishing gear. Even when mobile filament fishing gear is used in the main passage and in the fishing passage, fishing shall be performed so that more than half of the width of the passage is left free.
- (2) A previous, legally received right to keep fixed fishing gear in the main passage or the fish passage shall remain in force. However, the holder of such a right may be obligated to relinquish the right if it is necessary for achieving the objectives referred to in section 1. If the Employment and Economic Development Centre and the holder of the right fail to reach an agreement on the relinquishment of the right, the Employment and Economic Development Centre may submit the case to the decision of an environmental permit authority

on application. Compensation shall be paid for the relinquishing of the right, as laid down in section 14(1) and (2). (93/2000)

- (3) The Employment and Economic Development Centre may grant a licence for temporarily keeping a fixed fishing appliance in a fishing passage, on the condition that such a measure shall not endanger the passage of fish in the water body.

Section 26

- (1) All fishing is prohibited in the fish passage and in an area extending one hundred metres above and below it or above and below any other structure built to secure the passage of fish.
- (2) No fishing is allowed in a channel conducting water to a power or other plant, nor over a distance of one hundred metres below a dam built across a water body. If necessitated for the purposes of safeguarding the fish stock, the fishing region may prohibit fishing below the dam even over a distance of more than one hundred metres, including a basin above the dam, an artificial lake or other reservoir. (1355/1993)
- (3) The Water Act contains provisions on the equipment necessary in order to prevent fish from entering a channel conducting water to a power or other plant or entering water pipes,; it also provides on what otherwise shall be taken into consideration in order to safeguard the fish stock and secure the passage of fish, and in order to protect the interests of fishing when construction work is carried out in the water system or when water is conducted from the water system.
- (4) Applying conditions it finds appropriate, the fishing region may grant concessions to the prohibition against engaging in fishing in the areas referred to in subsections 1 and 2. (1355/1993)

Section 27

- (1) Subject to the provisions of the Water Act, a small lake, connected to other waters only by a stream, may be closed off for the purpose of fishing and managing the fish stock, on the condition that it does not cause anyone appreciable losses. Under the same conditions, a stream or part of it may be closed off for such purposes or for fish culture. The licence may be cancelled without compensation or its terms changed if the closure has consequences that may be considered more than slightly damaging and which were not anticipated when the licence was granted. The damage due to closure shall be compensated for.
- (2) The matter referred to in this section shall be submitted, on application, to the environmental permit authority as laid down in the Water Act. (93/2000)

Section 28

Further provisions on fishing gear and fishing grounds may be given by Government decree in order to secure the passage of fish also elsewhere than in the waters referred to in sections 24-27.

Chapter 6 - **Fishing gear and pursuance of fishing**

Fishing gear

Section 29

In pursuance of fishing, the use of such fishing gear, appliances or means of fishing shall be avoided which unduly damage or destroy fish or endanger the preservation of the fish stock in the waters.

Section 30

Pressure caused by an explosion or by some other means, firearms, or narcotic, poisonous or other substances polluting the water body or electric current must not be used in fishing.

Section 31

Further provisions on the structure, period of use and method of use of fishing gear may be given by Government decree.

Section 32

- (1) Provisions on the minimum mesh size of fishing gear woven from twine for different fish species and fishing gear, as well as on the method of measuring mesh size are given by Government decree.
- (2) Deviating from the provisions of the appropriate decree, the fishing region may, for a term, and concerning certain waters, issue orders stipulating the permitted mesh size, if specifically necessitated in order to achieve the objectives referred to in section 1. (1355/1993)
- (3) For the purposes mentioned in subsection 2 the fishing region may for a term also prohibit or restrict the use of other, otherwise legal, fishing gear woven from twine. (1355/1993)

Section 33

- (1) If the fishing gear may disturb boating or other authorized use of the water body, it shall be equipped with clear signs as laid down in the decree. Provisions concerning the lights and shapes to be used in fishing vessels are separately laid down.
- (2) It is prohibited to pass over clearly marked fishing gear that is placed outside the general passageway, nor may a powered vessel or a timber-carrying raft come closer than fifty metres to such fishing gear, unless it is necessary due to the narrowness of the passage.

Close seasons and minimum sizes

Section 34

- (1) The close seasons for fish and crayfish are provided by decree.
- (2) During the close season for any fish species or crayfish, no such fishing gear shall be kept in water which has been made for or is especially suited to catching it.

Section 35

- (1) The minimum sizes of fish and crayfish that may be caught in natural waters are provided by decree.
- (2) The fishing region may in certain waters determine the size referred to in subsection 1 of a certain species of fish or crayfish or stipulate that the said size shall be bigger than the size provided by decree, if it is necessary in order to achieve the objectives referred to in section 1. (1355/1993)

Section 36

- (1) Any fish or crayfish in close season which has been caught with other catch, as well as any undersized fish or crayfish, if it is not particularly damaged, shall be immediately let back into the water.
- (2) In the Baltic Sea area, any salmon that is caught with a driftline or driftnet and is undersized according to the provisions and stipulations in force there shall be let back into the water.

Catching restrictions

Section 37 (1355/93)

- (1) Regarding a certain area of a water body or a part of it, the Employment and Economic Development Centre shall, if there is a specific reason, have the right to grant permission under this Act or a Government decree issued by virtue of

it, or by a decision issued pursuant to these, and stipulating its own conditions, for a fixed term or until further notice

- 1) to employ prohibited fishing gear or fishing methods;
 - 2) to catch protected fish or crayfish in close season; or
 - 3) to catch any fish or crayfish smaller than the standard size provided or stipulated.
- (2) Under special conditions in a certain water area or whenever required by important aspects related to the management of the fish stock, the fishing region may for a fixed term, prohibit the use of a certain kind of fishing gear or fishing method in the said area.
- (3) The Ministry of Agriculture and Forestry may for a fixed term prohibit the use of a certain kind of fishing gear or fishing method in certain waters if the preservation of an endangered animal population occurring in the area so requires. (526/1996)

Section 38 (1355/93)

As an exception to the provisions of this Act and provisions issued under it, the Employment and Economic Development Centre may, for the purpose of transplanting, fish farming, research or for some other purpose related to the maintenance of the fishing waters, give permission, for a fixed term and stipulating its own conditions, and with the agreement of the holder of the fishing rights, to catch fish or crayfish. Such permission may not be transferred to another party.

Section 39 (1045/96)

In pursuance of fishing, all such actions shall be avoided that may cause undue difficulties or disturbance to the owner or the occupier of the shore. Angling referred to above in section 8(1), ice fishing and lure fishing may not, without special authorization, be practised closer than fifty metres to fixed or net fishing gear equipped with a clear sign and being used for catching, nor so close to another person's inhabited shore, jetty, bathing beach, ice road or other comparable area so as to have the aforementioned consequence. Angling, ice fishing and lure fishing referred to in this Act, must not hinder or disturb other fishing taking place in the same waters.

Section 40

When an association or other organization, as a joint owner of the waters or as a holder of the rights belonging to a joint owner, has fishing rights in unpartitioned waters, it shall organize fishing in this area in such a way that it does not illegally exceed the said rights.

Fishing grounds

Section 41

If several parties wish to use a common seine fishing ground, and fishing is not possible at the same time or is not specially arranged, the haul shall be drawn without delay in order of arrival.

Section 42

Whenever the preparation of a winter seine fishing ground has caused the seine users other work besides making holes in the ice, the seine users are entitled to receive reasonable compensation from others using the same fishing ground.

Chapter 7 - Closed areas

Section 43

- (1) In order to achieve the objectives referred to in section 1 the fishing region may, if other means are not appropriately available, establish for ten years at the most a closed area in waters functioning as a spawning place or habitat or passageway for valuable fish. (1355/93)
- (2) The decision to establish a closed area shall, if necessary, stipulate:
 - 1) when and how fishing is restricted in the closed area;
 - 2) that in the closed area stones, gravel or other substances may not be taken from the bottom; and
 - 3) that in the closed area the floating of timber, hiking and other activities that disturb the fish are prohibited.
- (3) In establishing a closed area and passing stipulations referred to in subsection 2, care shall be taken to secure sufficiently the interests of professional fishing and not to prevent entirely log floating in, or the general use of, the water body, nor to hinder other exploitation of the water body more than absolutely necessary for the purpose of the closed area.
- (4) Stipulations on the closed area may if necessary be amended.

Section 44 has been repealed.

Section 45

- (1) The boundaries of the closed area may be determined by a survey on application by the fishing region. The operation shall be performed by a chartered surveyor without trustees, and it is otherwise subject to what is provided on demarcation in the Property Formation Act (554/95). The costs of the operation are for the account of the fishing region. (562/95)
- (2) As required, the fishing region shall see to it that the boundaries of the closed area are duly marked. (1355/93)
- (3) Restrictions concerning the use of the closed area shall be notified by the fishing region in accordance with what is provided on public notices, and by placing, whenever necessary, notice boards in the surroundings of the closed water area. The fishing region shall also attend to supervising the compliance with the aforementioned restrictions. (1355/93)

Section 46 (1355/93)

- (1) The closed area may be abolished by the decision of the fishing region. The decision enters into force after the fishing region has given notification of it in accordance with the provisions concerning public notices.
- (2) The abolition of the closed area removes the restrictions concerning the use of the area.

Section 47 (93/2000)

- (2) If the closed area should be partly or entirely abolished or the restrictions concerning its use amended because of the implementation of planning, traffic arrangements or some other important public purpose, and the fishing region has not agreed to the proposal aiming at this, the authority in question may apply to the environmental permit authority for the abolition of the closed area.
- (2) The area belonging to the abolished closed area may not be re-established as a closed area unless the environmental permit authority, on the application of the fishing region, gives permission for it once the conditions have changed.
- (3) The decision made by the environmental permit authority in a matter referred to in this section may be appealed against only by the authority applying for abolition and by the fishing region.

Chapter 8 - **Fishing corporations**

Section 48

- (1) If a matter does not fall within the scope of the fishing region administration or matters dealt with by an authority, the fishing corporation shall organize the fishing and the management of the fish stock in its area, taking into account what is provided in sections 1 and 2 and otherwise in this Act. Further, the fishing corporation shall perform any other duties that belong to it within the scope of the fishing region administration and those provided in this Act.
- (2) Provisions on transferring the duties of the fishing corporation to the fishing region administration are laid down in section 64.

Sections 49-60 have been repealed.

Section 61

The right to use jointly-owned fishing waters is determined on the basis of fishing gear units, whereupon, when the total number of fishing gear units of the fishing waters is divided, its joint owners as well as those who have a right to engage in fishing in the said waters shall be taken into account. The unit values of the various fishing gear shall be determined at the meeting of the fishing corporation, unless it has been confirmed in the Articles of the fishing corporation.

Section 62 (687/2000)

Unless otherwise decided on the use of the fishing waters, the fishing gear units shall be divided among the joint owners of the common fishing waters according to their shares of the waters. The fishing corporation may issue more detailed instructions regarding the use of the fishing rights of the joint owners.

Section 63 has been repealed.

Section 64

- (1) The meeting of the fishing corporation may decide that the duties belonging to it and concerning the management of the fish stock and the organization of fishing, such as granting licences and collecting fees referred to in section 10(2) be transferred to the fishing region. The decision may be made for a fixed term or until further notice.
- (2) Once the decision on the transfer has been made, the fishing corporation and the fishing region shall arrange for a meeting to define the duties of each party, to agree the method of performance of these duties and to settle the division of income and costs. The fishing region shall undertake the duties thus decided to be transferred, if expedient for the management of the fishing region. The decision of the meeting of the fishing corporation on the transfer is considered

an authorization on the basis of which the fishing region may act on behalf of the fishing corporation in the matters to be transferred.

Sections 65-67 have been repealed.

Chapter 9 - **Fishing regions**

Partition into fishing regions

Section 68

- (1) A fishing region shall, within one or more municipalities, form a uniform area for the management of fishing where it is appropriate to apply uniform measures in organizing fishing conditions.
- (2) The partition into fishing regions does not concern public waters in the sea, in so far as the objectives mentioned in section 1 do not require that the area be included in the partition into fishing regions. As regards such waters, the duties belonging to the fishing region administration shall be performed by the Employment and Economic Development Centre in question, in accordance with the provisions of this chapter, as appropriate.
- (3) A river or a stream that has but minor significance for fishing management, as well as a lake or a pond that is located within a real-estate area and is either enclosed or connected to the water body only by a ditch or a stream along which fish do not pass to any significant extent, may also be left outside the partition process.

Section 69

- (1) The partition of the waters into fishing regions and the boundaries of the areas are confirmed by the Employment and Economic Development Centre. The proposal for the partition into fishing regions and the boundaries of the areas is prepared in each Employment and Economic Development Centre by a board which is appointed by the Ministry of Agriculture and Forestry and whose composition is provided by Government decree. During preparation, the board shall hear the views of organizations involved in the field of fishing and, if necessary, the authorities.
- (2) The board shall, without delay, deliver its proposal to the Employment and Economic Development Centre in question, which shall, following the public announcement of the matter, make the proposal available for public inspection for a period of three months in those municipalities in whose areas the waters concerned by the proposal are located. Within the said period of time, the owners of the waters, the holders of fishing rights, the municipalities and others

whom the matter may concern have a right to present the Employment and Economic Development Centre with their objections to the proposal.

- (3) When changes in circumstances or specific reasons so require, the question of partitioning the fishing region, incorporating it to another fishing region or changing its boundaries may be submitted to the decision of the Employment and Economic Development Centre. Such an application may be submitted to the Employment and Economic Development Centre by the fishing region, the fishing corporation, the owner of the water area or the holder of fishing rights. After hearing the fishing regions, fishing corporations and owners of the water area concerned, the Employment and Economic Development Centre may also, on its own initiative, decide on the change of the boundaries of the fishing region. If uncertainty arises as to which Employment and Economic Development Centre has the authority to change the boundaries of the fishing region, the Ministry of Agriculture and Forestry shall decide on the question of authority. (687/2000)

Representative bodies

Section 70 (1355/93)

The representative bodies of the fishing region comprise the meeting of the fishing region, the administrative board of the fishing region and the manager.

Section 71 (1355/93)

- (1) The members of the fishing region comprise the fishing corporations, the owners of the water areas, the organizations of professional fishermen operating in the fishing region and the organizations attending to the interests of leisure-time fishermen.
- (2) Further provisions on the organizations referred to in subsection 1 are laid down by decree.

Section 72 (1355/93)

- (1) The right of decision in the fishing region is exercised by the meeting of the fishing region. The meeting shall be held at least once a year.
- (2) An extraordinary meeting of the fishing region shall be held when the meeting of the fishing region has so decided, or the administrative board of the fishing region regards it to be necessary or when at least one tenth of the members of the fishing region request it in writing from the administrative board for the handling of a particular issue or, when it is necessary to handle a request for an amendment referred to in section 85.

Section 73 (1355/93)

- (1) The members of the fishing region may send representatives to the meeting of the fishing region as follows:
 - 1) a fishing corporation with waters of at least 50 hectares may send one representative;
 - 2) the owners of waters of at least 50 hectares who do not belong to the fishing regions may send one representative each;
 - 3) the owners of waters other than those referred to in paragraphs 1 and 2 may, by each registered village, send one representative whom they have chosen together;
 - 4) the organizations of professional fishermen may send one representative each; and
 - 5) the organizations representing leisure-time fishers may send one representative each.
- (2) Further provisions are stipulated on the organizations referred to in subsection 1(4) and (5) by decree.

Section 74 (1355/93)

- (1) At the meeting of the fishing region each member of the fishing region shall have one vote. The meeting shall elect itself a chairman.
- (2) The decision of the meeting shall be the opinion that has been supported by over a half of the votes. In elections, the persons elected shall be those who received the most votes. If the votes are evenly divided, the chairman shall have the casting vote, except in elections decided by lot.

Section 75 (1355/93)

The meeting of the fishing region shall:

- 1) decide the matters referred to in section 7(2), section 11(3), section 16(3), section 26(2) and (4), section 32(2) and (3), section 35(2), section 37(2), section 43, section 46(1), section 79 and section 81;
- 2) ratify the regulations of the fishing region and their amendments;
- 3) elect the members of the administrative board of the fishing region;

- 4) ratify the annual plan of action and the plan for the financial administration of the fishing region as well as the plan of action for a period exceeding one year;
- 5) decide on the ratification of the balancing of the accounts of the fishing region and granting the administrative board discharge from liability; and
- 6) decide the amendment of a decision of the meeting of the fishing region or the administrative board of the fishing region.

Section 75 a (1355/93)

The Employment and Economic Development Centre shall convene the first meeting of the fishing region once the boundaries of the fishing region have been confirmed.

Section 76 (1355/93)

- (1) The administrative board shall consist of ten members at the most, elected by the meeting, from whom the meeting shall elect one as a chairman and one as a deputy chairman of the administrative board.
- (2) The term of the member of the administrative board shall be three years. If the member resigns or is permanently unable to perform his/her duties, a new member shall be elected for the rest of the term. One third of the members of the administrative board shall be elected annually.
- (3) The administrative board is competent, when the chairman of the board and at least half of the other members are present at the meeting.

Section 77 (1355/93)

The duty of the administrative board of the fishing region shall be:

- 1) to solve the matters referred to in section 16(2) and in section 45;
- 2) to prepare the matters which shall be handled by the meeting as well as to enforce the decisions of the fishing region;
- 3) the notification of the decisions and orders of the fishing region and the authorities;
- 4) to attend to the monitoring of the fishing activities and the appointing of the water bailiffs as well as other practical matters belonging to the fishing region; and
- 5) to engage and discharge the employees of the fishing region.

Section 77 a (693/1999)

The members and employees of a representative body of the fishing region are covered by public liability when carrying out the administrative and monitoring duties laid down in this Act. In these matters, provisions on authorities contained in the Administrative Procedure Act (598/1982), in the Act on Notice in Administrative Matters (232/1966) and in the Act on the Openness of Government Activities (621/1999) shall be observed.

Regulations and plan for use and management

Section 77 b (1355/93)

- (1) Further orders on the rules of procedure at the meetings of the fishing region, the matters to be handled at the meetings, and the duties of the administrative board and the manager shall be issued in the regulations of the fishing region.
- (2) Duties of the meeting of the fishing region, excluding matters referred to in section 75(2-6), may be transferred to the administrative board by the regulations of the fishing region.
- (3) The duties of the administrative board, as provided in this Act, may be transferred to the manager by the regulations of the fishing region.

Section 78 (1355/93)

- (1) The following shall be mentioned in the regulations of the fishing region:
 - 1) the name of the fishing region and the location of its administration as well as, generally, the waters comprised by the fishing region;
 - 2) how the members of the meeting shall be elected;
 - 3) when the meetings of the fishing region shall be held;
 - 4) how the meetings are summoned and how the matters are handled;
 - 5) how the activities of members of the administrative board and the handling of matters have been organized;
 - 6) how documents shall be signed on behalf of the fishing region;
 - 7) the employees of the fishing region, their duties and wages and how they are hired;

- 8) the bases for the use of funds and for bookkeeping, within what period of time the annual report and the final accounts shall be drawn up as well as the performing of auditing;
 - 9) how the notification shall be done; and
 - 10) other matters necessary for the activities of the fishing region.
- (2) The regulations are prepared by the fishing region and confirmed by the Employment and Economic Development Centre.

Section 79

- (1) In order to achieve the objectives referred to in section 1 above, the fishing region shall, within the period of time set by the Employment and Economic Development Centre, introduce a plan for the use and management of its area, which contains a report on the condition of the fish stock of the fishing region as well as general guidelines for the management of the fishing waters and the organization of fishing. The plan may cover more than one fishing region. (687/2000)
- (2) When preparing the plan for use and management, a general investigation of the following shall be conducted:
- 1) the size and condition of the fish reserves in the area covered by the plan, their present use and the bases of use;
 - 2) the general objectives concerning the management and the use of the fish stock in the area covered by the plan; and
 - 3) alternative plans and their costs.
- (3) When the plan for the use and management of the area is prepared, the provisions of this Act and particularly those of sections 1 and 2 shall be taken into account. When the plan for the use and management of the area is prepared, it must also be ensured that there is adequate cooperation with other fishing regions and fisheries authorities. (687/2000)

Section 80 (1355/93)

- (1) If the Employment and Economic Development Centre considers that the same plan for use and management, together with its stipulations concerning the joint activities of the fishing regions, should be approved for application to two or more neighbouring fishing regions, it shall request these areas jointly prepare a proposal regarding the matter.

- (2) The fishing region may also propose to the Employment and Economic Development Centre measures to be taken in order to bring about the preparation of a common plan for use and management.

Section 81

- (1) Each fishing region shall approve the plan for use and management of its area with the support of at least two thirds of the fishing region members present. If it proves impossible to get approval for the proposal with the majority referred to above, the proposal shall be submitted to the Employment and Economic Development Centre for approval. The Employment and Economic Development Centre may, on the basis of the provisions in section 79, make the amendments to the proposal that are found necessary. (154/2003)
- (2) What is enacted in subsection 1 on approving the plan for use and management correspondingly shall concern its amendment.
- (3) A party whose rights the matter concerns may appeal against the decision made by the Employment and Economic Development Centre under subsection 1 to the Appeals Board for Rural Industry; the appeal shall be lodged within 30 days of receipt of the notification. (154/2003)

Section 82

- (1) The plan for use and management provides instructions for taking care of the fish stock and organizing fishing.
- (2) The owner of the fishing rights or the member of the meeting or the administrative board of the fishing region may not without a justified reason hinder by measure or neglect the realization of the said plan. (1355/1993)
- (3) The fishing corporations operating on the waters of the authorities and the fishing region, and the owners of partitioned waters shall as necessary observe the general guidelines in the plan for use and management of the fishing region concerning the management and use of fish resources.

Fees and rectification

Section 83 has been repealed.

Section 84

The fishing region may commit itself as necessary and acquire property in its name of for its use.

Section 85

- (1) A party whose rights the decision of the meeting or of the administrative board of the fishing region concerns, may, if the decision shall not be submitted, request from the meeting rectification of the decision based on the fact that the decision has not been made in legal order or is in violation of an act, a decree or the regulations of the fishing region or derogates from what is laid down in the plan for use and management. (1355/1993)
- (2) The request for rectification shall be presented within thirty days of when the decision was made. If necessary, an extraordinary meeting shall be convened to handle the request for rectification.
- (3) If no rectification is made, the party that requested the rectification may appeal against the decision to the Appeals Board for Rural Industry within 60 days of being notified of the decision concerning the rectification request. The provisions on appealing the decision of administrative authorities contained in the Administrative Judicial Procedure Act (586/1996) shall apply to the appeals procedure. The appellate authority may decide that the decision shall be enforced immediately, before the final decision on the matter is made, if there is a special reason for doing so and enforcement does not render the appeal useless. (493/1997)
- (4) The Appeals Board for Rural Industry shall also handle complaints referred to in section 59 of the Administrative Judicial Procedure Act concerning decisions made by the fishing region. Otherwise, the provisions on extraordinary appeal contained in the Act shall apply. (493/1997)

Chapter 10 - **Employment and Economic Development Centres**

Section 86

- (1) Guidance and supervision of the activities of the fishing regions and other tasks in the fisheries management sector laid down in this Act are the responsibility of the Rural Departments of the Employment and Economic Development Centres that come under the Ministry of Agriculture and Forestry and provisions on which are contained in the Act on Employment and Economic Development Centres (23/1997).
- (2) If the fishing region extends over the operating area of more than one Employment and Economic Development Centre, matters pertaining to the fishing region are the responsibility of the Employment and Economic Development Centre in the operating area of which most of the water area of the fishing region is located. (687/2000)

Subsection 3 has been repealed.

Section 87 (1204/1992)

(1) The duty of the Rural Departments of the Employment and Economic Development Centres is to take care of the tasks prescribed for Employment and Economic Development Centres in this Act and the Decree issued under it. They shall also:

- 1) take care of the State fisheries administration in their operating areas;
- 2) assist fishing regions in matters pertaining to their organisation and operations;
- 3) provide expert assistance to fishing regions when their rules and use and management plans are prepared;
- 4) see to it that fishing regions adhere to the law and to their regulations and fulfil their tasks and, if necessary, take measures to correct any deficiencies and shortcomings;
- 5) guide and supervise regional advisory work; and
- 6) deal with matters pertaining to contacts between fisheries authorities and fishing regions.

Chapter 11 - **Promoting the fishing industry**

Section 88 (1001/2001)

- (1) Anybody engaging in the catching of fish or crayfish shall pay the State a fishery fee. The fishery fee is 15 euros for each calendar year or five euros for each fishing period lasting a maximum of seven days. However, persons under 18 or over 65 years of age and persons who engage in angling or ice fishing are exempt from the fishery fee. Angling is fishing done with a rod without a reel suitable for spinning and in which the rod or line is in the hand of the angler or within his/her arm's reach and no jigs, trolls, flies or other artificial implements are used as lures. Ice fishing is fishing done with a vertically moved jig attached to a line, in which the line is held by hand, or a short rod not suitable for spinning is used. (1001/2001)
- (2) Anybody engaged in lure fishing referred to in section 8(1) shall pay the State an annual lure fishing fee. The lure fishing fee is 27 euros for each calendar year or six euros for a seven-day fishing period in each province in which the person concerned engages in lure fishing. However, the lure fishing fee is not collected from persons under 18 or over 65 years of age or for lure fishing carried out in public waters.

- (3) The Ministry of Agriculture and Forestry shall collect the fees referred to in this section, adjusted according to the rise in the cost of living index. The adjustment is made to an accuracy of two euros.

Section 89 (1045/96)

Proof of payment of the fishery fee and the lure fishing fee shall be carried while fishing and be presented on demand and to the owner of the waters or to the holder of the fishing rights, or to the person whose duty it is to monitor in the area in question compliance with provisions and stipulations in force on fishing.

Section 89 a (1045/96)

- (1) The funds collected from the lure fishing fee are distributed, deducting the costs incurred by the State in collecting payments and distributing funds, to the owners of the fishing waters each calendar year afterwards as compensation for the use of the fishing waters they own for lure fishing.
- (2) If the maximum amount payable to the owner of the water area under subsection 1 is 30 euros, the funds shall not be distributed to the owners, but given to the fishing region in question. (1001/2001)
- (3) The compensations referred to above in subsection 1 shall be granted by the Rural Department of the Employment and Economic Development Centre in question within the limits determined by the Ministry of Agriculture and Forestry. The fishing regions may be used to assist in the distribution of the funds to the owners of the waters.
- (4) The strain that lure fishing imposes on the waters shall be taken into account when the funds are distributed.

Section 90 (1355/93)

The State budget shall each year include an appropriation for the promotion of the national and regional fishing industry, corresponding at least to the amount which would be collected as fishery fees, calculated on the basis of the average number of persons who have paid the fishery fee over the previous three years. However, the appropriation for this purpose shall be at least the amount that was collected as fishery fees in the year prior to the year for which the budget has been prepared.

Section 91 (1355/1993)

- (1) The funds collected as fishery fees shall be used for compensation paid to the owners of the fishing waters for the use of the fishing waters and to pay the expenditure arising from the activities of the fishing region and the activities of

organizations of the fishing industry, from promoting the fishing industry and to pay the costs incurred by the state in collecting the payment. (1355/93)

- (2) If the maximum amount payable to the owner of the water area under subsection 1 is 30 euros, the funds shall not be distributed to the owners, but given to the fishing region in question. (1001/2001)
- (3) The funds to pay compensation to the owners of the fishing waters referred to above in subsection 1 and to pay the expenditure incurred by the activities of the fishing regions shall be granted by the Rural Department of the Employment and Economic Development Centre in question according to the grounds confirmed by the Ministry of Agriculture and Forestry. The funds used for other purposes referred to in subsection 1 shall be granted by the Ministry of Agriculture and Forestry and by the Rural Department of the Employment and the Economic Development Centre within the limits set by the Ministry of Agriculture and Forestry. The fishing regions may be used to assist in the distribution of the funds to the owners of the waters.
- (4) The Ministry of Agriculture and Forestry may set profit objectives for the beneficiaries concerning the use of the funds referred to in subsection 1, with the exception of the owners of the waters.

Section 91 a (968/1996)

- (1) For the performance of its duties the Ministry in question keeps a fishery fee register for fishery fee monitoring, distribution of the said funds, fishing industry planning, preparation of decision-making and its other duties related to the fishing industry. The register is maintained with the help of data processing. The registrar may assign to a third party ancillary duties connected with the maintenance and use of the register.
- (2) The costs incurred in maintenance of the register are financed from the funds collected as fishery fees.

Section 91 b (968/1996)

The data entered into the fishery fee register are the following:

- 1) the name and address of the person on behalf of whom the fishery fee has been paid;
- 2) the amount as well as the time and place of payment of the fishery fee;
- 3) the period of time which is covered by the payment of the fishery fee;

- 4) the date when the lost receipt has been replaced by a certificate free of charge indicating the settlement of the fishery fee

Section 91 c (968/1996)

The data of the fishery fee register may also be used, in addition to what is provided in section 91 a, for other promotional activity of the fishing industry as well as for research and statistical purposes. The Ministry in question may also give, in return for a reasonable payment, information about names and addresses in the fishery fee register for direct mail advertising by the fishing industry, unless this has been forbidden by the person on the register. The provisions of the Personal Data File Act (471/87) concerning the handling of the data on the register are otherwise in force as applicable.

Chapter 12 - Provisions on fishing products

Section 92

- (1) With the exceptions provided hereafter, fish or crayfish may not be sold during their close season, nor may measures be taken to prepare for their sale.
- (2) If a fish or a crayfish does not meet the minimum size prescribed, the prohibition is also in force at other times than the period mentioned in subsection 1.

Section 93

- (1) The prohibition referred to above in section 92 shall not apply to:
 - 1) fish or crayfish that, on the basis of the permission of the Rural Department of the Employment and Economic Development Centre referred to in sections 37 and 38, may be caught as an exception to the provision or stipulation on the close season or minimum size; nor to
 - 2) fish or crayfish that have been cultured at a hatching station, a hatching pool or a part of the water body separated for fish culture. (1355/1993)
- (2) Any person who under this section shall have the right to depart from the prohibition referred to in section 92 shall on request present his/her licence or otherwise prove his/her right.
- (3) If necessary for monitoring, provisions may be issued by decree on the marking of fish or crayfish which are sold during the close season or undersized.

Section 94

- (1) The import of fish or crayfish below the decreed size for purposes other than planting, scientific research or transportation as transit goods is prohibited. The same applies to the import during the close season of fresh fish and crayfish protected by decree. If necessary, further provisions on the application of these prohibitions shall be provided by decree.
- (2) The import of a fish or crayfish species not occurring naturally in Finland or of their stock or gametes is allowed only by permission of the Ministry concerned and on the terms and conditions specified by it. Permission must be denied if the measure may cause significant harm to nature or wild animals. Provisions on fish or crayfish species that can be imported freely, shall be given by decree as necessary (252/1998)

Section 95

- (1) Further provisions may be provided by decree on the handling, packing, transport, trade, export and import of fish and crayfish and products prepared from them, as well as on monitoring and inspection related to these activities.
- (2) In order to prevent the spread of contagious fish and crayfish diseases or to preserve the fish and crayfish stock, the Ministry of Agriculture and Forestry may for a fixed term or until further notice pass prohibitions or stipulations concerning the export and import as well as the transport, stocking and trade of fish, crayfish or spawn, or the handling or transferring to another location of equipment used to catch, stock or transport them. (526/96)

Chapter 13 - **Monitoring, taking into safekeeping and executive assistance**

Section 96 (493/1997)

- (1) The police and the fishing authorities and, in water areas on the national frontier and in Finnish sea areas, the frontier guard authorities shall monitor compliance with provisions and regulations concerning fishing, and, as laid down below, shall also take into their safekeeping any catch caught by illegal fishing and the equipment used for the purpose, as well as transport and trade goods considered illegal under this Act. The monitoring duties referred to in this subsection may not interfere with the official duties of the frontier guard authorities.
- (2) The fishing equipment used in lure fishing referred to in section 8 above may be taken into safekeeping if the person engaged in lure fishing fails to prove that he/she has paid the lure fishing fee or give reliable proof of his/her identity when subjected to supervisory measures.

Section 97

- (1) The obligation referred to in section 96 also belongs to the sworn water bailiff who has been appointed by the Employment and Economic Development Centre, the municipality, the fishing region, the fishing corporation, the owner of the fishing waters or the holder of the fishing rights.
- (2) The water bailiff appointed by a fishing region shall especially monitor compliance with the provisions concerning the closed area and other stipulations in force in the waters of the fishing region.
- (3) The water bailiff shall take an oath or give some other affirmation in the general court of first instance in the court district where his/her territory or a part thereof is located. The water bailiff shall carry a bailiff's badge or identification card, which he/she shall present on request.

Section 98

- (1) When the fishing rights of individuals are violated, the police and fishing authorities shall provide executive assistance on request. (493/1997)
- (2) On request, the water bailiff is obliged in his/her territory to assist the owner of the waters or the holder of fishing rights in the investigation of a procedure in violation of their rights.

Section 99

- (1) In addition to the authorities referred to in section 96, the customs authorities shall perform the monitoring referred to therein, provided that it does not interfere with their official duties. (493/1997)
- (2) As regards the monitoring called for in the provisions concerning fishing pursued in Finland's fishing zone, what has been provided in the Act on the fishing zone of Finland (839/74) is in force.

Section 100

- (1) The authority mentioned in section 96 and the sworn water bailiff have the right to check whether the fishing gear placed in the water or in the boat as well as on the shore or in a shed is in accordance with the provisions. The said authorities and the water bailiff shall also have the right to inspect the storeroom of a person keeping fish or crayfish for sale.
- (2) If fishing gear has been illegally placed in a fish passage or other waters where the use of fishing rights has been prohibited or restricted, the police authority or the water bailiff shall be obliged to remove it at the cost of the guilty party.

- (3) The prohibited fishing gear or part of it shall be destroyed or made unfit for fishing by the authority or the water bailiff.

Section 101

- (1) If:
- 1) someone is found fishing in waters where he/she does not have a right to the catching he/she is engaged in; or
 - 2) fishing gear placed by someone else than a person authorized to fish is found in the fishing waters; or
 - 3) the leaseholder of the fishing rights or another person is evidently exceeding his/her fishing rights, fishing in a prohibited place or during a prohibited period, or using a prohibited fishing gear or fishing method,
- the owner or the joint owner of the waters or the holder of fishing rights shall have a right, on the spot, to take into safekeeping the fishing gear used in such fishing, as well as the catch and the boat or other means of transport from where fishing has been pursued.
- (2) In cases referred to in subsection 1 it is also the duty of the sworn water bailiff or the police and, where the waters and fishing rights belong to the State, that of the police and any other authority whose responsibility it is to monitor such an area in compliance with provisions on fishing, to take into safekeeping the fishing gear, catch, and the means of transport from where fishing has been pursued of the person engaged in illegal fishing. (112/1985)

Section 102

- (1) If a person whose fishing gear, catch or means of transport has been taken into safekeeping under section 101 or whose fishing equipment has been taken into safekeeping under section 96(2), is suspected of having committed an act that is subject to public prosecution or for which the owner of the water area or the holder of fishing rights wants charges to be brought, the goods taken into safekeeping, except for the catch, shall be handed over to the police for safekeeping as soon as possible. If the handing over cannot be carried out without difficulty, notification of the goods and the place of safekeeping shall be given to the police who shall decide how the goods are to be kept. Fishing equipment taken into safekeeping under section 96(2) must be returned without delay if a proof of the payment of the lure fishing fee is presented within seven days of the equipment being taken into safekeeping. Provisions on catches taken into safekeeping are contained in section 104. (493/1997)
- (2) If the owner or the joint owner of the waters or the holder of fishing rights does not want to prosecute for an offence for which the prosecutor cannot raise

charges unless the complainant has announced that he/she wants charges to be raised, he/she may, after notifying the police of the taking into safekeeping, keep in his/her possession the catch and the means of transport he/she has taken into safekeeping, until their user has paid for them a charge the amount of which is laid down by decree. If the fee is not paid within one month of when the police has been notified of the taking into safekeeping of the goods, and the owner of the goods has not brought an action in court concerning the legality of the taking into safekeeping, whoever took the goods into safekeeping may keep them.

- (3) If the goods have been taken into safekeeping by the water bailiff or an authority referred to in section 101(2), and no charges are to be raised for the offence, the fee may be charged by the person who took the goods into safekeeping. The question regarding the legality of the taking into safekeeping performed by the official may in such a case be forwarded for the decision of a higher authority.

Section 103

If no knowledge is received within one year about the owner of the goods handed over to an authority for safekeeping, or taken into safekeeping by an authority or a water bailiff on the grounds of the above-mentioned provisions, the authority shall sell the goods, unless they are to be destroyed on the basis on section 100(3). The proceeds of the sale belong to the State.

Section 104

- (1) If the catch has been caught by fishing or crayfishing without permission in waters in which another party has a right to fish, or by otherwise violating another's right, the catch or its value belongs to the person whose rights have been violated, notwithstanding whether the catch should be considered illegal for other reasons as well.
- (2) If the catch has, without violation of another's right, been caught during the close season or in violation of provisions covering a closed area, or in a prohibited area or with prohibited fishing gear, or if it is undersized, it or its value shall belong to the State. The last mentioned also concerns such catch in its entirety that is in one box, fish chest or other type of tank, and at least one tenth of the weight of which is illegally caught as stated above. (877/2001)
- (3) If the catch is to go to the State in accordance with subsection 2, taking it into safekeeping shall immediately be notified to the police of the locality, who shall sell it or decide how otherwise to proceed with it. If it is likely that such a catch will spoil, the person who took it into safekeeping may sell it after two competent persons have evaluated it. The proceeds of the sale shall be delivered to the police.

Section 105 (154/2003)

- (1) When the holder of fishing rights catches fish or crayfish or permits fish or crayfish to be caught in a manner that endangers the preservation of the fish or crayfish stock, or catches fish or crayfish or permits fish or crayfish to be caught in fishing waters located in conjunction with fishing waters belonging to somebody else in a manner that is clearly harmful to another's fishing or interferes with fisheries measures in the fishing waters in which somebody else has fishing rights, the Employment and Economic Development Centre may, after giving the relevant parties an opportunity to explain the matter, prohibit the holder of fishing rights from using his/her fishing rights or restrict them until further notice, for no more than two years at a time.
- (2) A holder of fishing rights not satisfied with the decision of the Employment and Economic Development Centre referred to in subsection 1 may appeal to the Appeals Board for Rural Industry within 30 days of being notified of the decision. Notwithstanding the appeal, the decision of the Employment and Economic Development Centre shall be complied with immediately.

Section 106

If anyone neglects his/her obligation in accordance with this Act or provisions issued under it, the State Provincial Office may, on notification of an authority or on the application of the party whose rights or interest the matter concerns, after the party in question has been given an opportunity to provide an explanation, order him/her to fulfil his/her obligation with the threat of a fine or with the threat that what is left undone shall be enforced at the cost of the neglecter.

Chapter 14 - **Penal provisions**

Section 107 (518/2002)

- (1) Fishing offences and impairment of the environment. Penal provisions for fishing offences are contained in Chapter 48 a, section 2 of the Penal Code (518/2002).
- (2) Penal provisions for impairment of the environment are contained in Chapter 48, section 1 of the Penal Code.

Section 108 (518/2002)

- (1) Fishing offence. Anybody who deliberately or through carelessness
 - 1) uses a prohibited fishing method or prohibited fishing gear, or keeps such fishing gear on board a vessel or otherwise in a manner that makes it easily available for fishing;

- 2) fishes illegally in a main or a fish passage, or in a water area where fishing is prohibited or where it has been restricted, or in violation of provisions covering a closed area;
- 3) catches fish or crayfish during the close season or an otherwise illegal season, or keeps fishing gear suited to their catching in water during the season;
- 4) catches undersized fish or crayfish in violation of section 35;
- 5) catches fish or crayfish even though he/she has not paid the State the fishery fee or lure fishing fee laid down in section 88 or does not have a receipt of the fishery fee or lure fishing fee he/she has paid, and is unable to present it within seven days;
- 6) imports to the country a fish or crayfish species not occurring naturally in Finland or its stock or gametes without the permission laid down in section 94(2) or in violation of the permit condition;
- 7) introduces a new fish or crayfish species or its stock to a water area or carries out transplantations of fish or crayfish in the area without the permission laid down in section 121 or in violation of the permit condition; or
- 8) causes unnecessary disturbance or inconvenience while fishing, in violation of section 39;

shall be fined for a fishing offence, unless a more severe punishment has been provided for the act elsewhere in the law.

- (2) Provisions for summary penal fees as a punishment for neglecting the payment of the fishery fee or lure fishing fee or for neglecting to present the receipt for the payment of the fee in question within a specified period are contained in Chapter 2 a, section 9(3) of the Penal Code, and in a Decree issued under Chapter 9(4).

Section 109 (518/2002)

Game offence. Provisions for penalties for game offences are contained in Chapter 28, section 10 of the Penal Code.

Section 110 (518/2002)

Forfeiture. Provisions on forfeiture shall not be applied if a person has committed the act referred to in section 108(1)(5) for which he/she is punished with a summary penal fee.

Section 111 has been repealed

Section 112 (518/2002).

Right to bring charges. If the fishing offence has only violated the rights of an individual, the public prosecutor may not bring charges unless the complainant has announced that he/she wants charges to be brought.

Section 113 (518/2002)

Competent court. Charges for violating the provisions and regulations on Finland's fishing zone shall be brought before a general court of first instance that has the competence to consider charges brought for an offence committed outside Finland.

Chapter 15 - **Miscellaneous provisions**

Section 114

As regards Finland's fishing zone and the fishing engaged in there, what is enacted in the Act on Finland's fishing zone is in force, unless otherwise laid down in this Act.

Section 115

- (1) The duties assigned to the Rural Department of the Employment and Economic Development Centre and the fishing region administration shall be undertaken in the fishing zone by that Rural Department of the Employment and Economic Development Centre in whose territory the part in question of the fishing zone is located. As regards the said authority, the boundary between the Rural Department of the Employment and Economic Development Centre shall be considered to continue in the same direction in the fishing zone. (1355/93)
- (2) The provisions of section 32(2) and (3) and section 35(2) of this Act shall not be applied to the fishing zone.

Section 116

- (1) The provisions of this Act and the Government decree issued under it shall also be applied to the water bodies located on the borders of the country, unless otherwise laid down by an agreement concluded with a foreign state.
- (2) If required by an international agreement obligating Finland, or for the purpose of securing the fish stock or for some comparable reason, provisions may be

decreed concerning fishing or catching crustaceans that Finnish citizens engage in outside Finland's territorial waters.

- (3) If required by an agreement or a reason referred to in subsection 2, provisions may also be decreed concerning restrictions on catching pursued in Finland's territorial waters or outside them.
- (4) Provisions of the implementation of the recommendations of the International Baltic Sea Fishery Commission and the North-East Atlantic Fishery Commission have been issued separately.

Section 117

- (1) For the purpose of this Act, 'natural waters' means water bodies and smaller natural water channels. What is said about natural waters also applies to an artificial lake or reservoir connected to the water body so that fish have free access to it.
- (2) Unless otherwise stated, the provisions in this Act on water bodies also apply to the sea.
- (3) For the purpose of this Act, 'village' means a village with legal rights to certain waters in accordance with section 2(7) of the Property Formation Act. (562/1995)
- (4) What is meant for the purpose of this Act by 'temporary residents' of municipalities or villages is laid down by decree.

Section 118

- (1) 'Fishing authorities' refers to the fishing and hunting department of the Ministry of Agriculture and Forestry and the Employment and Economic Development Centres, as well as the officials of these authorities, whose duty it is to handle fishing industry administration and attend to the duties concerning enforcement of the fishing legislation. What in this Act is laid down on fishing authorities also concerns those officials of the forest administration who are responsible for taking care of the fishing waters belonging to the State and matters concerning fishing in these waters.
- (2) As regards fishing matters, public waters shall be in the possession and care of the fishing and hunting department of the Ministry of Agriculture and Forestry and the Employment and Economic Development Centres.

Section 119 (1355/93)

- (1) Unless otherwise laid down, also sea trout, lake trout, brown trout and rainbow trout shall be considered to be salmon.

- (2) A river or other water body shall be considered to contain salmon or powan if these fish species migrate up or along it or if it has been stocked with them in significant numbers.
- (3) It is for the Employment and Economic Development Centre to decide, if necessary, whether the water body shall be considered to contain salmon or powan.

Section 120

Fish or crayfish that after being caught have undergone treatment by freezing, additives or a comparable method to improve preservation shall not be considered fresh.

Section 121 (252/1998)

Introduction of a new fish or crayfish species or its stock into a water area, or a transplantation of fish or crayfish to the area is subject to a permit of the Employment and Economic Development Centre. The permit may contain provisions on the carrying out of the measure.

Section 122

A dispute concerning the use of waters for fishing and the resulting damage or hindrance caused to another party, as well as other exploitation of rights based on this Act, or neglect of duty may be forwarded to the general court of first instance to be decided as a civil case unless otherwise laid down in this Act as regards a matter.

Section 123

- (1) A decision given by the general court of first instance in a matter referred to in this Act may be appealed against in the order provided in the Code of Procedure on appealing against decisions of the court of first instance.
- (2) An appeal against a decision issued by the environmental permit authority in a matter referred to in this Act may be made in the sequence laid down in the provisions of the Water Act on appealing against a decision of the environmental permit authority issued in a non-contentious civil case concerning building in a water body. Provisions on who has a right to appeal against a decision of the environmental permit authority on the abolishment of a closed area are contained in section 47(3). (93/2000)
- (3) An appeal against a decision issued by the Employment and Economic Development Centre in a matter referred to in this Act may be made to the

Appeals Board for Rural Industry within 30 days of the decision being made public. Otherwise, provisions on the appeal laid down in the Administrative Judicial Procedure Act (586/1996) shall apply. (154/2003)

- (4) an appeal against a decision of the State Provincial Office referred to in section 106 of this Act may be made to the Administrative Court in accordance with the appeal provisions contained in the Administrative Judicial Procedure Act. (154/2003)

Section 124 (562/95)

In order to apply section 8(2), whenever it is necessary to define which waters are located in the outer archipelago, the matter may be established in land division proceedings on application of the Rural Department of the Employment and Economic Development Centre. The operation shall be performed by a chartered surveyor without trustees, and it is otherwise subject to what is provided on demarcation in the Property Formation Act. The operation shall be performed at the cost of the State. If the circumstances change the boundary of the outer archipelago may be changed by a new operation.

Section 125 has been repealed.

Section 126

For the purpose of developing fishery and the fishing industry, the Ministry of Agriculture and Forestry may order parties engaged in fishing and fishing corporations to provide fishing regions and Employment and Economic Development Centres with information on fishing and its yield.

Section 127

Further provisions on the enforcement and application of this Act shall be issued by decree.

Section 127 a (40/1997)

Provisions on Employment and Economic Development Centres and their operating areas in this Act or issued under this Act apply to the Employment and Economic Development Centres and their operating areas.

Chapter 16 – Transitional provisions and entry into force

Section 128

This Act enters into force on 1 January 1983 unless otherwise provided by section 129.

Section 129

- (1) This Act repeals:
 - 1) the Fishing Act (503/51) issued on 28 September 1951;
 - 2) the decree of 28 December 1951 on the enforcement and the application of the Fishing Act (695/51); and
 - 3) the decree of 9 July 1953 on the use of the private fishing grounds that belong to the State and on fishing in fishing waters belonging to the State (322/53), as amended; and
 - 4) the Land Partition Act of 14 December 1951 (604/51) section 112(2).
- (2) What has been stipulated by the decision of the Ministry of Agriculture and Forestry on the grounds of the Fishing Act section 90, mentioned in subsection 1(1) on the protection of fish and crayfish stocks shall remain in force as if it had been stipulated according to section 95(2) of this Act.

The decree of 16 July 1954 on the light signals to be used in fishing gear (338/1954) as amended shall remain in force;

Subsection 4 has been repealed.

Section 130 has been repealed.

Section 131

- (1) Fishery associations that were established according to the provisions in force prior to this Act shall terminate their activities within two years of the implementation of this Act. The fishing region in question shall, as appropriate, take responsibility for the duties of the association. Unless otherwise stipulated in the rules of the fishery association, the property of the association shall be transferred to its member fishing corporations.
- (2) At its meeting, the delegation of the fishery association shall decide on the transfer of the duties of the association and the property belonging to it, as well as on other measures resulting from the termination of activities.

Section 132

If someone has the right laid down in section 18 of the Fishing Act and referred to in section 129(1)(1) to use land belonging to the State for buildings and equipment needed in fishing, such a right shall be maintained on previous terms for a period of five years as of the implementation of this Act.

Section 133

- (1) The administrative board of the fishing region shall investigate what closed areas established in accordance with the previous legislation exist in the area, and in what way they have been formed. The delegation of the fishing region shall decide which of them shall be abolished and which maintained. A decision to maintain a closed area is in force for ten years as from when the decision was made, unless a shorter period is fixed by the delegation.
- (2) If necessary, the land survey authorities shall, without compensation, assist the fishing region in conducting the investigation mentioned in subsection 1.
- (3) A closed area, on which no investigation has been conducted within three years of the implementation of this Act, shall be considered abolished.

Section 134

- (1) If a closed area has, according to a previous Act, been separated in the partition of waters, or if an entry has otherwise been made (in the land register) about the establishment of a closed area, the abolition of a closed area or the decision abolishing the closed area shall be notified by the administration of the fishing region to the relevant county survey office in order to remove (from the land register) the entries concerning the closed area. If necessary, the land surveying office shall order the chartered surveyor to determine, in a procedure conducted at the cost of the State, what is required in order to remove the entries.
- (2) Once a closed area referred to in subsection 1 above has been abolished, the environmental permit authority must, when the decision has become legally valid, provide the cadastral registrar with the notification referred to in the subsection (93/2000).

Section 135

If a decision has been made to establish a closed area referred to in section 133, the provisions of this Act shall apply. However, restrictions of use stipulated previously shall remain in force. These restrictions may be changed as laid down in section 43.

Section 136

What has been provided in this Act on sworn water bailiffs also concerns fishing wardens that have taken the oath in accordance with the previous Act and who have been appointed by a municipality, a fishing association, a fishing corporation, an owner of fishing waters or a leaseholder of fishing grounds.

Section 137

Previously obtained legal fishing gear that is in violation of this Act or provisions issued under it may be used for three years from the implementation of the Act.