

1096/1996
Nature Conservation Act
December 20, 1996

Chapter 1
General provisions

Section 1
Aims of the Act

The aim of this Act is to:

- 1) maintain biological diversity;
- 2) conserve nature's beauty and scenic value;
- 3) promote the sustainable use of natural resources and the natural environment;
- 4) promote awareness and general interest in nature; and
- 5) promote scientific research.

Section 2
Scope of Application

This Act shall apply to nature and landscape conservation and management.

With the exception of sections 4, 9, 39, 42, 47-49 and 55-56 and chapters 3-5 and 10, this Act shall not apply to such use and management of forests as provided for under the Forest Act (1093/96).

Nature conservation planning and landscape conservation provided for under this Act shall take into account financial, social and cultural considerations, and characteristic local and regional features.

Section 3
Community Directives

This Act transposes into Finnish law the Council Directive (92/43/EEC) on the conservation of natural habitats and of wild fauna and flora, hereinafter the Habitats Directive, and the Council Directive (79/409/EEC) on the conservation of wild birds, hereinafter the Bird Directive, as applicable to species of flora and fauna other than those specified in section 5 of the Hunting Act (615/93).

Section 4
International Conventions

In addition to what is provided in this Act, the provisions set forth under binding international conventions on nature conservation and the protection of wild species of flora and fauna shall also apply.

The Council of State is authorized to issue more detailed regulations on the enforcement of such obligations laid down in these Conventions as fall within the purview of this Act.

Section 5 *Favourable Conservation Status*

In order to achieve the aims described in section 1, nature conservation shall focus on attaining and maintaining the favourable conservation status of natural habitats and of wild fauna and flora.

The conservation status of a natural habitat shall be taken as favourable when its natural range and the areas it covers within that range are stable enough to ensure the long-term maintenance of said habitat and of the structure and functions of its ecosystem, and when the conservation status of its typical species is deemed favourable.

The conservation status of a species shall be taken as favourable when the species proves capable of maintaining itself on a long-term basis as a viable component of its natural habitat.

Section 6 *Administration of Nature Conservation*

The Ministry of the Environment shall be responsible for the supreme guidance and supervision of nature and landscape conservation.

It shall be the responsibility of the regional environment centre to promote and supervise nature and landscape conservation within its jurisdiction.

It shall be the responsibility of the local authority to promote nature and landscape conservation within its jurisdiction.

Chapter 2 Nature Conservation Planning

Section 7 *Nature Conservation Programme*

In order to preserve natural features of national interest, a nature conservation programme can be drawn up, in which specific sites are allocated for the purpose of nature conservation.

The nature conservation programme shall specify any measures regarded as jeopardizing its objectives.

Section 8
Drafting and Adoption of a Nature Conservation Programme

The Ministry of the Environment shall be responsible for the drafting of nature conservation programmes.

When drafting the programme, any party whose interests or rights are affected shall be given an opportunity to state his case. When the programme is in the early stages of being drafted, the Ministry of the Environment shall inform the public in such a way as to provide an opportunity for public debate.

The nature conservation programme shall be adopted by the Council of State in plenary session.

Section 9
Legal Effects of a Nature Conservation Programme

Any action which jeopardizes the conservation objectives of a site included in a nature conservation programme adopted by the Council of State is prohibited (*restriction on action*). The restriction on action shall remain in effect irrespective of appeal, unless decided otherwise by the appellate authority.

The regional environment centre may grant derogations from the restriction laid down in paragraph 1, provided that the conservation objectives of the site are not jeopardized to any substantial degree.

In planning or deciding to undertake any action, government authorities and agencies shall ensure that said action in no way hinders the implementation of a nature conservation programme.

Chapter 3
Nature Reserves and Natural Monuments

Nature Conservation on State-owned Land

Section 10
Nature Reserves and Prerequisites for their Designation

The following constitute nature reserves:

- 1) national parks;
- 2) strict nature reserves, and 3) other nature reserves.

The general prerequisites for the designation of a nature reserve are that:

- 1) the site hosts an endangered or rare species, population or ecosystem, or one that is becoming scarce;

- 2) there are breeding sites or resting places of specimens of the species referred to in annex IV(a) of the Directive on the Conservation of Natural Habitats and Wild Fauna and Flora;
 - 3) it is the site of a special or rare natural formation;
 - 4) it is a site of outstanding natural beauty;
 - 5) there is a natural heritage type which is becoming scarce within the area;
 - 6) this is necessary for attaining or maintaining the favourable conservation status of a natural habitat or species; or
 - 7) the site is otherwise so representative, typical or valuable that its conservation may be deemed necessary for the preservation of biological diversity or natural beauty.
- (553/2004)

Section 11 *National Parks*

The designation and objectives of a national park shall be prescribed by law. A national park can only be established on State-owned land.

A national park shall be no smaller than 1,000 hectares in size. The area should hold general interest as a natural attraction, or with respect to raising general awareness of or interest in nature.

Section 12 *Strict Nature Reserves*

The designation and objectives of a strict nature reserve shall be prescribed by law if the site is at least 1,000 hectares in size, and otherwise by decree. A strict nature reserve can only be established on State-owned land.

A strict nature reserve should hold significance as a means of safeguarding undisturbed natural development, or for scientific research or education.

Section 13 *Protection Provisions*

Any action altering the natural surroundings is prohibited in a national park or strict nature reserve. The following is thus prohibited in these areas:

- 1) the construction of buildings and other fixed installations, and the building of roads;
- 2) the extraction of sand and stone materials and minerals, and any action that damages the soil or bedrock;
- 3) drainage;
- 4) the removal or destruction of fungi, trees, bushes and other plants or parts thereof;
- 5) the capture, killing and disturbance of wild vertebrates, the destruction of nests, burrows, etc., and the capture and collection of invertebrates; and 6) any other action

which may have a detrimental impact on the natural conditions and the landscape, or on the preservation of fauna and flora.

Conditions for prohibiting or restricting passage, camping, mooring and landing, and the keeping of vehicles in a nature reserve, are set forth in section 18.

Section 14

Derogations from Protection Provisions

Without prejudice to the provisions of section 13, any action necessary for the appropriate maintenance and use of a nature reserve is permissible in a national park or strict nature reserve, provided this does not jeopardize the purpose for which it was designated. The following is thus permissible:

- 1) the construction, restoration and repair of any buildings, fixed installations and paths necessary for the site's management, surveillance, research, public orientation, hiking, or other visitors' facilities;
- 2) the upkeep and restoration of natural habitats and natural heritage types, and steps taken to restore the natural ecological balance;
- 3) the building of roads necessary for public orientation;
- 4) picking of berries and mushrooms used for human consumption and other practical purposes;
- 5) angling and ice fishing;
- 6) reindeer farming as specified in the Reindeer Husbandry Act (848/90);
- 7) the use and repair of roads, power lines, telephone lines and associated equipment within the area;
- 8) the repair of waterways and installations essential for safe navigation, and any minor land clearing required for the installation of navigational aids; and
- 9) mapping and surveying.

Measures imperative for the purpose of rescue service, fire prevention, frontier control, animal disease control and animal protection are also permissible in a nature reserve as the situation demands.

Without prejudice to what is prescribed in paragraph 1, subparagraph 6, the authority or agency in charge of the site may impose restrictions on the grazing of reindeer in a strict nature reserve for scientific research or some other special purpose. The State shall be responsible for the resultant cost of fencing and other related expenses.

Section 15

Derogations Subject to Special Permit

With permission from the authority or agency in charge of the site, the following is permitted in a national park or strict nature reserve, provided that the site's conservation objectives are not jeopardized:

- 1) killing and capture of animals, collecting mushrooms and plants or parts thereof, and of nests and minerals for research or other scientific or educational purposes;

- 2) controlling the population of a plant or animal species that has increased detrimentally or otherwise constitutes a nuisance;
- 3) catching fish by means other than angling or ice fishing;
- 4) removing a dead game animal from the area;
- 5) construction of buildings or other fixed installations for the purpose of reindeer farming;
- 5) geological surveys and prospecting;
- 6) landing an aircraft.

Section 16

Regional Derogations from Protection Provisions

Derogations from protection provisions other than those referred to in sections 14 and 15 may be enacted by decree for a national park or strict nature reserve, provided that its conservation objectives are not jeopardized. Derogations may be granted on grounds of national defence, air safety, hunting rights, the practice of indigenous occupations or the special land use rights of the Sámi population.

Section 17

Other Nature Reserves

Provisions on the designation of other nature reserves on State-owned land shall be prescribed by decree, as shall their objectives and protection provisions. The Forest and Park Service is nevertheless authorized to establish a nature reserve no larger than 100 hectares on land in its charge, and to lay down provisions on its protection.

The Ministry of Defence is authorized to designate a nature reserve on land in its charge, and to lay down provisions on its protection.

The relevant provisions of sections 13-15 shall otherwise apply to the protection of other nature reserves.

Section 18

Restriction of Access in a Nature Reserve

Passage off marked trails, paths and other designated areas in a strict nature reserve is allowed only with special permission from the authority or agency in charge of the site.

The decision to designate a national park or other nature reserve (hereinafter the *designation decision*), or the ordinance of said national park or nature reserve, can prohibit or restrict passage, camping, mooring and landing, and keeping a boat, ship or any other form of transport in the area. A prohibition or restriction on free passage, mooring and landing shall apply only if deemed necessary for the conservation of flora and fauna in the area.

Section 19
Management Plan

A special plan shall be drafted for the management and use of a national park, specifying the measures necessary for attaining its conservation objectives. As necessary, a management plan may also be drafted for a strict nature reserve or other nature reserve. (30.5.1997/492)

The management plan shall be drafted by the authority or agency in charge of the nature reserve. The plan shall be ratified by the Ministry of the Environment.

Section 20
Ordinance

An ordinance shall be drafted for visitors of national parks, specifying the necessary restrictions as referred to in section 18, paragraph 2. An ordinance can also be drafted, as necessary, for a strict nature reserve or other nature reserve.

The ordinance of a nature reserve shall be issued by the authority or agency in charge of the site.

Section 21
Demarcation and Boundary-Marking of a Nature Reserve

What is prescribed in the Real Estate Formation Act (554/95) shall apply to the real estate formation of a nature reserve. Further instructions on real estate formation and boundary-demarcation shall be issued by the National Land Survey of Finland.

A nature reserve shall be marked in the terrain in a clearly visible fashion. Water boundaries shall be marked on maps only. The Ministry of the Environment shall issue more detailed regulations on means of marking the boundaries of a nature reserve.

Section 22
Adding Land to a Nature Reserve

State-owned land which is allocated for addition to a nature reserve at the time of its purchase or acquisition shall be considered part of said nature reserve.

Land adjoining an existing national park which is owned by a public corporation other than the State can be added to said national park with the consent of the corporation concerned.

What is prescribed in section 21, paragraph 1, shall apply to the real estate formation of land added to a nature reserve. The public shall be informed on the municipal notice board of the decision to add land to a nature reserve, in the manner prescribed in the Public Announcements Act (34/25).

Section 23
Natural Monuments

If a single tree, group of trees, erratic boulder or other corresponding natural formation is deemed worthy of special conservation because of its beauty, rarity, scenic value, scientific interest or other corresponding reasons, it can be designated a protected natural monument.

The decision to designate a protected natural monument is taken by the authority or agency in charge of the site of the natural monument. That authority or agency is also responsible for ensuring that the natural monument is marked in the terrain in a clearly visible fashion.

It is prohibited to damage or deface a protected natural monument.

Nature Conservation on Private Land

Section 24
Designation of a Nature Reserve

The regional environment centre may, on application or with the consent of the landowner, designate a nature reserve as referred to in section 10, paragraph 1, subparagraph 3, on land referred to in section 10, paragraph 2. Other public interests shall also be taken into account when deciding to designate such a reserve.

The designation decision, as referred to in paragraph 1, shall include the necessary provisions on the protection of the reserve and, as necessary, on its management. The decision may also include provisions prohibiting or restricting free passage in the reserve or part thereof, provided this is deemed necessary for the conservation of plant and animal species within the area. The decision shall not be issued until the landowner and regional environment centre are agreed on the reserve's protection provisions and the landowner's compensation.

The regional environment centre may designate a nature reserve on private land without the landowner having applied for it or given his consent, if the land in question falls within the bounds of a nature conservation programme adopted by the Council of State. Protection provisions instituted in such a reserve are not to restrict land use to any greater degree than is entailed by the nature conservation programme, unless agreed otherwise with the landowner. The landowner and the local authority shall be given an opportunity to state their case before the decision is made.

What is prescribed in section 21 applies, as appropriate, to the boundary-marking of nature reserves on private land.

The designation of a new nature reserve shall be entered in the Real Estate Register.

Section 25
Temporary Protection Order

For the purpose of nature and landscape conservation, a contract can be concluded between the regional environment centre and the landowner on the temporary protection, either complete or partial, of land referred to in section 10, paragraph 2. The term of the contract is not to exceed 20 years.

The contract referred to in paragraph 1 remains in effect even if the land passes to a new owner.

The contract shall be entered in the Real Estate Register.

Section 26
Natural Monuments on Private Land

On application or with the consent of the landowner, natural monuments, as described in section 23, which lie on private land, can be placed under a protection order by the local authority. What is prescribed in section 23 shall apply to the boundary-marking and protection provisions of such natural monuments.

Section 27
Lifting a Protection Order

On application of the landowner or any other interested party, or by proposal of the Ministry of the Environment, the regional environment centre is authorized to fully or partly lift a protection order on private land, or to grant derogations from it, provided that the ecological value of the site has declined substantially or its protection prevents the implementation of a project or plan of overriding public interest.

The Ministry of the Environment shall state its opinion on all such applications. If the matter is instigated by the Ministry of the Environment or any other interested party, the landowner shall be given an opportunity to state his case.

If a protection order is lifted or its provisions substantially weakened on application of the landowner, the decision can be made subject to the condition that the landowner returns the sum originally paid to him as compensation, either in part or in full.

The decision to lift a protection order shall be entered in the Real Estate Register.

Section 28
Lifting a Protection Order on a Natural Monument

On application of the landowner or by proposal of the regional environment centre, the local authority is authorized to lift a protection order on a natural monument referred to in section 26, provided that the grounds for its protection no longer exist, or that it prevents the implementation of a project or plan of major public interest.

The regional environment centre shall issue its opinion on all such applications. If the proceedings are instigated by the regional environment centre, the landowner must be given an opportunity to state his case.

Chapter 4 Conservation of Natural Habitats

Section 29 *Protected Habitat Types*

It is prohibited to alter any of the following natural habitat types or comparable habitats in such a way as to jeopardize the preservation of the characteristic features of the area in question:

- 1) wild woods rich in broad-leafed deciduous species;
- 2) hazel woods;
- 3) common alder woods;
- 4) sandy shores in their natural state;
- 5) coastal meadows;
- 6) treeless or sparsely wooded sand dunes;
- 7) juniper meadows;
- 8) wooded meadows; and
- 9) prominent single trees or groups of trees in an open landscape.

More detailed provisions on natural habitat types referred to in paragraph 1 shall be enacted by decree.

Section 30 *Entry into Force of a Prohibition*

The prohibition referred to in section 29, paragraph 1, shall take effect as of when the regional environment centre has set the boundaries of the natural habitat to be protected and has notified the site's owners and holders of its decision. The prohibition is not valid until a public announcement is made and is posted on the municipal notice board, as stipulated by the Public Announcements Act.

Decisions referred to in paragraph 1 shall remain in force irrespective of appeal, unless decided otherwise by the appellate authority.

If a site belonging to a protected natural habitat type no longer has any ecological value, the protection order can be lifted. The procedure for doing so is prescribed in paragraph 1.

Section 31 *Authority to Grant Derogations*

In individual cases, the regional environment centre may grant derogations from the prohibition referred to in section 29, paragraph 1, provided this does not seriously jeopardize the conservation objectives of the natural habitat type in question, or if its protection prevents the implementation of a project or plan of overriding public interest.

Chapter 5 **Landscape Conservation**

Section 32 *Landscape Conservation Area*

A landscape conservation area can be established in order to preserve and manage a natural or cultural landscape of outstanding beauty, historical interest or other special value.

Section 33 *Designation of a Landscape Conservation Area*

The Ministry of the Environment shall decide on the designation and prospective uses of a landscape conservation area of national interest. In cases where the landscape conservation area does not hold national interest, the matter shall be decided by the regional environment centre on submission of the regional council.

Section 34 *Provisions on Landscape Conservation Areas*

Provisions necessary for preserving the characteristic features of a landscape conservation area can be written into its designation decision. These provisions are not, however, to constitute a significant inconvenience to the property owner.

In individual cases, the regional environment centre can grant derogations from the prohibitions in force in a given landscape conservation area.

Provisions within the building legislation concerning a landscape conservation area shall not apply to sites where there is a town plan or legally valid master plan in force. (5.2.1999/144)

Section 35 *Lifting a Landscape Protection Order*

What is provided in section 33 concerning the designation of a landscape conservation area shall apply, as appropriate, to the lifting of a landscape protection order or any other decision altering its status.

A landscape protection order can be lifted or derogations granted if the scenic value of the landscape has declined substantially or its protection prevents the implementation of a project or plan of major public interest.

Section 36

Outdoor Advertising and Prohibition Notices

The erection outdoors of fixed constructions, installations, texts and pictures for advertising or similar commercial purposes (*outdoor advertising*) is prohibited beyond the area covered by an existing town plan. (5.2.1999/144)

What is provided in paragraph 1, however, shall not apply to notices announcing a meeting, public briefing, entertainment or other comparable function, or elections or a referendum. Notices on the activities pursued or goods sold in a building are also permitted on the building or in its proximity. Notices must be drawn up and located so as to fit as well as possible in the surroundings.

No sign prohibiting trespassing, mooring and landing or otherwise restricting free public access is to be erected on land or water in so far as there are no legal grounds for doing so.

The regional environment centre may grant derogations from the prohibition described in paragraph 1 if this is deemed necessary for road safety, tourism or on other comparable grounds.

Chapter 6

Protection of Species

Section 37

Scope of Application

The provisions of this chapter shall apply to all naturally occurring animal and plant species in Finland, with the exception of game animals and non-protected species referred to in section 5 of the Hunting Act, and commercial fish species. Notwithstanding the above, the scope of application of sections 44 and 49 is prescribed in said sections. (30.5.1997/492)

What is prescribed in this chapter concerning plants and plant species shall correspondingly apply to mushrooms and fungi.

Section 38

Protection of Animal Species

All mammals and birds within this chapter's scope of application are protected..10 If a species other than a bird or mammal becomes endangered or its protection otherwise proves necessary, the species in question may be placed under a protection order by decree, either throughout the country or in a specific part thereof.

The protection of animals referred to in section 5 of the Hunting Act is subject to the provisions of said Act. The import and introduction into the wild of foreign bird and mammal species is subject to what is prescribed in the Hunting Act, the Animal Diseases Act (55/80) and the Animal Protection Act (247/96).

Section 39 *Protection Provisions*

The following prohibitions apply to all specimens belonging to a protected species:

- 1) deliberate killing and capture;
- 2) appropriation, removal or deliberate destruction of eggs and other developmental stages in their life cycles;
- 3) deliberate disturbance of animals, particularly during breeding, in important resting places during migration, or on any other sites of significance to their life cycles.

Any appropriately marked tree hosting the nest of a protected bird species and any tree hosting a large bird of prey is protected if the bird in question nests in it on a regular basis and the nest is clearly visible.

It is prohibited to use means for the capture of invertebrates that are harmful in respect of nature conservation.

Further provisions on prohibited means of capture are issued by Ministry of the Environment decree. (553/2004)

Section 40 *Protected Animals Found Dead*

No protected animal found dead may be appropriated. Such an animal may, however, be handed over to a State research institute for examination in order to establish the cause of death. (553/2004)

If an animal referred to in paragraph 1 has scientific, educational or collection value, when properly treated, it may be appropriated for assignment to the Central Museum of Natural History, some other natural science museum or institution, a university, or, with permission from the regional environment centre, to a place other than those referred to above.

What is provided in this section shall not apply to animal species referred to in section 49.

Section 41 *Animals Found in a Helpless State*

Every effort must be made to assist a protected animal found diseased, injured or otherwise in a helpless state. Such animals may be appropriated for transportation to a veterinary facility or for temporary care. What is prescribed in the Animal Protection Act shall otherwise apply.

Section 42
Protection of Plant Species

If a wild plant species becomes endangered or its protection otherwise proves necessary, the species can be placed under a protection order by decree, either throughout the country or in a specific part thereof.

The picking, collecting, cutting, uprooting and destruction of a protected plant species or part thereof is prohibited. The same shall correspondingly apply to the seeds of any protected plant species.

Section 43
Preventing the Spread of Non-Native Species

Non-native species falling outside the purview of the Hunting Act or Fishing Act are not to be released into the wild if there is cause to suspect that the species may become established permanently.

Non-native plant species without an established range in the Finnish wild are not to be planted or sown outside a garden, field or other site designated for special purposes, nor in natural waters, in so far as there is cause to suspect that the species may become established permanently. This shall not apply, however, to the planting or sowing of trees for the purpose of forestry.

If a non-native plant or animal species is known to spread rapidly in the wild, and there is reasonable cause to suspect that it might constitute a health hazard or have a detrimental effect on an indigenous Finnish species, the Ministry of the Environment may issue any regulations as prove necessary for preventing the spread of such a species.

Measures for preventing the spread of animal disease are set forth in the Animal Diseases Act.

Section 44 (30.5.1997/492)
International trade in endangered species

What is provided in Council Regulation (EC) No. 338/97 on the Protection of Species of Wild Flora and Fauna by Regulating Trade Therein shall apply to the import, export, re-export and through transit, sale, offering for sale, keeping for commercial purposes, display to the public for commercial purposes and transporting for sale of the animal and plant specimens, or parts or derivatives thereof, referred to in said Regulation.

The Ministry of the Environment shall assume the administrative authority referred to in the European Community Regulation referred to in paragraph 1. The Finnish Environment Institute, however, is the competent authority referred to in said Regulation in all matters concerning the issue of permits and certificates. The Finnish Museum for Natural History of the University of Helsinki is the scientific authority referred to in said Regulation.

Further provisions are issued by Ministry of the Environment decree as necessary on the implementation of the Council Regulation referred to in paragraph 1. The Ministry may decide to assign to the Finnish Museum of Natural History expert duties related to the implementation of said Council Regulation. (553/2004)

It is the duty of the customs authority to ensure that the Community Regulations on importation, exportation, re-exportation and through transit are observed.

Section 44a (30.5.1997/492)
Designated customs offices

Specimens, parts and derivatives of animal and plant species referred to in the European Community Regulation referred to in paragraph 1 of section 44, that are imported to Finland from countries outside the European Community (*third countries*) or exported to third countries, shall pass via a designated customs office, unless provided otherwise by decree. Customs authorities shall direct specimens, parts and derivatives of animal and plant species referred to in said Regulation to the nearest designated customs office under customs supervision.

More detailed provisions on the designated customs offices required by European Community legislation shall be issued by decree.

Section 45
Trade in Protected Species

The import, export, sale, exchange and offering for sale or exchange of a specimen of a protected animal or plant species not belonging to the species referred to in section 44, or a part or derivative thereof, is prohibited without permission from the regional environment centre.

Section 46
Threatened Species

Any naturally occurring species whose survival in the wild is at risk in Finland can be declared a threatened species by decree.

Section 47
Species Under Strict Protection

Any species at imminent risk of extinction can be placed under a strict protection order by decree. The Ministry of the Environment shall, as necessary, prepare a programme for reviving the populations of such species.

The deterioration and destruction of a habitat important for the survival of a species under strict protection is prohibited.

The prohibition referred to in paragraph 2 shall take effect as of when the regional environment centre has set the boundaries of a site hosting a species under strict protection and has notified the site's owners and holders of its decision.

The prohibition is not valid until a public announcement is made and is posted on the municipal notice board, as stipulated in the Public Announcements Act. The decision remains in force irrespective of appeal, unless decided otherwise by the appellate authority.

What is provided in section 30, paragraph 3, regarding the lifting of a protection order on a site belonging to a protected natural habitat type shall also apply to the lifting of a protection order on the habitat of a species under strict protection.

Section 48

Derogations from a Protection Order

What is provided in sections 39 and 42, paragraph 2, shall not preclude the use of land for farming, forestry and development, or the use of a building or piece of equipment for its intended purpose. In doing so, however, steps should be taken to avoid harming or disturbing protected plants and animals, in so far as this is feasible without substantial additional expense.

The regional environment centre can grant a derogation from the protection provisions enacted under sections 39, 42 and 47, provided that the conservation status of the affected species remains favourable. If the application for a derogation concerns the entire country, only the Ministry of the Environment is authorized to grant the derogation. The derogation may be made subject to certain conditions as deemed necessary.

What is prescribed in this section shall not apply to animal and plant species referred to in section 49.

Section 49

Special Provisions on Species Protected in the European Union

The destruction and deterioration of breeding sites and resting places used by specimens of animal species referred to in Annex IV (a) of the Habitats Directive is prohibited. (553/2004)

With the exclusion of game animals and non-protected animals referred to in section 5 of the Hunting Act, it is prohibited to keep, transport, sell, exchange or offer for sale or exchange specimens of animal species referred to in Annex IV (a), and plant species referred to in Annex IV (b) of the Habitats Directive, or any part or derivative thereof. The same shall correspondingly apply to birds referred to in Article 1 of the Bird Directive as based on the derogations provided in Article 6 (2) and (3) of said Directive.

In special cases, the regional environment centre is authorized to grant derogations from the prohibition referred to in paragraph 1 of this section, and from the prohibition in 12 paragraph 2 concerning animal and plant species referred to in sections 39 and 42, paragraph 2, on grounds set forth in Article 16 (1) of the Habitats Directive. A derogation can correspondingly be granted for birds referred to in Article 1 of the Bird Directive on grounds set forth in Article 9 of said Directive.

In special cases, a regional environment centre is authorized to grant derogations from the prohibition referred to in paragraph 2 on grounds specified in Article 16 (1) of said Directive. It may correspondingly grant a derogation for birds referred to in Article 1 of the Bird Directive on grounds set forth in Article 9 of said Directive. (553/2004)

Chapter 7 Implementation of Nature Conservation

Section 50 *Implementation of a Nature Conservation Programme*

The Ministry of the Environment shall take immediate steps to begin the implementation of an adopted nature conservation programme. In assessing its order of priority, due attention shall be paid to the particular ecological and scenic value of the site, and any factors endangering it.

The manner in which a site is protected shall depend on its conservation objectives. Conservation measures should primarily be implemented on a voluntary basis.

In the event that the ecological and scenic value of the site has declined substantially, its conservation objectives are not seriously jeopardized or its protection prevents the implementation of a project of major public interest, the Ministry of the Environment may, to the extent necessary, refrain from implementing the nature conservation programme.

Section 51 *The Owner's Right to Compulsory Purchase*

Four years after a nature conservation programme is adopted and the decision gains legal force, the owner of any piece of land falling within the confines of said programme has the right, unless agreed otherwise, to demand that his land be purchased by the State if the programme has not been put into effect by that time.

The landowner institutes compulsory purchase proceedings at the district survey office.

Section 52
The State's Right of Expropriation

For the purpose of creating a nature reserve or instituting other protection measures referred to in this Act, the State shall be empowered to expropriate immovable property and special rights in the order provided in the Act on Redemption of Immovable Property and Special Rights (603/77).

The Ministry of the Environment can, however, observing the provisions of paragraph 1, decide on an expropriation permission if the site in question is included in a legally valid nature conservation programme or is included in or in accordance with a legally valid Government proposal belonging to the Natura 2000 network as an object to be implemented under this Act or if it is a question of usufruct of such an area. The same shall apply to a site which narrowly extends beyond the confines of a nature conservation programme site or an above-mentioned Natura 2000 network object, provided that expropriation is required by nature conservation or other public interests. (553/2004)

Prior to instituting the expropriation proceedings referred to in paragraphs 1 and 2, the matter should be negotiated with the landowner, in so far as this is feasible without major inconvenience.

Section 53
Duty of the State to Pay Compensation

If the property owner or holder of special rights incurs significant inconvenience due to a decision made under section 29 or 47 or to a prohibition laid down in section 49, paragraph 1, he is entitled to full compensation from the State. The State is not required to pay compensation until the owner has applied for a derogation under the provisions of section 31 or section 48, paragraph 2 or section 49, paragraph 3, and said application has been denied. If it is manifestly impracticable to grant any derogation, no further special application is needed in order to institute compensation proceedings. (553/2004)

If a regional environment centre has, under section 24, paragraph 3, made a decision on establishing a nature reserve and the decision causes the property owner significant inconvenience, the State is required to pay compensation for said inconvenience.

If no settlement is reached on compensation or an alternative form of protection, an application can be submitted to the district survey office for assessment of compensation referred to in paragraphs 1, 2 and 5. The compensation shall be determined in accordance with the provisions of the Act on Redemption of Immovable Property and Special Rights. Under section 95, paragraph 1, of the same Act, interest shall be paid on compensation for a usufruct restriction as of the date

when the landowner applies for formal compensation proceedings at the district survey office. (553/2004)

If the permanence of significant inconvenience due to a decision provided on in section 49, paragraph 1, cannot be estimated reliably in advance, compensation may be determined for a maximum period of ten years, depending on the species. Thereafter, compensation is to be determined for permanent inconvenience if it is likely that the breeding site or resting place is permanent. (553/2004)

If, in the processing of a permit, a decision taken under the provisions of section 66, paragraph 1, restricts usufruct in such a way as to result in consequences referred to in paragraph 1 for the landowner or holder of a special right, and there would otherwise have been no obstacle to granting the permit, the State has a duty, on request, to provide compensation for the inconvenience. The right to compensation does not apply, however, if the inconvenience is caused:

- 1) by refusal of an exemption order application regarding a pollution, alteration or blocking prohibition referred to in the Water Act (264/1961);
- 2) by refusal to grant a permit referred to in the [Environmental Permit Procedures Act (735/1991)];
- 3) by rejection of an application to determine a mining patent referred to in the Mining Act (503/1965);
- 4) by refusal to grant expropriation permission referred to in the Act on Redemption of Immovable Property and Special Rights; or
- 5) to the State, a municipality or joint municipal board. (26.3.1999/371)

Separate provisions are laid down on compensation for inconvenience caused by refusal to grant permits under the [Building Act (370/1958)] and Extractable Land Resources Act (555/1981). Under section 10 of the Forest Act, provisions on modification of the special obligation concerning forest use are laid down in section 11 of the same Act. (26.3.1999/371)

Section 54

Scheduling of Compensation Payments

Compensation payable under the provisions of section 53 of this Act can, on request of the regional environment centre, be split up into not more than four yearly instalments.

Interest referred to in section 53, paragraph 3, is payable as of the date when the first instalment is paid.

Chapter 8

Injunctions, Coercive Measures and Penalties

Section 55
Temporary Injunctions

The regional environment centre is empowered to prohibit for not more than two years such use of land referred to in section 10, paragraph 2, as might jeopardize the conservation objectives of the site. An injunction imposed by an environment centre shall be observed irrespective of appeal, unless ruled otherwise by the appellate authority.

If the protection order is subsequently lifted and the landowner has incurred significant inconvenience as a result of the injunction, he is entitled to State compensation. The same shall apply if a decision is made to refrain from implementing a nature conservation programme under the provisions of section 50, paragraph 3.

Compensation shall be awarded on application and by decision of the regional environment centre.

Section 56
Injunctions on Sites Pending Expropriation

If permission is granted for expropriation of property or special rights under the provisions of section 52, paragraph 1, any action that might jeopardize the objectives of the expropriation is prohibited on said property. The injunction is in force as of when the site's owners and holders are notified of the expropriation order. (553/2004)

Paragraph 2 repealed. (553/2004)

Section 57
Coercive Measures

Should anyone fail to observe provisions and regulations laid down in or by virtue of this Act, or embark upon action contrary to them, the regional environment centre can forbid that person from continuing or repeating the offence or instance of negligence and require that he correct the unlawful situation or redress his negligence under threat of fine or suspension, or issue threat of having the necessary measures taken at his expense. The ruling of the environment centre shall be observed irrespective of appeal, unless decided otherwise by the appellate authority.

Whosoever incurs inconvenience is entitled to institute proceedings at the regional environment centre as referred to in paragraph 1, provided that the purpose of said proceedings is to prevent the destruction of the environment or any deterioration of its ecological value deemed to be of not minor importance. The same right shall apply to associations referred to in section 61, paragraph 3, within their jurisdiction, and also to local authorities.

In all matters concerning threat of fine, action or suspension, what is provided in the Conditional Fines Act (1113/90) shall be observed.

Section 58
Penalties

The penalty for causing damage to the environment, or for any other nature conservation offence, is laid down in chapter 48, sections 1-5, of the Penal Code.

Whosoever either wilfully or through gross negligence

1) violates a provision or a regulation on nature conservation laid down in or by virtue of this Act, or buys or accepts an item obtained by violating said provisions;
2) takes possession of, assigns, presents in public for commercial purposes, sells, keeps with intent to sell, offers for sale or transports with intent to sell, imports or exports a plant or animal specimen or a part or derivative thereof, contrary to the provisions of section 40 or 45, or section 49, paragraphs 2 and 4; or
3) imports, exports, or conducts through transit across Finnish territory an animal or plant specimen, or a part or derivative thereof, referred to in the European Community Regulation referred to in section 44, paragraph 1, without a permit or certificate required by said Regulation, or fails to comply with the stipulations specified on said permit or certificate; or (30.5.1997/492)

4) imports from a third country or exports to a third country an animal or plant specimen, or a part or derivative thereof, referred to in the European Community Regulation referred to in paragraph 1 of section 44, without passing via a customs office designated under this Act, or fails to make the import notification required under the said Regulation; or (30.5.1997/492)

5) purchases, offers for sale, acquires for commercial purposes, displays to the public for commercial purposes, uses for commercial purposes, sells, keeps for sale, offers or transports for sale an animal or plant specimen, or a part of derivative thereof, referred to in the annexed A or B of the European Community Regulation referred to in paragraph 1 of section 44, in contravention of Article 8 of said Regulation, (30.5.1997/492)

shall be sentenced to a fine for committing a *nature conservation violation*, unless the action is punishable as a nature conservation offence.

Whosoever either wilfully or through gross negligence unlawfully destroys a breeding site or resting place of specimens of the species referred to in Annex IV(a) of the Directive on the Conservation of Natural Habitats of Wild Fauna and Flora or causes it to deteriorate, shall also be sentenced for committing a nature conservation violation. (553/2004)

Section 59 (26.10.2001/878)
Forfeiture

Whosoever is guilty of a violation referred to in section 58 shall be sentenced to forfeit to the State that which constitutes the object of the offence. In addition, the monetary value of a protected plant or animal as a representative of its species shall be

forfeited. The Ministry of the Environment shall set standard monetary values for protected animals and plants. Otherwise, what is provided in chapter 10, sections 1-4 and 6-11, of the Penal Code (39/1889) shall apply where appropriate.

Section 60
Right of Seizure

The warden of a nature reserve employed by the authority or agency in charge of said reserve, or the landowner of any nature reserve not in the possession of a public corporation, has the right to appropriate implements used for hunting and gathering, or other equipment which has been used or intended for purposes contrary to the provisions and regulations observed in the nature reserve. The same right of seizure shall apply to animals unlawfully captured or plants unlawfully removed from a nature reserve, to other natural features whose removal from said reserve is unlawful, and to any item whose use is prohibited in said reserve.

Chapter 9
Appeals

Section 61
Appeal

A decision taken by the Council of State or a Ministry can be appealed in the Supreme Administrative Court. An appeal can be lodged on the grounds that said decision is contrary to the law.

A decision taken by the Forest and Park Service, the Finnish Environment Institute, the Finnish Forest Research Institute or a regional environment centre, or a decision taken by a local authority under section 26 or 28, can be appealed in the Provincial Administrative Court. The competent Provincial Administrative Court shall be determined in accordance with section 12 of the Act on the Application of Administrative Law, except where the appeal is lodged against a decision taken by a regional environment centre, in which case the competent Provincial Court is that in whose jurisdiction most of the site lies.

The right to appeal belongs to those whose rights or interests are affected by the matter in question. In matters other than compensation, the local authority also has the right of appeal. In matters other than compensation and those involving the derogations referred to in section 31 and section 48, paragraph 2, the right of appeal also belongs to any registered local or regional association whose purpose is to promote nature conservation or environmental protection. A decision taken by the Council of State concerning the adoption of a nature conservation programme can also be appealed by a corresponding national organization or any other national organization safeguarding the interests of landowners.

What is provided in the Act on the Application of Administrative Law (586/96) shall otherwise apply.

Section 62

Appeal Against a Provincial Administrative Court Ruling

A ruling made by a Provincial Administrative Court under the provisions of this Act can be appealed in the Supreme Administrative Court. What is provided concerning appeals in section 61, paragraph 3, shall otherwise apply. If the Provincial Administrative Court amends or repeals a decision taken by another authority, the right to appeal shall also belong to said authority.

Section 63

Appeal Against Decisions Made Under Other Legislation

In addition to what is prescribed separately elsewhere regarding appeals, the regional environment centre has the right to appeal a decision taken under other Acts concerning the issue of a permit or the adoption of a plan, on the grounds that the decision is contrary to the provisions or regulations laid down in or under this Act.

Chapter 10

**Special Provisions on the European Union Natura
2000 Network**

Section 64

The Natura 2000 network

The European Union's Natura 2000 network in Finland consists of:

1) bird sanctuaries of which the European Union Commission has been notified pursuant to the provisions of the Bird Directive; and 2) sites deemed by the Commission or Council to hold Community interest pursuant to the provisions of the Habitats Directive.

What is provided in section 8 concerning the drafting and adoption of a nature conservation programme shall correspondingly apply, as appropriate, to the drafting of a proposal for sites to be included in the Natura 2000 network.

Parties affected by the decision shall be given an opportunity to state their opinion after a public announcement is posted on the municipal notice board, as stipulated in the Public Announcements Act. The public shall be forewarned of the announcement well in advance in at least one newspaper of general circulation within the locality concerned. The State shall cover the cost of public announcements. Information on the proposal must be made available in the municipality.¹⁵ concerned for the duration that the announcement is posted on the municipal notice board.

What is prescribed in section 61, paragraphs 1, 3 and 4, shall correspondingly apply to the right of appeal against a Council of State decision. (30.5.1997/492)

Section 65
Assessment of Projects and Plans

If a project or plan, either individually or in combination with other projects and plans, is likely to have significant adverse effect on the ecological value of a site included in, or proposed by the Council of State for inclusion in, the Natura 2000 network, and the site has been included in, or is intended for inclusion in, the Natura 2000 network for the purpose of protecting this ecological value, the project's planner or implementer is required to conduct an appropriate assessment of its impact. The same shall correspondingly apply to any project or plan outside the site which is liable to have a significantly harmful impact on the site. The above assessment of impact can also be carried out as part of the assessment procedure referred to in chapter 2 of the Act on Environmental Impact Assessment Procedure (468/1994). (553/2004)

The authority in charge of granting the permit or approving the plan shall see that the assessment referred to in paragraph 1 is carried out. The authority shall thereafter request an opinion from the regional environment centre and the authority in charge of the site in question. If the environment centre itself is the implementer of the project, an opinion shall be requested from the Ministry of the Environment. The opinion shall be given without delay, within six months at the latest.

An authority notified in due procedure, as prescribed by act or decree, of a project or plan referred to in paragraph 1, shall take steps within its jurisdiction to suspend the implementation of the project or plan until the assessment described in paragraph 1 is carried out and the opinions referred to in paragraph 2 have been submitted. The authority shall also notify the regional environment centre of the matter at a sufficiently early stage for the regional environment centre to take any necessary action.

Section 66
Granting of Permits and Adoption and Ratification of Plans

No authority is empowered to grant a permit for the implementation of a project, or to adopt or ratify a plan, if the assessment procedure or the requested opinion referred to in section 65, paragraphs 1 and 2, indicates that the project or plan would have a significant adverse impact on the particular ecological value for the protection of which the site has been included in, or is intended for inclusion in, the Natura 2000 network. (26.3.1999/371)

Without prejudice to the provisions of paragraph 1, a permit can be granted and a plan can be adopted or ratified if the Council of State decides that said project or plan must, in the absence of alternative solutions, be carried out for imperative reasons of overriding public interest.

Where a site hosts a priority natural habitat type referred to in Annex I, or a priority species referred to in Annex II, of the Habitats Directive, a further precondition for granting a permit or adopting or ratifying a plan is that a reason relating to human health or public safety, or to beneficial consequences of primary importance for the

environment, or any other imperative reason of overriding public interest so demands. In the latter case, an opinion shall be requested from the Commission.

Section 67 Special Cases

What is provided in sections 65 and 66 shall correspondingly apply to a site which the Commission has reported as being under consideration for inclusion in the Natura 2000 network.

Should the Commission reject a site proposed by the Council of State for inclusion in the Natura 2000 network, or should the EU Council decide against the inclusion of a site which has been under consideration, the provisions of sections 65 and 66 shall no longer apply. What is provided in section 55, paragraph 2, shall accordingly apply.

Section 68 *Implementation of the Natura 2000 Network*

A site included in the Natura 2000 network shall be protected in a manner complying with its conservation objectives without delay and within six years of the Commission or Council having approved it as a site of Community interest. A bird sanctuary referred to in section 64, paragraph 1, subparagraph 1, shall nevertheless be placed under protection immediately after the Commission has been notified of the site.

Section 69 *Lifting a Protection Order and Compensation for Deterioration of the Network*

A protection order on a site included in the Natura 2000 network, as referred to in this chapter, can be lifted or weakened only on the conditions referred to in section 65, paragraphs 1 and 2, and section 66, paragraphs 2 and 3.

If a protection order on a Natura 2000 site is lifted, or the provisions on its protection weakened, or an authority has granted a permit or adopted or ratified a plan under section 66, paragraph 2 or 3, and the decision leads to deterioration of the overall coherence of the Natura 2000 network or its ecological value, the Ministry of the Environment shall take immediate action to compensate for said deterioration.

Chapter 11 **Miscellaneous Provisions**

Section 70 *Exemption from Charges*

Decisions on nature reserves, landscape conservation areas and natural monuments given under this Act and decisions made by virtue of section 30, paragraph 1 and section 47, paragraph 3, are exempt from charges.

Section 71
Easement and Other Special Rights

This Act, and decisions made by virtue of it, shall not impose constraints on easement, leasehold or other corresponding rights existing on a piece of property before the site is designated a nature reserve. The State is nevertheless authorized to expropriate such rights.

Section 72
Organizations Empowered to Exercise Public Authority

What is provided in this Act concerning authorities shall also apply to any organization or body empowered to exercise public authority within its statutory jurisdiction.

Section 72a
Procedure concerning notifications on flying squirrel (553/2004)

When a regional environment centre receives a notification referred to in section 14b of the Forest Act from a forestry centre, it must take measures to determine the location of the breeding site or resting place of flying squirrel and the permitted treatment of the forest. The regional environment centre must give its decision in the matter without delay as soon as it has received the notification referred to here from the forestry centre.

Section 73
Special Provisions on the Network of Baltic Sea Coastal and Marine Protected Areas

What is provided in section 64, paragraph 2, concerning the drafting and adoption of the Natura 2000 network, shall correspondingly apply to the drafting of proposals for sites to be included in the network of protected areas based on the Convention on the Protection of the Marine Environment of the Baltic Sea Area (12/80). The provisions of section 64, paragraph 3, shall correspondingly apply to the right of appeal.

Section 74
More Detailed Provisions

More detailed provisions on the implementation of this Act shall be provided by decree.

Chapter 12
Provisions on Entry into Force

Section 75

Entry into force

This Act takes effect on the (day) of (month), 199(year).

The provisions of section 64, paragraph 2, can nevertheless be applied before it takes effect.

Any steps necessary for the implementation of this Act may be taken before it takes effect.

Section 76
Transitional Provisions

This Act repeals the Nature Conservation Act of February 23, 1923 (71/23) and later amendments to it. Any reference elsewhere in the law to the repealed Nature Conservation Act shall refer to this Act as of when it takes effect.

The designation decision and ordinance of a nature reserve established before this Act takes effect shall remain in force. Any protection provisions and regulations issued by virtue of them shall also remain in force unless they are separately amended or repealed.

The following provisions and decisions issued by virtue of the repealed Nature Conservation Act shall remain in effect in so far as they are not substituted by the Nature Conservation Decree:

- 1) Decree on the Protection of Certain Plant Species (450/92);
- 2) Decree on the Protection of Certain Animal Species (483/94);
- 3) Decree on the Acquisition, Administration and Maintenance of Nature Reserves (296/96);
- 4) Council of State decision on species under strict protection (519/89);
- 5) Ministry of the Environment decision on standard monetary values of protected animal and plant species (1209/95); and 6) Ministry of the Environment decision on the duties of regional environment centres in the acquisition of nature reserves (298/96).

Any land adjoining property designated as a nature reserve and acquired by the State for the purpose of nature conservation before this Act takes effect shall be regarded as part of said nature reserve. The provisions of the Real Estate Formation Act shall apply to the real estate formation of such land.

Section 77
Application of Provisions to Existing Conservation Programmes and Decisions

What is provided in section 24, paragraph 3, and section 52, paragraph 2, concerning nature conservation programmes shall correspondingly apply to the following conservation programmes and decisions adopted by the Council of State before this Act takes effect:

- 1) Programme for the Development of National Parks and Nature Reserves (February 24, 1978, supplemented April 2, 1980, December 19, 1985 and June 16, 1988);
- 2) Mire Conservation Programme (April 19, 1979 and March 26, 1981);
- 3) Waterfowl Habitats Conservation Programme (June 3, 1982);
- 4) Herb-Rich Forest Conservation Programme (April 13, 1989);
- 5) Decision on the Protection of the Mikkelsaaret islands (August 24, 1989);
- 6) Shore Conservation Programme (December 20, 1990);
- 7) Programme for the Protection of Old-Growth Forests (June 27, 1996).

The Council of State shall, as necessary, amend the conservation programmes and decisions referred to in paragraph 1.