

## **Fishing Decree**

(1116/1982; amendments up to 819/2001 included)

### **Chapter 1 - General provisions**

#### **Section 1**

- (1) Fishing shall be considered to be engaged in professionally when the catches or part of them are sold for gain. A list to be kept of persons engaged in professional fishing shall be issued separately.

Subsection 2 has been repealed.

- (3) Fishing is considered to be fishing for domestic needs when the catch is used in the fisherman's own household and it is important for his livelihood. (1356/1993)
- (4) Fishing is considered to be fishing for recreation when the catch is used in the fisherman's household and it is not important for his livelihood. (1356/1993)

#### **Section 2**

For the purpose of the Fishing Act, a person living temporarily in a municipality or a village shall mean a person who does not own the residence he/she uses or has not lived there for a continuous period of at least four weeks.

### **Chapter 2 - Fishing gear and engaging in fishing**

Sections 3 and 4 have been repealed.

#### **Section 5**

- (1) Fixed fishing gear or a fishing appliance shall mean a weir or other permanent construction intended for fishing.
- (2) The fixed fishing gear referred to in section 39 of the Fishing Act shall also mean a large bow net, and the net fishing gear shall mean a net.

## Section 6

Stationary fishing gear shall mean a fishing implement which has been laid to catch fish on the spot, such as a net, a boulder and other hook fishing gear, a fyke, a weir and other lock fishing gear which is not fixed.

## Section 7

Moving filament fishing gear shall mean a seine, a trawl or a net which is being drawn or which floats along with the stream.

## Section 8

Large net fishing gear shall mean a fyke, a salmon fyke or other similar lock fishing gear equipped with a bottom which is in part, including the line equipment, higher than one and a half metres.

## Section 8 a (232/1994)

The fishing gear used in professional fishing referred to in section 6(4) of the Fishing Act is:

- 1) a large bow net over 1.5 metres high;
- 2) a seine and a trawl;
- 3) hook fishing gear or hook fishing gear which has more than 250 hooks altogether per fishing corporation;
- 4) nets set to the surface or drifting nets with a total length of over 900 metres per fishing corporation.

## Section 9

- (1) An ice road referred to in section 39 of the Fishing Act shall be a road ploughed on ice or an otherwise clearly marked route on ice intended for motor traffic.
- (2) Cutting a hole in the ice closer than fifty metres to an ice road referred to in subsection 1 shall be prohibited without the permission of the party responsible for the maintenance of the ice road.
- (3) In the sea, outside of village boundaries, fishing gear which will interfere with another person's fishing shall not be laid to catch fish, without the permission of the person in question, closer than one hundred metres to a seine fishing waters in the use of another person, nor, when trawl-fishing, shall it be permitted to go

closer than one hundred metres to a seine or a large bow net used to catch fish by another person. (179/1993)

- (4) In addition to what is laid down in subsection 3 on engaging in catching that interferes with another person's catching, fishing with set floating nets or a large bow net shall be prohibited, without the permission of the person in question, closer than two hundred metres to another person's large bow net from its side and closer than hundred metres from its end. (179/1993)

## Section 10

- (1) Fishing with moving filament fishing gear shall be prohibited in a river containing salmon or powan, and in the sea, closer than five kilometres to the mouth of such a river, except for scooping from the shore or a solid base connected to the shore.
- (2) The provisions contained above in subsection 1 on fishing in a maritime area facing a river containing salmon or powan shall apply to maritime areas in front of other rivers as well, when the former have been stacked with salmon or powan in considerable numbers.
- (3) In a maritime area referred to above in subsections 1 and 2, it shall not be permitted to lay a large bow net closer than three kilometres to the mouth of a river.
- (4) The Rural Department of the Employment and Economic Development Centre may, at the proposal of the administrative board of the fishing region, grant exceptions to the prohibition enacted in this section. (1356/1993)

## Section 11

If necessary, the boundary of the area referred to in section 10 may be defined and marked on a map in an operation referred to in section 230 of the Land Partition Decree, and the cost shall be paid from state funds if the Employment and Economic Development Centre is the applicant.

## Section 12

- (1) Fishing with a fish spear, a harpoon or a comparable implement equipped with a blade, hook or point, and with a landing net using fire or light is prohibited in rivers, rapids and currents containing salmon or powan and, unless otherwise stipulated by the fishing region, and in other waters too from the beginning of 15 April to the end of 20 June. (1356/1993)

- (2) Fishing with hooks using a worm bait or a board with lines and lures for catching grayling in rapids or currents of a water body that contains salmon is prohibited. (774/1997)

### Section 13

A weir, a fyke or other fishing gear may not be laid in the water with its mouth open above the surface of the water, nor shall it be kept in a way that permits game or other animals to get inside it.

### Section 14

The minimum mesh size allowed for fishing gear woven from twine shall be:

- 1) 16 millimetres when catching Baltic herring, sprat, vendace and smelt in the sea;
- 2) 157 millimetres when catching salmon and sea trout in a drift net and in a set net reaching to the surface of the water or near the surface, 127 millimetres in a salmon fyke in the part where the mesh is used for catching fish, and 100 millimetres in the other part as well as in the rest of the fishing gear.
- (3) If the fishing region under section 32 has stipulated that the minimum mesh size of the fishing gear is larger or smaller than what is provided in subsection 1, the Rural Department of the Employment and Economic Development Centre shall be immediately informed of the decision. (1356/1993)

### Section 15

- (1) When measuring the mesh size of the fishing gear referred to above in section 14, the mesh size shall for several successive meshes be such that when the mesh is pulled lengthways with respect to the netting, a measuring stick the width of which corresponds to the minimum size in question and is two millimetres thick goes easily through the mesh when the netting is wet.
- (2) For netting fishing gear, the mesh size may also be determined by dividing the distance between eleven successive knots measured on the wet netting by ten. In terms of the mesh size for fishing gear used for catching referred to, as above in section 14(1)(1), the distance between knots corresponding to a mesh size of 16 millimetres shall be 10 millimetres. (179/1993)

### Section 16

- (1) A clear sign referred to in sections 33 and 39 of the Fishing Act shall be considered a square flag at least 30 centimetres high and wide attached to a pole, which rises at least one and a half metres above the surface of the water.

The sign pole of the outer end of the set fishing gear, laid on the surface of the water or reaching to the surface or near the surface, as well as the sign poles at both ends of a drift net and drift line shall, however, be equipped with two overlapping flags as referred to above.

- (2) In addition to the signs referred to above in subsection 1, the direction of the fishing gear shall be shown by using one or more clearly distinguishable signs, as needed.

#### Section 17

The following fish are protected by law and catching them during the periods mentioned below is prohibited:

- 1) salmon, landlocked salmon, sea trout, lake trout and brown trout in a river, a brook, rapids and currents in September, October and November, allowing, however, for their catching by trolling with a rod also in these waters during the first ten days of September and after 15 November;
- 2) arctic charr in the water body of Vuoksi from the beginning of 11 September to the end of 15 November;  
(179/1993)
- 3) grayling, except for the municipalities of Enontekiö, Inari and Utsjoki, in April and May; however, it can be caught with a rod and by trolling; and  
(1364/1997)

Paragraph 4 has been repealed.

- 5) lampern, from the beginning of April to the end of August 15.

#### Section 18 (179/1993)

Crayfish and spotted crayfish are protected by law and catching them from the beginning of November to noon 21 July is prohibited.

#### Section 19 (179/1993)

- (1) Fish caught in natural waters shall fulfil the following minimum measurements measured from the tip of the jaw to the tip of the straightened caudal fin pressed together:

salmon 60 centimetres, except in the inner territorial waters of the provinces of Oulu and Lappi 50 centimetres;

sea trout 40 centimetres;

landlocked salmon 40 centimetres;

lake trout 40 centimetres;

arctic charr in the water body of Vuoksi, 40 centimetres;

pike perch 37 centimetres;

grayling 30 centimetres.

- (2) A salmon under 60 centimetres caught under subsection 1 above may be marketed only in the area of the provinces of Oulu and Lappi.

Section 20 has been repealed.

#### Section 21

- (1) After fishing is over, the fishing gear and the signs belonging to them as well as other equipment used for fishing which does not belong to a fixed fishing appliance placed legally in the water body, shall be removed from the water without delay. Any artificial spawning places made of brushwood or other device or structure used in the management of fishing waters, fish culture or keeping the catch and no longer needed, shall also be removed.
- (2) The provisions of subsection 1 also concern the sign used in winter fishing referred to in section 16.

Chapter 3 has been repealed.

#### Chapter 4 - **Fishing regions**

Section 29 has been repealed.

#### Section 30 (1356/1993)

- (1) The organizations referred to in section 73(1)(4) of the Fishing Act are those fishing associations which are registered associations and directly or indirectly member organizations of the Federation of Finnish Fisheries Association or the Finnish Association of Professional Fishermen.
- (2) The organizations referred to in section 73(1)(5) are registered associations and the regional organizations of the Finnish Recreational Fishermen's Central

Association, the Finnish Hunters' and Fishermen's Association as well as the Finnish Sports Fishermen's Association.

#### Section 31 (1356/1993)

The fishing region shall deliver to the Rural Department of the Employment and Economic Development Centre a copy of the plan for use and management. The fishing region shall furthermore annually inform the Rural Department of the Employment and Economic Development Centre of the names and addresses of the chairman and the deputy chairman of its administrative board as well as the name and address of the manager.

#### Section 32

The Employment and Economic Development Centre concerned shall be entitled on request to receive information from the fishing regions concerning the realization of their plans for use and management.

### Chapter 5 - **Fishing waters and fisheries of the State**

#### Section 33

- (1) The use of the private fishery of the State and the fishing rights belonging to the State, as well as engaging in fishing in water areas owned by the State and situated within village boundaries in the sea and inland waters and water areas bordered by forest lands of the State, shall be decided by the State authority under whose administration the fishery or water area lies.
- (2) When the State is a joint owner of jointly-owned fishing waters, the provisions of the Fishing Act concerning a joint owner of a fishing corporation and the rights and obligations of a partner in a jointly-owned water area shall apply to it with the exceptions provided for below and referred to in section 18(2) of the Fishing Act.

#### Section 34

- (1) A person belonging to the local population who does not have fishing rights based on a proprietary right or other particular legal relationship shall be entitled to receive a licence for fishing in a water area referred to section 33(1) belonging to the State. (1356/1993)
- (2) When the State is a joint owner of jointly-owned fishing waters, it may grant the licence referred to above concerning the fishing rights corresponding to its share. The fishing corporation concerned shall be informed by the authority granting of the licence. A fee fixed according to the basis confirmed by the fishing corporation shall be paid for the licence.

- (3) When the licences referred to above in this section cannot be granted to all who want them, priority shall be given to persons engaging in fishing professionally or for domestic needs.
- (4) When licences are granted and their use monitored, the provisions of section 1 of the Fishing Act shall be taken into account. Licences may be refused or fishing on the basis of a licence may be prohibited for a fixed period or it may be restricted when this is necessary for the purpose of transplanting, fish culture, scientific research or some other purpose relating to the use or management of the fishing waters. However, without permission from the Ministry of Defence, the right referred to above in subsection 1 does not apply to a water area which is under the control of the said Ministry, and where it is not safe, or, taking into account defence considerations, not desirable to move.

#### Section 34 a (1364/1997)

- (1) The licence entitling a permanent resident of the municipality of Enontekiö, Inari or Utsjoki to engage in fishing referred to in section 12(1) of the Fishing Act shall be granted by the authority referred to in section 33(1) or a regional authority under it acting in accordance with its instructions or a grantor of permits approved by the authority. The licence shall be granted for a maximum of three years at a time. The right based on the permit may not be transferred to anybody else.
- (2) Licences referred to in section 34(1) may be granted in the municipalities of Enontekiö, Inari and Utsjoki if this does not impair the circumstances of those fishing under the licence referred to in the Fishing Act, section 12(1).

#### Section 35

- (1) The licence giving the right to engage in fishing referred to in section 34 shall be granted by the authority referred to in section 33(1), or, in accordance with its directions, the regional or local authority or some other licence-grantor accepted by the said authority. The licence shall be granted for a fixed period and it shall contain the necessary stipulations concerning engaging in fishing and it shall mention that the licence may be cancelled if these provisions are not observed.

#### Section 36

The licence may be granted to a private person or a head of a household and his/her family or, when engaging in fishing for the purpose mentioned in section 34(3), so requires, to a fishing corporation formed by several persons. An association, a company or other society may also be granted the licence, on the conditions laid down in section 34, for fishing engaged in for a relatively short time in a competition or for a comparable purpose by the members,

shareholders or personnel of the society. The right based on the licence shall not be handed over to another person, nor shall another person not belonging to the family or catching collective referred to above, or who is not a member or shareholder of the society referred to above or does not belong to its personnel be allowed to take part in the fishing.

### Section 37

A fee shall be paid for the licence referred to above in section 34(1). The fee shall be fixed by the authority under whose control the fishing waters are in accordance with the provisions confirmed by the relevant Ministry. Further to local conditions, the management measures carried out in the area and required by fishing based on licence, as well as the extent and type of fishing, shall be taken into account when fixing the amount of the fee. A fee of the same amount shall be collected from all those who on the basis of a licence engage in fishing of the same kind in the same water areas, unless a discount is granted to a party for special reasons.

### Section 38

- (1) A licence granted for fishing in accordance with section 34 may be cancelled if the holder of the licence has exceeded his/her rights, engaged in fishing in a manner prohibited in the Fishing Act or otherwise violated the provisions mentioned in the licence or other prescriptions and stipulations concerning the fishery in question. The decision on cancelling the licence shall be made by the authority referred to in section 33(1).
- (2) The decision referred to above in subsection 1 may be appealed against in the sequence provided in the Administrative Judicial Procedure Act (586/1996). (1364/1997)

### Section 39

- (1) The fishing rights which concern the fishing waters and fisheries referred to in section 33(1), may, if the fishing possibilities of the local population and the productive capacity of the water body will not essentially suffer thereof, be leased out in accordance with the provisions of sections 16, 17, 19 and 20 of the Fishing Act. The period of lease shall be twenty years at most. The amount of rent shall be fixed taking into account the extent and productive capacity of the fishing waters, the type and quantity of the fishing gear used, the locality in which the fishing waters are situated and other matters affecting the extent and yield of the catch.
- (2) The tenant shall be obliged to take care of management and monitoring as stipulated in the lease.

- (3) The tenant may not sublease or in any other way hand over the fishing rights to another party without the permission of the authority concerned.

#### Section 40

The right to engage in angling and ice fishing as well as other fishing with hooks may, in accordance with the provisions of section 39, be leased to a society which serves the purpose of tourism or otherwise acts for the public good. The society shall under conditions laid down in the lease be obliged to allow those willing to engage in this kind of fishing, and its duty shall be to monitor that the fishing rights contained in the lease shall not be exceeded and that the provisions concerning fishing are observed when using the said right.

#### Section 41

- (1) The authority referred to above in section 33 may also grant permission to the holders of an office or a position in its service and employees with permanent employment who take care of the management of monitoring of the fishing waters referred to above to engage in fishing for their own needs free of charge in the said fishing waters in their territories. An equivalent permission may be granted also to the holders of an office or a position serving another authority who carry on the monitoring referred to in sections 96 and 99 of the Fishing Act.
- (2) When granting permission referred to in subsection 1, the authority shall include in the licence the provisions concerning the conditions and restrictions which are considered necessary in order to protect the fish stock and to secure the fishing possibilities of the local population and especially the interests of fishing engaged in professionally by the tenants.
- (3) The provisions of section 38 shall apply correspondingly to the fishing licence referred to above in this section.

#### Section 41 a (1364/1997)

In the municipalities of Enontekiö, Inari and Utsjoki, the authority referred to in section 33(1) above shall give the advisory committee referred to in section 14 a of the Fishing Act an opportunity to issue an opinion before the decision referred to in sections 37, 39, 40 or 41 is made.

#### Section 42

The special right belonging to the State under section 12 of the Fishing Act to catch salmon and sea trout shall not be an obstacle to using other fishing rights even when the State has leased a fishing place suitable for catching the said fish or granted permission to use it, but the place is not used for the said purpose.

### Section 43

- (1) The fishing rights that under special provisions belong to persons living on State land shall remain in effect. There are separate provisions on the right of Skolts to fish in the water areas of Näätamö and Nellimö. (1364/1997)
- (2) As regards restricting fishing in the waters of national parks and other nature reserves as well as in the hiking areas of the State referred to in the Outdoor Recreation Act (606/1973), the provisions in each separate case shall apply.

### Section 44

The holder of the licence referred to in this chapter shall carry the licence when fishing and present it on request to the party whose duty it is to monitor compliance with the provisions and stipulations concerning fishing.

### Section 45 (1356/1993)

The Rural Department of the Employment and Economic Development Centre shall have the right, for a particular reason, to allow an exception to the provisions of this chapter.

## Chapter 6 - **Monitoring of fishing**

### Section 46

- (1) Anybody storing, consigning, transporting or keeping for sale undersized fish or crayfish or fish or crayfish during their close season shall, on demand, produce his/her licence or demonstrate his/her right to do so in some other way.
- (2) The marking referred to in section 93 of the Fishing Act shall be carried out in the locality where the catch is sold or from where it is consigned by the chief of police or by his/her order in accordance with the instructions given by the Ministry of Agriculture and Forestry and using the marking devices supplied by the Rural Department of the Employment and Economic Development Centre. The marking shall be made on the transport or sales container. The party who requested the marking shall pay a fee ordered by the Ministry of the Agriculture and Forestry which shall be not more than 30 euros per container. (819/2001)

### Section 47

- (1) The form of the oath of the fishing supervisor referred to in section 97 of the Fishing Act shall be as follows: I, N.N., solemnly swear by God and his holy Gospel that I will industriously and conscientiously, impartially and without self-interest, according to my best understanding and ability fulfil my duty to

monitor fishing and compliance with the provisions concerning it. This I promise on my honour and conscience, so help me God.

- (2) A person who does not belong to any religious group or is prevented from taking the oath by the faith of his/her religious group shall make the following affirmation: I, N.N., affirm that I will industriously and conscientiously, impartially and without self-interest, according to my best understanding and ability fulfil my duty to monitor fishing and the compliance of the provisions concerning it. This I promise on my honour and conscience.
- (3) The badges and identity cards of the fishing supervisor, the forms of which will be confirmed by the Ministry of Agriculture and Forestry, shall be kept available in the Employment and Economic Development Centre.

#### Section 48

When fishing gear, a catch or a means of transport has been taken into safekeeping under section 101 of the Fishing Act, and the police authority has been notified of this, the authority shall make an entry of the notification on the list he/she keeps. On request, the authority shall be obliged to inform whether and when as well as by whom this kind of notification has been made.

#### Section 49

When fishing gear or a means of transport has in accordance with the provisions of the Fishing Act been declared forfeit to the State, or the catch or other goods shall, in accordance with sections 103 and 104 of the said Act, be sold by the authority, it shall be sold by public auction. If the value of the goods is negligible, or it is to be feared that the goods will be spoilt, they may be sold without holding an auction after two qualified persons have estimated their value.

#### Section 50 (819/2001)

The charge referred to in the Fishing Act section 102(2) shall be 30 euros for each consignment taken into safekeeping.

### Chapter 7 - **Miscellaneous provisions**

#### Section 51

- (1) A closed area shall be indicated by rectangular plates placed on the shore in suitable spots, on which the words 'closed area' shall be written in black letters on a white background. The boundary of the closed area in the water shall be marked by a black, stiff flag in the shape of a right-angled triangle, attached by one of the right-angle sides measuring 40 centimetres to a pole rising not less

than one and a half metres from the water, and the other right-angle side, measuring 30 centimetres, forms the lower edge of the flag. The boundaries of a closed area may, if necessary, be marked on the basis of the clarification referred to in section 45 of the Fishing Act on a cartogram, which shall be kept available to those who need it by the administrative board of the fishing region.

- (2) The boundaries between a fish passage and an area referred to in section 26 of the Fishing Act may, if necessary, be defined and marked on a map in the operation referred to in section 230 of the Land Partition Decree, the cost of which shall be paid from State funds if the Employment and Economic Development Centre applies for the operation. On land, the markings shall be made by using boundary signs, if necessary, and otherwise in compliance with the provisions of section 128 of the Land Partition Decree, as applicable. In the water, the sign of the boundary for these kinds of areas shall be a black, stiff flag in the shape of an isosceles triangle, the base of which shall be 30 centimetres and the sides 40 centimetres long, and which shall be attached from its base to a pole as laid down in subsection 1.

#### Section 51 a (1/1997)

Prohibition of lure fishing referred to in section 11(2) of the Fishing Act is applied for in writing from the Rural Department of the Employment and Economic Development Centre. The application shall be annexed with a clarification of the basis for applying the prohibition, and with a map indicating the boundaries of the area where lure fishing is prohibited.

#### Section 51 b (1/1997)

- (1) The areas where lure fishing referred to in section 8 of the Fishing Act is prohibited under section 11(2) of the Fishing Act shall be marked with clearly visible signs on which the words 'lure fishing as laid down in section 8 of the Fishing Act is prohibited' shall be written in black letters on a yellow background and placed on the shores or shore line in the immediate proximity of an urban populated area. Marking the prohibited area is conducted by the Rural Department of the Employment and Economic Development Centre. All the boundaries of the prohibited lure fishing region shall be marked on a cartogram which shall be available in the Rural Department of the Employment and Economic Development Centre.
- (2) The Rural Department of the Employment and Economic Development Centre shall define the rapids and currents in waters that contain salmon and powan referred to in section 8 of the Fishing Act and shall mark them on the maps on view in the Rural Department of the Employment and Economic Development Centre. The rapids and currents in waters that contain salmon and powan which are situated in the immediate proximity of a busy public road shall be marked in the terrain with plates placed at visible spots.

#### Section 52 (336/1998)

- (1) The fishery fee and the lure fishing fee shall be paid to separate giro accounts of the Ministry of Agriculture and Forestry. A payment receipt or a receipt certified by an agent approved by the Ministry of Agriculture and Forestry or the Employment and Economic Development Centre showing on whose behalf the fee has been paid are regarded as certificates of payment of the fishery fee and the lure fishing fee. A short-term fishery fee and lure fishing fee are in effect for seven days starting from the date of payment or another date entered separately on the payment receipt.
- (2) The agent approved by the Ministry of Agriculture and Forestry and the Employment and Economic Development Centre referred to in subsection 1 must render an account to the State of the fishery fees and lure fishing fees it has collected each calendar month retrospectively, as prescribed by the Ministry of Agriculture and Forestry or the Employment and Economic Development Centre.

#### Section 53 (1/1997)

- (1) The obligation to pay the fishery fee laid down in section 88(1) of the Fishing Act shall concern all persons between the ages of 18 and 64 who take part directly in the fishing. The fishery fee shall not be collected from those persons who participate in fishing only as assistants without taking part in the handling of the fishing gear in connection with the fishing.
- (2) Those under 18 or over 65 years of age who under section 88(1) of the Fishing Act are allowed to engage in catching fish and crayfish without paying the statutory fishery fee or under section 88(2) of the Fishing Act in lure fishing without paying the lure fishing fee, shall prove their age in a reliable way, as necessary.

#### Section 54

When fixing the fee in accordance with section 9(1) of the Fishing Act, the local conditions, the fish stock of the fishing waters, management measures carried out or to be carried out in favour of the fish stock, the impact caused by fishing and the type of fishing shall be taken into account.

#### Section 55 (1356/1993)

The fishing region shall inform the Rural Department of the Employment and Economic Development Centre and police authorities in question about the decisions it has made under section 26(2) and (4), section 32(2) and (3), section 35(2), section 37(2), section 43(1), and section 46(2) of the Fishing Act. The

Rural Department of the Employment and Economic Development Centre shall inform the fishing regions and police authorities in question about the decisions made under section 37(1) and section 38 of the Fishing Act.

#### Section 56

- (1) The decisions given by the Employment and Economic Development Centre and the fishing region in accordance with the Fishing Act, as well as other announcements they issue, shall be made public in the municipalities concerned as is laid down in provisions on public notices and, if necessary, published in a newspaper issued generally in the area and notified to the authorities referred to in section 96 of the Fishing Act.
- (2) As long as the decision referred to in subsection 1 is valid, the announcement concerning it shall be repeated annually.

Section 57 has been repealed.

#### Section 58

When there is uncertainty about the boundaries of fishing waters belonging jointly to several estates referred to in section 3 of the Fishing Act, the fishing corporation or its joint owner may apply for demarcation of boundaries in accordance with the Land Partition Act.

#### Section 59

Further provisions concerning the application of this Decree shall be given by the Ministry of Agriculture and Forestry, if necessary.

#### Section 60

This Decree enters into force on 1 January 1983.