

Forest Act

(1093/1996; amendments up to 567/2014 included)

Chapter 1 – General provisions

Section 1 – Purpose of the Act

- (1) The purpose of this Act is to promote economically, ecologically and socially sustainable management and utilisation of forests in order that the forests produce a good output in a sustainable way while their biological diversity is being preserved.

(1085/2013)

Section 2 – Scope of application

- (1) This Act applies to the management and utilisation of forests in areas classified as forestry land. The Act is not, however, applicable:
 - 1) in protected areas established under the Nature Conservation Act (1096/1996), areas purchased by the State for nature protection purpose, or other State-owned areas managed in accordance with a protection decision of Metsähallitus or other authority administering State lands;
 - 2) in areas designated as protection areas under the Land Use and Building Act (132/1999); (137/1999)
 - 3) in areas referred to in the Act on Wilderness Reserves (62/91) other than those specified in section 12(1) of this Act;
 - 4) in areas covered by a local detailed plan except for areas designated for agriculture and forestry;
 - 5) in areas subject to action restriction for detailed planning purposes;
 - 6) in an area covered by a master plan with legal effect except for areas designated for agriculture and forestry and for recreational use;
 - 7) in target areas of the firing areas of the Defence Forces.
- (2) In addition to this Act, the provisions laid down in sections 1, 4, 5 and 13–16 of the Antiquities Act (295/1963), 5 a, 9, 29-35, 39, 42, 47-49, 55, 56 and 57 a and in Chapter 10 of the Nature Conservation Act or in other law shall also apply to the management and utilisation of forest. The provisions on the establishment of nature conservation areas, incorporation of areas to nature conservation areas and protection of natural monuments are laid down in the Nature Conservation Act.
- (3) The provisions of this Act notwithstanding, damaged trees shall be removed as laid down in the Forest Damages Prevention Act (1087/2013).

(1085/2013)

Section 2 a – Definitions

- (1) In this Act:
 - 1) *wood harvesting* means felling or cutting of trees and transportation of wood from the treatment area to intermediate storage;

- 2) *regeneration felling* means wood harvesting where the treatment area is felled to result in an open area except for the retention, seed or shelter trees left, where necessary, to produce a new tree stand;
- 3) *intermediate felling* means wood harvesting done for the purpose of growing the tree stand remaining in the area or, in addition to this, in a way that promotes the creation of new seedling material;
- 4) *treatment area* means a stand compartment or area delimited on a map where the same kind of felling or other forest management operations are for the most part undertaken in the whole area;
- 5) *cultivation* means forest regeneration by planting seedlings suitable to the site or sowing seed suitable to the site;
- 6) *natural regeneration* means forest regeneration by means of seed or shelter trees in the treatment area or by utilising seed-producing margin forest;
- 7) *forest harvester* means the landowner or, where the felling right has been conveyed to another party, the holder of the felling right.

Section 3 – *Changing the form of land use*

- (1) This Act does not prevent forestry land from being adopted for other purposes.
- (2) When the adoption of forestry land for other forms of land use involves an operation for which a permit from the authorities is required, the provisions of this Act apply to the area until the decision concerning the granting of the permit has gained legal force, or until the authorising body has within its competence given its consent to such an operation.
- (3) If forestry land which has been notified to be adopted for other purposes has not been adopted for this purpose within four years of the end of felling or other operations, the provisions of this Act apply to the area and to the felling or other operations carried out in the area. (1085/2013)
- (4) If felling or other operations referred to in subsection 3 are found to have taken place contrary to the provisions of this Act, consideration shall be given in connection with the consideration of prosecution and assessment of remedial measures whether there has been actual intent to use the area for other purposes and whether cancellation has resulted from unforeseeable obstacles or reasons which could not have been prepared for within reason.

Section 4 has been repealed by 1085/2013

1085/2013

Section 4 a – *Forest plan*

- (1) Forest plan means an up-to-date plan concerning the wood resources and status, nature values and management and use of forests in one or several forest properties of the forest owner.
- (2) Operations presented in the forest plan may not be contrary to the provisions concerning the management and use of forests in force at the time when the plan was prepared.
- (3) A forest plan that fulfils the requirements in subsection 1 above is a plan referred to in section 31 of the Act on Jointly-Owned Forests (109/2003), section 10(1)(1) of the Act on Forest Management Associations (534/1998) and section 117 of the Church Order of the Finnish Orthodox Church (174/2007).
- (4) Where necessary, further provisions on the updating, content and revision of the plan are laid down by Government decree.

Chapter 2 – **Wood harvesting and forest regeneration**

(1085/2013)

Section 5 – *Intermediate felling and related regeneration obligation*

- (1) Intermediate felling shall be done such a way that after the intermediate felling a sufficient and evenly distributed stand with growth potential is left in the treatment area. Matters to be taken into account in assessing the sufficiency of the stand with growth potential to be left in intermediate felling include the geographical location of the treatment area, site, method of implementing the intermediate felling and dominating height, which means the arithmetic mean of the one hundred thickest trees within a hectare.
- (2) Intermediate felling involves forest regeneration obligation if the volume and status of the remaining stand is not sufficient for creating a new stand. Regeneration obligation is fulfilled when a seedling stand has been produced in the area as specified in section 8.
- (3) If there is a seedling stand referred to in section 8 within the treatment area the area composed of the seedling stand is not taken into account when assessing the sufficiency of the stand in the treatment area.
- (4) Further provisions on the sufficient status, volume and distribution of the stand with growth potential in accordance with the method of implementing the intermediate felling in different parts of the country and different kinds of sites are laid down by Government Decree.

(1085/2013)

Section 5 a – *Regeneration felling and related regeneration obligation*

- (1) The termination of regeneration felling involves forest regeneration obligation. Regeneration felling is considered terminated when an open area of more than 0.3 hectares has been created in the treatment area as a result of wood harvesting. Regeneration obligation is fulfilled when a seedling stand has been produced in the area as specified in section 8.
- (2) Regeneration obligation referred to in subsection 1 above is not applicable in drained peatland forests with low wood production potential where the annual stemwood growth is less than one cubic metre per hectare. In such a case a stand that enhances biodiversity shall be left in the treatment area. Regeneration obligation is also not applicable in an area where a mire which used to be open or have a thin stand or a heritage environment is restored on the basis of a plan approved by the regional unit (hereinafter the Forestry Centre) of the Finnish Forestry Centre or an authority.
- (3) Where necessary, further provisions on peatlands considered having low wood production potential and the stand to be left on these and procedures when applying for approval for restoration are laid down by Government Decree.

(1085/2013)

Section 5 b – *Felling at special sites*

- (1) If the site where felling is to be carried out is of special importance in terms of the preservation of forest biodiversity or in respect to the landscape or multiple use of forests, felling may be carried out in a manner required by the special nature of the site.
- (2) Forest used for research, teaching or other special purposes may be treated in a manner required by its purpose of use.
- (3) The operations in the treatment area implemented in special sites and the grounds for these shall be presented in the forest use declaration.

(1085/2013)

Section 6 – *Implementation of wood harvesting*

- (1) Wood harvesting shall be implemented in a way that any damage to the stand left growing in the treatment area and outside the treatment area is avoided. In addition, any damage to the terrain that weakens the growing conditions of the stand shall be avoided.

- (2) Where necessary, further provisions on when a tree is to be considered as damaged, number of damaged trees and damage to the terrain are laid down by Government Decree.

(1085/2013)

Section 7 – *Responsibilities of the forest harvester and planner*

- (1) In wood harvesting and the associated operations the forest harvester shall ensure for his or her own part that the provisions of this Act are complied with.
- (2) If there is plan for a stand marked for harvesting attached to the forest felling contract which steers the implementation of the felling and contains information on the planned fellings according to method of felling and known habitats of special importance referred to in section 10(2) with delimitations on the map, one who prepared the plan for a stand marked for harvesting is responsible for the compliance of the plan for a stand marked for harvesting with this Act. One who prepared the plan for a stand marked for harvesting assumes the responsibility by signing the plan for a stand marked for harvesting or by other certification procedure.
- (3) Matters to be taken into account when assessing the responsibility of the forest harvester and one who prepared the plan for a stand marked for harvesting include whether the felling carried out has been based on the plan for a stand marked for harvesting referred to in subsection 2 and whether the forest harvester has been notified of habitats of special importance referred to in section 10(2) as specified in section 7 a.
- (4) Where necessary, further provisions on the content of the plan for a stand marked for harvesting are laid down by Decree of the Ministry of Agriculture and Forestry.

(1085/2013)

Section 7 a – *Notification obligation of the landowner and Forestry Centre*

- (1) When conveying the felling right the landowner is obliged to notify the buyer of the felling right of any information entered to the forest use declaration on habitats of special importance referred to in section 10(2) to be taken into account in felling. If a representative of the landowner gives the forest use declaration, a similar notification obligation applies to the representative.
- (2) The Forestry Centre shall notify the landowner, representative of the landowner known to it and holder of the felling right immediately if a forest use declaration has been submitted to the Forestry Centre where in the treatment area or in its vicinity there is or it is concerned by one of the following, known to the Forestry Centre:
 - 1) a habitat of special importance referred to in section 10(2);
 - 2) decision concerning the occurrence of a species under strict protection or a protected habitat referred to in the Nature Conservation Act;
 - 3) area included in the Natura 2000 network; or
 - 4) other similar site based on a decision submitted by an authority.
- (3) The Forestry Centre shall notify the Centre for Economic Development, Transport and the Environment immediately of a forest use declaration it has received if a decision referred to in paragraph 2 or 3 of subsection 2 applies to the treatment area concerned in the declaration or part of it.
- (4) The landowner or his or her representative shall notify the holder of the felling right of information referred to in subsection 2 received from the Forestry Centre.

(1085/2013)

Section 8 – *Fulfilling the regeneration obligation*

- (1) The forest regeneration obligation has been fulfilled when a seedling stand has been produced in the treatment area no later than 10–25 years from the termination of the wood harvesting which gave rise to the obligation, depending on the geographical location of the area. A seedling stand is considered to have been produced when it is sufficiently dense, the seedlings are evenly distributed, their average height is 0.5 metres, and their development is not immediately threatened by other vegetation.
- (2) The regeneration may be implemented by cultivation or natural regeneration. Where necessary, any trees and shrubs that may hinder the growth of the seedling stands shall be cleared in connection with the regeneration, excessive growth of hay and grasses shall be prevented, soil surface shall be treated and water economy shall be seen to. Where necessary, in addition to the afore-mentioned establishment operations, supplementary planting of seedlings or sowing and other after-treatment shall be seen to. When using natural regeneration the preconditions must exist for seedlings to appear and grow in the treatment area.
- (3) The establishment operations to produce a seedling stand shall be completed within three years from the termination of the wood harvesting which gave rise to the obligation.
- (4) If restrictions on operations concerning forestry set in a landscape work permit referred to in the Land Use and Building Act targeted to an area under paragraphs 4–6 of section 2(1) are such that compliance with these does not allow to fulfil the forest regeneration obligation under this Act, this Act is considered to have been complied with. The obligation referred to in subsection 1 above lapses if no seedling stand has been produced in the area in spite of operations that are to be considered reasonable.
- (5) Further provision on the time limits for producing a seedling stand referred to in subsection 1 according to the geographical location and conditions for natural regeneration are laid down by Government Decree. Provisions on a sufficient density of a seedling stand and other assessment criteria, operations that are to be considered as reasonable for producing a seedling stand and operations for establishing a seedling stand on different kinds of sites are also laid down by Government Decree.

(1085/2013)

Section 8 a – *Tree species to be used in forest regeneration*

- (1) In forest regeneration referred to in section 8(1) above a seedling stand may be established with seedlings or seed of pine, spruce, silver birch, aspen, Siberian larch, maple, common alder, oak, European white elm, Scotch elm, littleleaf linden, ash and hybrid aspen suitable as regards their origin and the site. A seedling stand may be established with seedlings or seed of downy birch only in peatland, paludified sections of mineral soils and compact soils dominated by clay or silt. In other sites downy birch may be used as a supplementary tree species depending on its site and the geographical location of the area.
- (2) If a seedling stand is established with tree species other than those listed in subsection 1, a sufficient account shall be given in the forest use declaration on their usability for being grown and suitability of their origin with regard to the conditions in the area to be regenerated.
- (3) Further provisions on the use of downy birch as a supplementary tree species are issued by Government Decree.

(1085/2013)

Section 9 – *Responsibility for the regeneration obligation*

- (1) The landowner shall fulfil the regeneration obligation laid down in section 8.
- (2) When the right of ownership of a real estate or other area is transferred, the regeneration obligation under section 8 is transferred to the new owner.

- (3) To the extent that the right of possession, right of use or other special right concerning a real estate or other area which includes the right to carry out a regeneration felling is held by a party other than the landowner, the responsibility for fulfilling the regeneration obligation also rests with the holder of such right, unless otherwise agreed on or required, or unless there are special reasons considering the prevailing conditions why it is reasonable to place the obligation on the landowner in lieu of the holder of such right. When the landowner has conveyed only the forest felling right, fulfilling the regeneration obligation rests with the landowner.

Chapter 3 – Safeguarding the biodiversity of forests

(1085/2013)

Section 10 – *Preserving biodiversity and habitats of special importance*

- (1) Forests shall be managed and used in such a manner that the general conditions for the preservation of habitats important for the biological diversity of forests are safeguarded.
- (2) Habitats of special importance in terms of biodiversity are sites in their natural or semi-natural state which can be clearly distinguished from the surrounding forest nature. The characteristic features of such sites include:
 - 1) the immediate surroundings of springs, brooks, rivulets constituting a permanent water flow channel, and ponds of less than 0.5 hectares whose characteristic features include the special growing conditions and microclimate due to the closeness of water and tree and shrub layer;
 - 2) the following mire habitats listed in points a–e where the shared characteristic feature is the natural or semi-natural water economy:
 - a) herb-rich and grassy hardwood-spruce swamps where the characteristic features include luxuriant and demanding vegetation, uneven-aged stand and shrub vegetation;
 - b) unbroken hardwood-spruce swamps with wood horsetail and cloudberry where the characteristic features include uneven-aged trees stand and dominance of uniform wood horsetail or cloudberry vegetation;
 - c) fens where the characteristic features include nutrient-rich soil, very little of tree stand and demanding vegetation;
 - d) wasteland and scrubland swamps with very little tree stand; and
 - e) flood meadows where the characteristic features include uneven-aged deciduous tree stand or shrub vegetation and permanent impact of surface waters;
 - 3) luxurious herb-rich forest patches where the characteristic features include herb-rich forest soil, demanding vegetation and natural or semi-natural state tree stand and shrub vegetation;
 - 4) heathland forest islets located in undrained peatlands or peatlands where the natural water economy has for the most part remained unchanged;
 - 5) gorges and ravines in the bedrock or furrowed in mineral soil with steep slopes, as a rule more than 10 metres deep where the characteristic features include a typical vegetation deviating from the other surroundings;
 - 6) steep bluffs as a rule more than 10 metres high and the forest lying directly underneath;
 - 7) sandy soils, exposed bedrock and boulder fields with lower wood production potential than in heathland forest with extremely barren soil where the characteristic features include a sparse tree stand.
- (3) The habitats of special importance referred to in subsection 2 are small in area or have little significance for forestry purposes. The provisions in section 11 are taken into account when assessing the economic value of a habitat.

- (4) Where necessary, further provisions concerning the natural or semi-natural state and characteristic features of habitats of special importance are laid down by Government Decree.

(1085/2013)

Section 10 a – *General principles for treatment of habitats and prohibited operations*

- (1) In habitats of special importance referred to in section 10(2) above cautious management and utilisation operations may be undertaken where the characteristic features of the habitats are preserved or reinforced. In the operations the special water economy, stand structure, old hold-over trees and dead and decaying trees shall be preserved and the vegetation, variability of the terrain and the soil type shall be taken into account.
- (2) Management and utilisation operations that reinforce the characteristic features include systematic nature management operations and operations to restore the site to its natural state. Management and utilisation operations that preserve the characteristic features include cautious fellings by picking individual trees, digging of isolated patches with a hoe and planting of seedlings of trees that belong to the native flora of Finland and sowing seed of such trees. When exercising special caution timber may be transported in habitats of special importance and a channel of a brook may be crossed if this does not endanger the preservation of the characteristic features.
- (3) Action that may not be taken in habitats of special importance include regeneration felling, forest road construction, treatment of soil surface that may damage vegetation characteristic to the site, ditch drainage, cleaning of brooks and rivulets and use of chemical pesticides.

(1085/2013)

Section 10 b – *Treatment of specific habitats*

- (1) In habitats of special importance referred to in paragraphs 1 and 2 of section 10(2) above cautious fellings by picking individual trees may be undertaken which preserve the stand in its natural or semi-natural state in a way that the natural or semi-natural water economy of the habitat does not change.
- (2) In luxuriant herb-rich forest patches the structure of the stand in the habitat shall be preserved so that only cautious fellings by picking individual trees are undertaken in connection with the management and utilisation operations.
- (3) No wood harvesting may be done in steep bluffs and the forest lying directly underneath.
- (4) In sandy soils, exposed bedrock and boulder fields cautious fellings by picking individual trees may be undertaken so that the old as well as dead and decaying trees are preserved.
- (5) Where necessary, further provisions on the preservation of the stand structure and layers, viability of the shrub layer and soil water economy in the area of habitats of special importance referred to in section 10(2) are laid down by Government Decree.

(1085/2013)

Section 11 – *Derogation*

- (1) If fulfilling the obligations or complying with the restrictions referred to in sections 10 a and 10 b cause a reduction in forest yield or other financial loss or harm which is not minimal to the landowner or holder of the right of possession or other such special right, the Forestry Centre shall, upon application by the landowner or holder of the special right, grant a derogation allowing to carry out management or utilisation operations in a way that the loss to the party concerned remains minimal.
- (2) The loss is considered minimal if the financial loss caused by restrictions on the use of sites under section 10 is less than four percent of the value of the marketable stand of the party

applying for the derogation in the forest property in which the treatment area is located, or less than 3,000 euros.

- (3) However, a derogation may not be granted if environmental aid under the legislation concerning the financing of sustainable forestry or otherwise sufficient support from State funds has been granted or will be granted for the operation in question. If the financial loss is greater than minimal and the need for a derogation cannot be avoided by means of environmental aid, the habitat of special importance referred to in section 10(2) shall be treated in a way that its most valuable part is preserved.
- (4) Further provisions on determining the value of the marketable stand are laid down by Government Decree.

Chapter 4 – **Timberline forests and protection zones**

(1085/2013)

Section 12 – *Forest management in timberline forests*

- (1) By Government Decree an area where preservation of the forest is necessary to prevent the retreat of the timberline may be designated as a timberline forest area. In a timberline forest area, special caution must be exercised in the management and utilisation of forest in order that the operations do not cause retreat of the timberline. Further provisions on the management and utilisation of forest and monitoring of regeneration in timberline forest area may also be issued by Government Decree. Landowners, the relevant municipality and other authorities shall be heard prior to the issue of the Government Decree. In addition, prior to the issue of the Government Decree negotiations shall be held with the Sami Parliament as specified in the Sami Parliament Act (974/1995).
- (2) If required by specific local circumstances the Ministry of Agriculture and Forestry may restrict or completely prohibit the acquisition of wood for household use in a timberline forest area. Compensation in accordance with the felling value of the stand shall be paid to the landowner or holder of the right of possession or other such special right for restrictions on the acquisition of wood for household use. No compensation shall be paid to Metsähallitus or other holder of the land property of the State. The compensation is granted by the Forestry Centre upon application.
- (3) It is the task of the Natural Resources Institute Finland, with assistance from the Forestry Centre, to monitor the regeneration of timberline forest areas. (567/2014)

(1085/2013)

Section 13 – *Protection zones*

- (1) If the preservation of a forest for the protection of settlements or cultivated areas on islands or shores along the coast or in inland waters that are highly exposed to the wind or on high slopes or steep bluffs or to prevent landslides calls for more severe restrictions on forest use than laid down in this Act, the Ministry of Agriculture and Forestry may decide on the designation of small, the most vulnerable areas in regard to preservation of forest and its sheltering effect as protection zones and include regulations on forest utilisation necessary for preserving the forest to be allowed in the protection zones. The parties referred to in section 12(1) shall be heard before the issue of the decision.

Chapter 5 – **Supervision and sanctions**

(1085/2013)

Section 14 – *Forest use declaration* (1224/1998)

- (1) The landowner or holder of the right of possession or other such special right or a party authorised by this shall make a forest use declaration to the Forestry Centre concerning the intended intermediate felling, regeneration felling, felling to be carried out due to forest damage and other felling in the treatment area and treatment of habitats of special importance referred to in section 10 (2). In the case of intermediate felling the implementation method shall be declared by individual compartments. In the case of regeneration felling the method of regeneration shall also be declared. In the case of felling due to forest damage the cause of damage shall also be declared.
- (2) However, forest use declaration need not be made on the following fellings unless they are targeted to a habitat of special importance referred to in section 10(2):
 - 1) felling for household use;
 - 2) felling of small-sized tree stand;
 - 3) felling in the margin zones of power lines and railways or felling for a ditch, water pipe or sewer line or felling of small areas of a road, electricity or other similar line.
- (3) The declaration is considered to have been submitted to the Forestry Centre when it has arrived at an office of the Forestry Centre or when the declaration or corresponding information has been delivered to an official of the Forestry Centre. The forest use declaration shall be revised before the implementation of the operation if the felling method or treatment area changes significantly from that declared earlier. One forest use declaration may contain several different treatment areas.
- (4) A declaration shall be submitted no later than ten days and no sooner than three years before felling or other operation is started. The Forestry Centre may grant a derogation from the above time limits upon application.
- (5) If it is a question of forest damage that has caused significant damage in the living stand, the application for a derogation from the time limits for making the forest use declaration laid down in subsection 4 is not required, unless it is a question of a habitat of special importance referred to in section 10(2). In such a case the damaged area shall be shown to the Forestry Centre and, for the most part, trees in the treatment area that were felled or damaged or which died due to the forest damage shall be harvested.
- (6) Further provisions on the felling of small-sized stand are laid down by Government Decree. Provisions on the declaration of the treatment of habitats of special importance referred to in section 10(2) in the forest use declaration and other information to be declared in the said declaration are laid down by Decree of the Ministry of Agriculture and Forestry.

Section 14 a has been repealed by 1085/2013

(1478/2009)

Section 14 b – Procedure for declaration concerning flying squirrel

- (1) If a forest use declaration received by the Forestry Centre concerns a breeding and resting site of flying squirrel referred to in the document delivered to the Forestry Centre by the Centre for Economic Development, Transport and the Environment, the Forestry Centre shall immediately notify the Centre for Economic Development, Transport and the Environment, landowner and the known representative of the landowner and holder of the felling right of this.

(1085/2013)

Section 14 c – Advance information concerning a habitat of special importance

- (1) Prior to felling or other treatment of forest the landowner or holder of the felling right authorised by the landowner may apply to the Forestry Centre for advance information relating to the forest use declaration on whether the site concerned is a habitat of special importance

referred to in section 10(2) and whether the declared treatment of forest is in accordance with section 10 a and 10 b.

- (2) The Forestry Centre shall comply with the advance information it has given when supervising the compliance with this Act. The advance information shall be complied with as long as the launch of felling or other operation is possible on the grounds of a forest use declaration referred to in subsection 1.
- (3) An application concerning advance information shall be processed as urgent, with due account for the circumstances. If felling or other treatment of forest referred to in the forest use declaration is started on the site concerned in the application before the advance information is given, the processing of the matter lapses. Further provisions on the information to be given in the application may be laid down by Decree of the Ministry of Agriculture and Forestry.

(1085/2013)

Section 15 – *Negotiation obligation*

- (1) If there is reasonable cause to suspect that felling or other operation which has been planned, initiated or implemented is contrary to this Act or provisions issued under it or that a seedling stand referred to in section 8 could not be produced after regeneration felling in a way stated in the forest use declaration, the Forestry Centre shall try to negotiate with the landowner or the holder of the right of possession or other such special right and, where necessary, with the holder of the forest felling right in order to bring about the necessary changes. The landowner shall present a plan of the remedial measures upon request of the Forestry Centre.
- (2) Where necessary, further provisions on the content of the plan to be requested from the landowner are laid down by Government Decree.

(315/2007)

Section 16 – *Prohibition of treatment*

- (1) If negotiations referred to in section 15 have not started for reasons beyond the control of the Forestry Centre or the negotiations have failed and there is reasonable cause to suspect that the felling or other operation which has been planned, initiated or implemented is contrary to this Act or provisions issued under it, the Finnish Agency for Rural Affairs may, upon proposal by the Forestry Centre, prohibit the operation for an indefinite or specified time period. Prohibition of treatment may also be issued if the forest use declaration has not been submitted within the time limit specified in section 14. (1085/2013)
- (2) Prohibition of treatment is issued to the extent deemed necessary. The written decision concerning prohibition of treatment shall be brought to the attention of the landowner and holder of the forest felling right or other special right without delay. The Finnish Agency for Rural Affairs may, upon proposal by the Forestry Centre, enforce its decision with a notice of a conditional fine, to which the Act on Conditional Imposition of a Fine applies (1113/90). In the decision it may be provided that the decision shall be complied with in spite of appeal, unless otherwise provided by the appellate authority.
- (3) The Finnish Agency for Rural Affairs shall remove the prohibition of treatment if the grounds for the prohibition cease to exist.

(315/2007)

Section 16 a – *Temporary prohibition of treatment*

- (1) If the conditions for a prohibition of treatment referred to in section 16(1) are fulfilled and there are weighty reasons for this, the Forestry Centre may issue a temporary prohibition of felling or other operation for the maximum period of 30 days.

- (2) Temporary prohibition of treatment is issued to the extent deemed necessary. The written decision concerning temporary prohibition of treatment shall be brought to the attention of the landowner and holder of the forest felling right or other special right and the Finnish Agency for Rural Affairs without delay. The decision concerning temporary prohibition of treatment shall be complied with in spite of appeal, unless otherwise provided by the appellate authority.
- (3) Temporary prohibition of treatment shall be submitted to the Finnish Agency for Rural Affairs for decision without delay and within no more than two weeks. The prohibition lapses if the Finnish Agency for Rural Affairs has not issued the decision referred to in section 16 or maintained the temporary prohibition of treatment within 30 days from the issue of the prohibition.
- (4) The Forestry Centre shall remove the temporary prohibition of treatment if the grounds for the prohibition cease to exist.

Section 17 has been repealed by 1085/2013

(520/2002, 552/2004)

Section 18 – *Forest offence and forest infringement*

- (1) The punishment for a forest offence is laid down in Chapter 48 a, section 3 of the Penal Code (39/1889).
- (2) One who deliberately or through gross negligence
 - 1) neglects the forest use declaration laid down in section 14 or submits the declaration after the set time limit;
 - 2) violates the provision on wood harvesting in section 6 or a provision issued under it;
 - 3) violates the provision concerning the establishment of a new tree stand in section 8 or a provision issued under it;
 - 4) carries out a management or utilisation operation targeted at a habitat of special importance in terms of forest biodiversity referred to in section 10(2) contrary to section 10 a or 10 b or a provision issued under section 10 b or without a permit or contrary to a permit condition; or
 - 5) prepares a plan for a stand marked for harvesting referred to in section 7 that is contrary to the provisions of this Act and under which wood harvesting is carried out
 shall be sentenced to a fine for *forest infringement*, unless a more severe punishment is laid down in other law.
- (1085/2013)*
- (3) Unless a more severe punishment is laid down in other law, one who deliberately or through gross negligence violates the provision concerning forestry in timberline forests in section 12(1 or 2) or a regulation of the Ministry of Agriculture and Forestry issued under section 12(3) or section 13 and the infringement is a minor one shall also be sentenced for forest infringement.

(552/2004)

Section 18 a – *Preventing forest felling*

- (1) One who with the intent of disturbing forest felling carried out in accordance with this Act is unlawfully present within the immediate surroundings of a felling site when the felling is under way so that the felling is prevented shall be sentenced to a fine for *preventing forest felling*, unless a more severe punishment is laid down in other law.

(881/2001)

Section 19 – *Forfeiture*

- (1) The provisions laid down in Chapter 10, section 2 of the Penal Code apply to forfeiture to the State of the financial benefit arising from an offence referred to in section 18 above. Costs of remedial measures referred to in section 20 are deducted from the financial benefit to be forfeited.
- (2) In addition, the provisions laid down in Chapter 10 of the Penal Code apply, as appropriate.

Section 20 – Remedial measures

- (1) One who treats a forest contrary to the provisions laid down in section 5, 5 a, 5 b, 10 a or 10 b, or 12(1 or 2), or the provisions issued under these or the regulations issued under section 13, or neglects the obligation concerning the establishment of a new tree stand, is obliged to remove the effects of the illegal operations or to restore the original conditions to an extent that is possible at reasonable cost. If the regeneration obligation laid down in section 8 has not been fulfilled, the party concerned shall implement the necessary new establishment operations or other after-treatment as the remedial measure. (1085/2013)
- (2) If agreement concerning the remedial measures referred to in subsection 1 is not reached between the Forestry Centre and the party concerned or if the said party does not comply with a contract concerning their implementation, the Finnish Agency for Rural Affairs may, upon proposal by the Forestry Centre, oblige the party concerned to carry out the necessary measures. The Finnish Agency for Rural Affairs may enforce its decision with a notice of a conditional fine or notice of enforced compliance at the cost of the said party. The Finnish Agency for Rural Affairs may also decide that the Forestry Centre carries out or commissions the necessary measures at the cost of the said party. The Act on Conditional Imposition of a Fine applies to the notice of a conditional fine and notice of enforced compliance. (315/2007)
- (3) If a party other than the party concerned owns the real estate or is authorised to make decisions concerning the matter by virtue of a special right, the consent of this party to the contract concerning remedial measures shall be obtained. If the landowner or holder of a special right does not give its consent that the Finnish Agency for Rural Affairs may oblige the party which violated the law to carry out the necessary measures, the Finnish Agency for Rural Affairs may, upon proposal by the Forestry Centre, decide that the Agency or the Forestry Centre carries out or commissions the necessary measures at the cost of the said party. The costs incurred in carrying out the measures are paid in advance from State funds and the Finnish Agency for Rural Affairs may recover them from the party concerned through execution as laid down in the Act on the Enforcement of Taxes and Charges (706/2007). (1085/2013)
- (4) If the misdemeanour is a minor one, the proceedings may be dropped.

Section 21 – Right of lien

- (1) In cases where the costs relating to commissioning the undertaking of operations concerning the establishment of a new tree stand referred to in section 20(2) are paid from State funds and when the responsibility for ensuring the establishment of a new tree stand rests with the owner of the real estate for the benefit of whom the operations are performed, the real estate is lodged as a security for the repayment of the said costs to the State, as laid down in Chapter 20 of the Land Code (540/95).
- (2) The Forestry Centre may give its consent to a change or withdrawal of registration for the part of real estate formed by partitioning from the real estate lodged as security. Consent may only be given if the recovery of the State receivable is not endangered owing to the termination of the right of lien.

(822/2010)

Section 21 a – Executive assistance by the police

- (1) Where necessary, the police is obliged to provide executive assistance in matters concerning the enforcement of this Act and supervision of compliance with it.

(822/2010)

Section 22 – Report to the police

- (1) If the Forestry Centre has probable cause to suspect that a deed of neglect referred to in section 18 has taken place, it shall report the matter to the police for preliminary investigation. The reporting may, however, be waived if the deed or neglect is a minor one considering the circumstances and the public interest does not require further investigation of the matter.

(822/2010)

- (2) The Forestry Centre shall be given the opportunity to be heard in the pre-trial investigation and in the court of first instance in a matter on which the Forestry Centre has filed notification of prosecution.

Chapter 6 – Miscellaneous provisions

(1085/2013)

Section 23 – Appeal

- (1) A decision of the Forestry Centre and Finnish Agency for Rural Affairs under this Act may be appealed to the Administrative Court as laid down in the Administrative Judicial Procedure Act (586/1996), unless otherwise provided elsewhere in this Act. The competent Administrative Court is the Administrative Court in whose judicial district most of the forestry land concerned is located.
- (2) In addition to the provisions on appeal laid down separately, the Forestry Centre has the right to appeal a decision of the Finnish Agency for Rural Affairs made under this Act if the decision of the Finnish Agency for Rural Affairs deviates from the proposal of the Forestry Centre.
- (3) A decision of the Administrative Court may only be appealed if the Supreme Administrative Court grants a leave to appeal. The Forestry Centre has the right to appeal a decision of the Administrative Court if the Administrative Court has changed or repealed a decision of the Forestry Centre or Finnish Agency for Rural Affairs.

(1085/2013)

Section 23 a – Exemption of certain operations from charges

- (1) By way of derogation from the provisions laid down in section 26 of the Act on the Finnish Forestry Centre (418/2011), the forest use declaration and the advance information on a habitat of special importance referred to in section 10(2) of this Act are free of charge.

Section 24 – Steering and supervision of implementation

- (1) The ministry competent in forestry matters is responsible for the steering and supervision of the enforcement of this Act.

(1085/2013)

Section 25 – Tasks of the Finnish Forestry Centre

- (1) The Finnish Forestry Centre supervises the compliance with this Act.
- (2) The Ministry of Agriculture and Forestry has the right to issue further provisions to the Finnish Forestry Centre on the technical procedures to implement the supervision of the compliance with this Act.

- (3) With respect to planned areas or areas that are to be planned, the Finnish Forestry Centre shall engage in sufficient cooperation with the municipalities in order to reconcile the objectives of this Act and those of the Land Use and Building Act.

(1085/2013)

Section 25 a – *Collection of State receivables*

- (1) A State receivable laid down in this Act may be recovered directly by execution. Provisions on its recovery are laid down in the Act on the Enforcement of Taxes and Charges.
- (2) A State receivable based on this Act is recovered by the Finnish Agency for Rural Affairs. If State funds to be recovered or part of these are not repaid within the set time limit, an interest for late payment according to the interest rate referred to in section 4 of the Interest Act (633/1982) is collected on the capital to be paid as from the due date of each instalment.

(1085/2013)

Section 26 – *National and regional forest programme*

- (1) The Ministry of Agriculture and Forestry prepares a National Forest Programme in cooperation with other ministries and parties representing the forest sector and other relevant stakeholders. The objective of the programme is to promote diverse use of forests and welfare derived from these in line with the principle of sustainable development. The Ministry monitors the implementation of the programme and, where necessary, revises it.
- (2) The Forestry Centre prepares a regional forest programme in its own territory and monitors its implementation. The programme is revised, where necessary. When preparing the programme the Forestry Centre shall cooperate with parties representing the forest sector and other relevant stakeholders. The programme contains the general objectives for sustainable forest management, objectives to be set for operations referred to in the legislation on the financing of sustainable forestry and their financing as well as general objectives to be set for the development of forestry in the region. No information shall be included in the programme that is to be specified as concerning an individual forest property.
- (3) Where necessary, further provisions on the content, preparation, time limits and revision as well as impact assessment of a regional forest programme are laid down by Government Decree. Where necessary, further provisions on the monitoring of a regional forest programme may be laid down by Decree of the Ministry of Agriculture and Forestry.

Chapter 7 - Entry into force and transitional provisions

Section 27 - *Entry into force*

- (1) This Act enters into force on 1 January 1997.
- (2) This Act repeals the following acts, with subsequent amendments:
- (1) Act on Private Forests (412/67) of 15 September 1967; and
 - (2) Act on Timberline Forests (196/22) of 11 August 1922.
- (3) Measures necessary for the implementation of this Act may be undertaken before the entry into force of the Act.

Section 28 - *Transitional provisions concerning the Act on Private Forests*

- (1) However, provisions laid down in the Act on Private Forests to be repealed apply to the fellings completed before the entry into force of this Act as follows:
- 1) the obligation to regenerate forest after felling referred to in sections 1 and 2 of the Act on Private Forests continues as laid down in the provisions in force before the entry into force of this Act;

- 2) the Forestry Centre may obligate a defaulter of the obligation referred to in subsection 1 or another one who has acted contrary to the Act on Private Forests to undertake the remedial measures referred to in section 20 of this Act; in such a case the provisions laid down in the Act on Private Forests apply, as appropriate, to the inspection; however, in cases where the felling was completed in 1982 or earlier the Forestry Centre cannot obligate to undertake the said measures but the obligation referred to in the Act on Private Forests lapses; the obligation also lapses if an agreement referred to in section 20(2, 3) of this Act has not been concluded about the remedial measures by a date laid down by decree or if the Forestry Centre has not issued a decision on remedial measures referred to in section 20(2) of the Act or initiated measures referred to in section 20(3) by the said date;
- 3) the Act on Private Forests applies to obligations associated with forest protection orders and agreements referred to in the Act on Private Forests which concern operations involving the restoration of forests or establishment and ensuring a new stand; forest protection orders referred to in the regulations and agreements in question lapse when this Act enters into force;
- 4) matters concerning the destruction of forest pending upon the entry into force of this Act are settled in accordance with the Act on Private Forests if legal proceedings referred to in section 10(2) of the Act on Private Forests have been initiated in a District Court or if the Forestry Board or, from 1 March 1996, the Forestry Centre has issued a felling prohibition by the virtue of section 5 of the Act on Private Forests or temporarily placed a forest under a protection order before the entry into force of this Act; however, after the entry into force of this Act forest is not protected through a protection order or protection agreement; the provisions of the Act on Private Forests apply to actions which violate the felling prohibition; instead of forfeiture referred to in section 12(2) of the Act on Private Forests, forfeiture referred to in section 19 of this Act may, however, be imposed in cases where the application of the latter section has less severe consequences in respect of the party concerned;
- 5) in cases where the provisions of the Act on Private Forests Act are to be applied as laid down in subsections 1–4, the Forestry Centre shall continue to maintain the lists referred to in section 11 of the Act on Private Forests to which the provisions laid down in section 11(2) apply;
- 6) if notification of felling carried out before the entry into force of this Act has not been made as required in the Act on Private Forests, a punishment laid down in the Act on Private Forests is imposed;
- 7) forest use declaration is not required for felling which has been initiated before the entry into force of this Act and is completed by the date provided by decree, if a felling notification referred to in section 7(1) of the Act on Private Forests has been given, or if the felling operation is in accordance with a felling and regeneration plan referred to in the said section of the Act; and
- 8) the provisions of this Act apply after the entry into force of this Act to felling and forest regeneration irrespective of a felling and regeneration plan approved or forest management plan inspected as referred to in section 2(3) of the Act on Private Forests.

(1224/1998)

Section 28 a - *Right of lien relating to the transitional provisions concerning the Act on Private Forests*

- (1) When the Forestry Centre obliges one who has acted contrary to the Act on Private Forests to undertake remedial measures as referred to in section 28(2) and the costs incurred are paid from

the State funds, the real estate constitutes the security for the repayment of the costs as referred to in section 21, if the obligation rests with the owner of the real estate to whose benefit the measures concerned are undertaken. The Forestry Centre may also give the consent to the change or removal of registration referred to in section 21.

Section 29 - *Other transitional provisions*

- (1) The provisions laid down in the Act on Timberline Forests to be repealed apply to fellings carried out before the entry into force of this Act in timberline forest area and protection zone referred to in the Act on Timberline Forests, except for the penal provisions. Instead of the forfeiture referred to in section 10(3) of the said act the forfeiture referred to in section 19 of this Act may be imposed where the application of the latter section has less severe consequences in respect of the party concerned.

1085/2013

- (1) This Act enters into force on 1 January 2014.
- (2) The provisions in force upon the entry into force of this Act apply to the time limits of forest use declarations given before the entry into force of this Act.
- (3) However, obligation under section 8 applies to felling initiated before the entry into force of this Act and the related regeneration obligation. If regeneration felling was started before 2011, however, the legislation in force in 2010 applies to the completion of the establishment operations related to regeneration.
- (4) Section 25(2) applies to the costs relating to a decision made after the entry into force of this Act on enforced compliance referred to in section 20 concerning a felling carried out before the entry into force of this Act and the related regeneration operations.
- (5) Measures necessary for the implementation of this Act may be undertaken before the entry into force of the Act.