

Translation from Finnish  
Legally binding only in Finnish and Swedish  
Ministry of Agriculture and Forestry, Finland

## Fishing Act (379/2015)

### Chapter 1 General provisions

#### Section 1 *Objectives of this Act*

The objective of this Act is to use the best available information to ensure ecologically, economically and socially sustainable management of fish resources in such a way as to secure a sustainable and diversified return on fish resources, the natural life cycle of fish stocks, and the diversity and protection of fish resources and other aquatic flora and fauna.

#### Section 2 *Scope of application*

- (1) This Act applies to fishing:
- 1) in a water area referred to in Chapter 1, section 3(1)(2) of the Water Act (587/2011);
  - 2) in the exclusive economic zone referred to in section 1 of the Act on the Exclusive Economic Zone of Finland (1058/2004);
  - 3) in a flood area, when flooded, located outside the boundary of the water area.
- (2) The provisions of this Act on fish and fishing also apply to lampern and crayfish and to catching them.

#### Section 3 *Relationship to other legislation*

- (1) This Act applies subject to other provisions in the European Union legislation concerning the Common Fisheries Policy or the national legislation laid down for its implementation and in an agreement concluded with a foreign state.
- (2) The provisions of this Act and the Government decrees issued under it are applicable to water bodies located on the State borders, subject to other provisions in an agreement concluded with a foreign state.

- (3) Provisions on the right of the Skolt Sami to fish in the Skolt region in State-owned water areas are laid down in the Skolt Act (253/1995).
- (4) In addition to this Act, provisions on the import of fish species or fish stock or crayfish species or crayfish stock or gametes of these not naturally present in Finland are laid down in the Act on Veterinary Border Inspection (1192/1996) and the Animal Diseases Act (441/2013).

#### Section 4

##### *Definitions*

In this Act:

- 1) *management of fish resources* means the securing of the biological diversity and yield capacity of fish stocks by steering of fishing and other measures that improve the status of the fish stock and the fishing opportunities;
- 2) *fish stock* means the group of individual fish living simultaneously in the same area and belonging to the same species;
- 3) *migratory fish* means salmon, lake trout, eel, lampern, asp, trout and the migratory stock of char, grayling and powan;
- 4) *rapids and currents in waters with migratory fish* mean an area in a water body where:
  - a) water flows identifiably downstream; and
  - b) the upstream water level of the stream is higher than the tailwater;
- 5) *angling* means fishing with one rod and hook without a reel suitable for spinning and without a lure;
- 6) *ice fishing* means fishing with a short rod and a vertically moved jig attached to a line;
- 7) *lure* means an artificially manufactured troll, wobbler, fly, jig or a comparable lure equipped with a hook which lures fish to strike with its movement, colour or shape;
- 8) *lure fishing* means fishing with a rod and lure other than angling or ice fishing, trolling with one rod, lure and weighted lure and reel fishing;
- 9) *fisheries management fee* means a payment to be made to the State for the promotion of fishery;
- 10) *fishing right holder* means:
  - a) body of joint owners of a jointly-owned water area;
  - b) owner of a water area not belonging to a body of joint owners;
  - c) owner of a property, if the property has fishing benefits resting on special grounds referred to in paragraph 21;
  - d) natural or legal person holding fishing rights based on a fishing servitude or other legal grounds; or
  - e) natural or legal person holding a fishing right based on a lease agreement that can be assigned without hearing the owner;

- 11) *body of joint owners water area* means a body of joint owners referred to in section 3 of the Act on Jointly Owned Areas (758/1989);
- 12) *management plan* means a plan prepared for the regional organisation of the management of fish resources;
- 13) *fishing gear unit value* means the relative catching efficiency of a fishing gear or way of fishing;
- 14) *fishing gear unit number of a property* means the extent of the fishing right belonging to a property in a certain water area;
- 15) *stationary fishing gear* means a fish trap laid down in place, such as net, longline and other hooked fishing gear, fyke, fish trap and other barrier fishing gear;
- 16) *fixed fishing gear* means a dam and other structure of a permanent nature intended for fishing;
- 17) *commercial fishing* means activity where fish are caught for the purpose of sale or where a caught fish or part of it is sold;
- 18) *commercial fisherman* means a natural or legal person entered in a register kept on those engaged in fishing on a commercial basis;
- 19) *recreational fishing* means fishing for recreation and domestic needs;
- 20) *introductory stocking* means the stocking of a fish or crayfish species or fish or crayfish stock in a water area where one does not already exist;
- 21) *fishing benefits resting on special grounds* mean the shared or private special benefits of a property referred to in section 2, paragraph 1 of the Real Estate Formation Act (554/1995) that entitles the owner of the property to fish on grounds other than ownership or joint ownership of water area in a water area owned by another party (*special fishing benefit area*) or to use a separate fishing site, such as a salmon or powan dam or a comparable fish dam area, drift net area or another comparable area of water used for fishing (*special fishing site*);
- 22) *fishing rule* means:
  - a) the Agreement between Finland and Sweden Concerning Transboundary Rivers (Finnish Treaty Series 91/2010) and the Fishing Rule included in it;
  - b) the Agreement between the Republic of Finland and the Kingdom of Norway concerning the common fishing rule in the River Tenjoki (Tana) fishing district (Finnish Treaty Series 94/1989) and the Fishing Rule included in it; and
  - c) the Agreement between the Republic of Finland and the Kingdom of Norway concerning fishing in the fishing area of the River Näämäjoki (Neiden) (Finnish Treaty Series 17 and 18/1978) and the Fishing Rule included in it.

## Fishing rights and special permits entitling to fishing

### Section 5

#### *Fishing rights based on ownership of a water area*

- (1) Subject to the provisions of this Act, the right to fish and rule on fishing belongs to the owner of the water area.
- (2) A shareholder of a jointly-owned water area has the right to fish in a water area as decided by the body of joint owners of the jointly-owned water area.
- (3) The right to fish in a flood area, when flooded, located outside the boundary of the waters mentioned in the Water Act, Chapter 1, section 5, belongs to the owner of the water area.

### Section 6

#### *Fishing benefits resting on special grounds*

The owner of property that includes fishing benefits resting on special grounds has the right to fish and rule on fishing in accordance with the benefit.

### Section 7

#### *Common fishing rights*

- (1) Everyone has a right to engage in angling and ice fishing and to fish Baltic herring with a rod and vertically moved hooks attached to a line free of charge.
- (2) Everyone who has paid the fisheries management fee and everyone under 18 or at least 65 years of age has the right to engage in lure fishing. Provisions on the fisheries management fee and its payment are laid down in Chapter 9.
- (3) The rights referred to above in subsections 1 and 2 do not apply to rapids and currents in waters containing migratory fish or water areas where fishing is prohibited on the basis of another provision. Permit of the fishing right holder shall be obtained for angling, ice fishing and lure fishing competitions and similar organised events.
- (4) The provisions of subsections 1–3 above also apply to State-owned water areas.

### Section 8

#### *Fishing in the exclusive economic zone and public water areas*

- (1) Every citizen of a state belonging to the European Economic Area who has paid the fisheries management fee and everyone under 18 or at least 65 years of age has the right to engage in recreational fishing in Finland's exclusive economic zone and public water areas at sea. Commercial fishermen registered in Finland have the right to engage in commercial fishing in the areas referred to above.

- (2) Fishing ships registered in a member state of the European Union have the right laid down by the European Union legislation concerning the Common Fisheries Policy to commercial fishing within Finland's exclusive economic zone and territorial waters.
- (3) If necessary for commercial fishing, Metsähallitus may lease a salmon or trout fishing site in Finland's exclusive economic zone or public water area at sea to commercial fishermen. The fishing rights referred to above in subsections 1 and 2 are not valid in such fishing sites.
- (4) Fishing permits and the right to fish in a public water area are decided upon by Metsähallitus, taking account of the national fish resources management plans.

#### Section 9

##### *Private fishing rights of the State*

- (1) The private fishing rights of the State shall remain in the possession of the State in areas that have traditionally been and still are administered by the State. The decision on the use of the private fishing rights of the State lies with Metsähallitus.
- (2) Further provisions on the use of the private fishing rights of the State may be laid down by decree of the Ministry of Agriculture and Forestry, primarily taking account of the interests of commercial fishermen of group I referred to in section 88(1).

#### Section 10

##### *Right to a fishing permit in Upper Lapland*

- (1) A person whose home municipality referred to in section 2 of the Act on the Municipality of Domicile (201/1994) is Enontekiö, Inari or Utsjoki has the right to obtain a permit from Metsähallitus concerning fishing in State-owned water areas in the above municipalities free of charge.
- (2) The permit referred to above in subsection 1 is personal and issued for a maximum of three years at a time. The permit does not apply to the salmon and trout migration areas in the river basins of Tenojoki and Näätämöjoki rivers, the salmon and trout migration areas in the river basins of Tuulomajoki and Paatsjoki rivers or the salmon and trout migration areas in the river basins of Tornionjoki and Ounasjoki rivers, for which separate permits in State-owned water areas are granted by Metsähallitus.
- (3) Further provisions on the granting and use of the permits referred to above in subsections 1 and 2 may be laid down by decree of the Ministry of Agriculture and Forestry.

#### Section 11

##### *Lease of a fishing right*

- (1) The fishing right holder may lease his or her right until further notice or for a fixed term. The lease agreement concerning a fishing right shall be made in writing. Subject to the provisions of the agreement on the lease of the fishing right, the lessee may not lease the fishing right or part of it to a third party or assign the fishing permits pertaining to the leased area to a third party.
- (2) The lessor may rescind the lease agreement concerning a fishing right if the lessee, despite a reminder from the lessor, misuses his or her fishing right, neglects the payment of the rent, or otherwise continuously or repeatedly violates his or her obligations under the agreement or this Act.
- (3) Further provisions on the lease of State-owned water areas for fishing may be laid down by decree of the Ministry of Agriculture and Forestry.

#### Section 12

##### *Fishing permit granted by a shareholder of a body of joint owners*

- (1) A shareholder of a jointly-owned water area may, without the consent of the other joint owners, give a third party the right to fish on the basis of the fishing right belonging to the shareholder. If the period of the permit is longer than one year or the permit applies to areas where the fishing rules of the transboundary river agreements referred to in section 4, paragraph 22 are applicable or to the tributary waters of transboundary rivers, it shall be given in writing and, within an area with organised joint owners, the body of joint owners shall be notified.
- (2) When giving the permit referred to in subsection 1, a shareholder of a jointly-owner water area shall see to it that the recipient of the permit does not exceed the maximum amount of the fishing right belonging to the shareholder when fishing.

#### Section 13

##### *Regional permit to engage in commercial fishing*

- (1) In order to secure a sustainable return on and the management of fish resources and to secure the realization of the management plan, the Centre for Economic Development, Transport and the Environment may grant a commercial fisherman a permit for engaging in commercial fishing for a maximum of five years, if:
  - 1) the water area has been designated as well-suited to commercial fishing in the management plan;
  - 2) the status of the fish stocks in the water area enables their utilisation for commercial fishing;
  - 3) the permit-seeker has not himself or herself or with the assistance of the fisheries region reached an agreement with the fishing right holders on the use of the waters for commercial fishing; and

- 4) engaging in commercial fishing does not cause significant damage to the shore owners or possessors in the area or to other users of the area.
- (2) In the permit the Centre for Economic Development, Transport and the Environment shall specify the areas allowed for fishing, the allowed fishing gear, the fish species that are the object of the fishing, the allowed fishing times and, if necessary, the allowed maximum catch. In addition, in the permit it may be specified how the catch is to be reported by the commercial fisherman.
- (3) The permit referred to above in subsection 1 must not be granted if fishing based on the permit were to unreasonably weaken the fishing right holder's possibility to utilise his or her fishing right or if it were to cause other significant damage.
- (4) A permit decision of the Centre for Economic Development, Transport and the Environment shall be complied with regardless of appeal.

#### Section 14

##### *Compensation to be paid to fishing right holders for commercial fishing*

After receiving the permit referred to in section 13, a commercial fisherman shall pay a reasonable fee every calendar year to the fishing right holders for using the water area for commercial fishing, based on the prices prevailing in the region specified in the management plan of the operating area of the Centre for Economic Development, Transport and the Environment and in accordance with the fishing gear specified in the permit.

#### Section 15

##### *Priority in the granting of a permit for commercial fishing*

If several commercial fishermen apply for a permit for commercial fishing in a certain water area than can be granted based on the fish stock in the region, the Centre for Economic Development, Transport and the Environment may, when issuing the permit, give priority to permit-seekers that belong to group I of commercial fishermen referred to in section 88(1) and who already have a permit to engage in commercial fishing in the same or adjacent water areas.

#### Section 16

##### *Amendment of the terms of a permit and revoking a permit*

- (1) The Centre for Economic Development, Transport and the Environment shall follow and supervise the fulfilment of the terms of permits issued under section 13.
- (2) The Centre for Economic Development, Transport and the Environment shall amend the terms of a permit, if:

- 1) circumstances in the region covered by the permit have changed significantly after the granting of the permit in such a way that fishing in accordance with the terms of the permit can no longer be allowed because of the changed circumstances; or
  - 2) fishing referred to in the permit no longer meets the requirements of the management plan.
- (3) The Centre for Economic Development, Transport and the Environment shall revoke the permit if the permit holder repeatedly fails to make the payments referred to in section 14 or materially or repeatedly violates the permit terms or the provisions of this Act. A further condition for revoking a permit is that the permit holder continues to violate the terms of the permit or the provisions of this Act regardless of a notice and warning from the Centre for Economic Development, Transport and the Environment or fails to make the neglected payments within a reasonable time from the issue of the warning.

#### Section 17

##### *Right of a commercial fisherman to use State-owned land*

A commercial fisherman belonging to group I of commercial fishermen referred to in section 88 has a right to lease a land area for storage rooms necessary for fishing and for drying fishing gear and for temporary accommodation required for engaging in commercial fishing on seashores, islands and islets that belong to the State and are not reserved for other purposes in accordance with an assignment of the authority administering the land area and on reasonable terms ratified by it.

#### Section 18

##### *Regional permit for engaging in fishing guide activity*

- (1) In order to secure the operating conditions for fishing tourism, the Centre for Economic Development, Transport and the Environment may grant a permit covering all of its operating area or part of it for organising fishing tourism events with no more than six fishermen at a time where angling, ice fishing or lure fishing can be pursued. Application for the permit shall be made in writing and can be granted if the sustainable utilisation of the fish stock allows it. The permit may be valid for a maximum of five years at a time.
- (2) In the permit the Centre for Economic Development, Transport and the Environment shall set regional fishing restrictions or daily catching quotas, if required by the fishery considerations or the status of the fish stock of the area. The Centre for Economic Development, Transport and the Environment shall request an annual statement from the fisheries regions in its operating area on matters affecting the setting of fishing restrictions and daily catching quotas.

- (3) The Centre for Economic Development, Transport and the Environment may revoke the permit if the permit holder significantly violates the terms set in it and does not cease to violate them regardless of a notice and warning from the Centre for Economic Development, Transport and the Environment.
- (4) Having received the permit, the fishing tourist entrepreneur shall pay a fisheries management fee of €100 to the State each calendar year.

### Chapter 3

#### Fishery organisations and their duties

##### Section 19

###### *Fishery authorities*

- (1) State fishery authorities are the Ministry of Agriculture and Forestry and the Centres for Economic Development, Transport and the Environment managing fishery issues.
- (2) In addition, official fishery duties separately laid down in this Act are managed by Metsähallitus and Natural Resources Institute Finland and, with respect to the supervision of fishing, the authorities and fishing supervisors referred to in section 99.
- (3) A decision by the Centre for Economic Development, Transport and the Environment under this Act and the documents related to the processing of the matter may be signed electronically.

##### Section 20

###### *Duties of the Centre for Economic Development, Transport and the Environment*

- (1) The duties of the Centre for Economic Development, Transport and the Environment are to:
  - 1) see to the fisheries administration by the State;
  - 2) supervise the general fishery interest and promote sustainable fishing and management of fish resources;
  - 3) provide expert assistance to fisheries regions;
  - 4) see that fisheries regions comply with the law, their rules and the management plan and fulfil their tasks and take measures to correct any deficiencies and shortcomings;
  - 5) steer and supervise fishery advisory work done by means of State funds;
  - 6) consider matters pertaining to contacts between fisheries authorities and fisheries regions; and
  - 7) manage the other duties imposed to it in this Act.

- (2) In matters related to fishing supervision, the Centre for Economic Development, Transport and the Environment may act within the territory of the entire country on the grounds of a request for executive assistance from an authority.

#### Section 21

##### *Authority of the Centre for Economic Development, Transport and the Environment within the exclusive economic zone*

The duties assigned to the Centre for Economic Development, Transport and the Environment shall be undertaken in Finland's exclusive economic zone by the Centre for Economic Development, Transport and the Environment in whose operating area the part of exclusive economic zone in question is located. The boundary between the operating areas of the Centres for Economic Development, Transport and the Environment shall be considered to continue from the boundary of the territorial waters in the same direction to the outer boundary of the exclusive economic zone.

#### Section 22

##### *Division into fisheries regions*

- (1) The water areas are divided regardless of their ownership and administrative boundaries into fisheries regions. A fisheries region consists of an area sufficiently large and consistent with respect to fishery. When determining an area belonging to a fisheries region, the life cycle of migratory fish, appropriate organisation of fishing, division of catchment areas and the division of water areas into water resources management areas and marine resources management areas referred to in the Act on Water Resources Management (1299/2004) shall particularly be taken into account.
- (2) The division into fisheries regions does not concern a public water area in the sea insofar as the sustainable management of fish resources does not require that the area should be included in the division into fisheries regions.
- (3) The geographical boundaries of the fisheries regions are confirmed by the Centre for Economic Development, Transport and the Environment based on a proposal from a regional fishery committee referred to in section 33 after hearing the Ministry of Agriculture and Forestry and other relevant parties. The Centre for Economic Development, Transport and the Environment shall also decide on the division of the fisheries region, its merger with another region or the amendment of its boundaries due to change in circumstances or other particular reasons. With the exclusion of the confirmation of boundaries, the application for the implementation of the above measures may be made by a fisheries region or fishing right holder.
- (4) After hearing the fisheries regions and fishing right holders concerned, the Centre for Economic Development, Transport and the Environment may also, on

its own initiative, decide on a change of the boundaries of the fisheries region. If uncertainty arises as to which Centre for Economic Development, Transport and the Environment has the authority to change the boundaries of the fisheries region, the Ministry of Agriculture and Forestry shall decide on the question of authority.

- (5) Further provisions on the rationale for the location of the boundaries of the operating areas of fisheries regions may be laid down by decree of the Ministry of Agriculture and Forestry.

### Section 23

#### *Legal form, members and bodies of a fisheries region*

- (1) Fisheries regions are public corporations whose purpose is to develop fishery in their region and to promote the collaboration of their members for the organisation of the sustainable management of fish resources. A fisheries region may make commitments and purchase property in its name or for its use.
- (2) The members of a fisheries region are the fishing right holders in the region and national fishery organisations. The Ministry of Agriculture and Forestry shall confirm the list of national fishery organisations for five years at a time.
- (3) The bodies of a fisheries region are the general meeting, board and executive director.
- (4) In addition to the provisions of this Act, the provisions of sections 11, 17, 20, 22, 24, 26(2), 27–31, 35(2) and 36 of the Associations Act (503/1989) shall be applicable to the fisheries regions.

### Section 24

#### *Duties of fisheries regions*

The duties of a fisheries region are to:

- 1) planning of the sustainable management of fish resources;
- 2) prepare a proposal for the plan for sustainable management, enforce the approved plan and monitor its impact;
- 3) communicate with regard to the management of fish resources;
- 4) organise fishing supervision;
- 5) collect monitoring data regarding fishing and the management of fish stocks;
- 6) promote the formation of joint permit areas for fishing for the needs of recreational and commercial fishing;
- 7) carry out duties assigned to the fisheries region by the owners of the water area;
- 8) distribute funds accrued from compensations relating to lure fishing to the owners of the water area;
- 9) carry out other duties based on the performance guidance of the Centre for Economic Development, Transport and the Environment and this Act.

## Section 25

*General meeting of the fisheries region*

- (1) The general meeting exercises the power of decision in the fisheries region.
- (2) The following members of the fisheries region have the right to one representative at the general meeting:
  - 1) body of joint owners with a water area of at least 50 hectares;
  - 2) owners of a water area of at least 50 hectares not belonging to a body of joint owners;
  - 3) consortiums of bodies joint owners or owners of water areas not belonging to a body of joint owners belonging to the fisheries region and administering a total of at least 50 hectares of water areas or at least 30 hectares in a river;
  - 4) national fishery organisation referred to in section 23(2), with the exception of an organisation representing recreational fishermen, which is entitled to two representatives.
- (3) Holders of fishing benefits resting on special grounds are entitled to one common representative at the general meeting.
- (4) At the general meeting of the fisheries region, each representative representing a water area property of at least 1,000 hectares shall have three votes, a representative representing a water area property of at least 500 but less than 1,000 hectares shall have two votes and the representatives representing other members shall have one vote. Registered regional associations whose purpose is to promote the protection of the environment or nature and in whose operating area according to its rules the fisheries region or part of it is located and, in the Sámi homeland, the Sámi Parliament are entitled to one representative at the general meeting of the fisheries region with the right of presence and speech but no vote.
- (5) The fisheries region has the right to invite experts to the general meeting with the right of presence and speech at the meeting.

## Section 26

*Duties of the general meeting of the fisheries region*

The general meeting of the fisheries region:

- 1) elects the board;
- 2) decides on the ratification of balancing the accounts and granting discharge of the board from liability;
- 3) approves the annual plan of action and the plan for financial administration as well as the plan of action for a period exceeding one year;
- 4) approves a proposal for the management plan;
- 5) approves a proposal for the rules of the fisheries region;

- 6) confirms the distribution of funds from compensations to the owners of the water area;
- 7) decides on the use of the funds from compensations returned to the fisheries region;
- 8) decides on the rectification of a decision of the general meeting, board and executive director.

#### Section 27

##### *Board of the fisheries region and its duties*

- (1) The board of the fisheries region shall consist of at least seven members. The term of a member of the board is three years. One third of the members of the board shall be elected annually.
- (2) The duties of the board of the fisheries region are to:
  - 1) prepare the issues to be handled at the general meeting and enforce decisions;
  - 2) enforce duties included in a management plan and report on the realization of the objectives of the plan;
  - 3) communicate decisions;
  - 4) organise and manage the duties related to the supervision of fishing; and
  - 5) appoint and discharge the executive director.
- (3) The rules of the fisheries region may assign duties belonging to the board pursuant to subsection 2, with the exclusion of duties referred to in paragraph 5, to the executive director.

#### Section 28

##### *Duties of the executive director*

- (1) The executive director shall see to the day-to-day administration of the fisheries region in accordance with the instructions and orders from the board. The executive director has the right to sign for the fisheries region.
- (2) The executive director is responsible for the compliance with the law of the bookkeeping of the fisheries region and reliable arrangements for the management of funds. The executive director shall provide the board and its member with information necessary for the management of the duties of the board.
- (3) Even if the executive director were not a member of the board, the executive director shall have the right to be present at the meetings of the board and to be heard there unless otherwise decided upon by the board.
- (4) The executive director shall have the right to obtain information from the National Land Survey of Finland through a technical operating connection free of charge if obtaining such information is necessary for the organisation of fishing supervision or the distribution of funds accrued from lure fishing.

## Section 29

*Duty of the members and employees of a body*

- (1) A member and employee of a body of a fisheries region shall comply with the Administrative Procedure Act (434/2003), Language Act (423/2003), Sámi Language Act (1086/2003) and the Act on the Openness of Government Activities (621/1999) when handling a public administration task.
- (2) Provisions on public liability under criminal law apply to a member and employee of a body of a fisheries region when he or she exercises public power in the management of a public administration task.
- (3) The compensation for damage caused by a member or employee of a body of a fisheries region while handling a public administration task is subject to the provisions of the Tort Liability Act (412/1974) relating to the liability of a public corporation or public official and to the compensation of damage caused in the course of an official act.

## Section 30

*Rules of a fisheries region*

- (1) The following shall be mentioned in the rules of the fisheries region:
  - 1) name of the fisheries region and the location of its administration as well as, in broad outline, the water areas comprising the fisheries region;
  - 2) how the representatives for the general meeting of the fisheries region are elected;
  - 3) when the general meetings of the fisheries region shall be held;
  - 4) how the general meetings are summoned and how the matters are considered;
  - 5) how the activities of members of the board and the consideration of matters have been organized;
  - 6) how documents shall be signed on behalf of the fisheries region;
  - 7) employees of the fisheries region, their duties and term and how they are hired;
  - 8) principles of the use of funds and bookkeeping;
  - 9) how notifications are to be made; and
  - 10) other matters necessary for the activities of the fisheries region.
- (2) The rules are prepared by the fisheries region and confirmed by the Centre for Economic Development, Transport and the Environment.

## Section 31

*Bookkeeping and auditing*

- (1) The financial period of a fisheries region is the calendar year. The fisheries region shall submit an annual report of its activities to the Centre for Economic Development, Transport and the Environment. The report shall include information on the main events during the financial period and after it, an assessment of future development and an account of the realization of the objectives of the management plan.
- (2) The provisions of the Accounting Act (1336/1997) apply to the accounting obligation, bookkeeping and financial statement of the fisheries region.
- (3) The fisheries region shall have an audit of the accounts done annually. The provisions of the Auditing Act (459/2007) apply to the audit.
- (4) Further provisions on the report referred to above in subsection 1 and its content may be laid down by decree of the Ministry of Agriculture and Forestry.

### Section 32

#### *Supervision of the activities of a fisheries region*

- (1) The Centre for Economic Development, Transport and the Environment supervises the activities of the fisheries regions in its operating area. Provisions on secrecy notwithstanding, the Centre for Economic Development, Transport and the Environment has the right to obtain information, documents and accounts necessary for the supervision from the fisheries region and auditors. The information obtained from the fisheries region for supervision may not be disclosed to a third party or used for another purpose without a permit of the fisheries region. The fisheries region shall notify the Centre for Economic Development, Transport and the Environment of the names and contact information of the chairman and deputy chairman of its board, as well as of the director of operations.
- (2) If the fisheries region is located in the operating area of more than one Centre for Economic Development, Transport and the Environment, matters pertaining to the fisheries region are the responsibility of the Centre for Economic Development, Transport and the Environment in whose operating area most of the water area of the fisheries region is located.

### Section 33

#### *Regional fishery committee*

- (1) The Centre for Economic Development, Transport and the Environment shall set up regional fishery committees in its operating area to provide assistance in the management of fishery matters in the region, reconcile views and utilize research information. The committee is set up for five years at a time and consists of representatives of the fisheries regions, fishery and environmental organizations, research, administration, Regional Councils and, in the Sámi Homeland, representatives of the Sámi Parliament.

- (2) The committee is steered by the Centre for Economic Development, Transport and the Environment and it is tasked with making proposals and taking initiatives on the organisation of fishing and management of fish stocks. The committee assesses the plans for the management of fish resources and the management measures presented in these and makes proposals for the reconciling of measures presented in the management plans of different regions and in national fish resources management plans. The committee makes a proposal to the Centre for Economic Development, Transport and the Environment on the division of fisheries regions in its operating area.

## Chapter 4 Planning the management of fish resources

### Section 34

#### *National fish resources management plans*

- (1) Where necessary, national plans for the management of fish resources shall be prepared to ensure the realization of sustainable management of fish resources. The preparation of the management plan is the responsibility of the Ministry of Agriculture and Forestry in collaboration with the Ministry of the Environment. The management plan is approved by the Ministry of Agriculture and Forestry.
- (2) The approved national fish resource management plans shall be taken into account in the preparation of regional management plans and when enforcing and organising fishing in public water areas. The management plans shall not interfere with the implementation of the national fish resources management plans.

### Section 35

#### *Obligation to prepare a management plan*

A fisheries region shall prepare and implement a management plan in its area, thus securing the sustainable and diverse return on the fish resources of the area and their biological diversity and promoting the conditions for recreational and commercial fishing.

### Section 36

#### *Preparation of a management plan*

- (1) The fisheries region prepares its proposal for the management plan for the fish resources in its area. When preparing the management plan, requirements for the use of fish stocks on the basis of other legislation, the national fish resources

management plans and other plans for the management of fish resources whose implementation may be influenced by the plan shall be taken into account.

- (2) The management plan shall include:
- 1) basic data on the status of water areas and fish stocks;
  - 2) plan for measures to develop and promote fishing and the target state related to these and a proposal for the development of a joint permit system for recreational fishing;
  - 3) plan for the management measures of fish stocks;
  - 4) proposal on measures necessary for securing the lifecycle and biological diversity of migratory fish and endangered fish stocks;
  - 5) proposal on the necessary regional regulation measures for fishing;
  - 6) proposal on the distribution of the share of funds collected as fisheries management fees to be used as compensations to owners;
  - 7) specification of areas significant for fishery and areas well suited for commercial fishing and fishing tourism;
  - 8) specification of fishing gear suitable for commercial fishing in each area that is suitable for commercial fishing;
  - 9) plan for organising the monitoring of fishing data and supervision of fishing.
- (3) Further provisions on the items to be included in a management plan may be laid down by decree of the Ministry of Agriculture and Forestry.

### Section 37

#### *Approval of a management plan*

- (1) The Centre for Economic Development, Transport and the Environment approves the management plan. The plan shall be approved if it:
- 1) complies with the requirements laid down in this Act;
  - 2) is compatible with the national fish resources management plans and does not interfere with their implementation;
  - 3) is compatible with other management plans; and
  - 4) has been discussed at a regional fishery committee.
- (2) Where the plan applies to the Sámi Homeland, a further requirement for approval in addition to those in subsection 1 is that the obligation to negotiate laid down in section 9 of the Act on the Sámi Parliament (974/1995) is complied with.
- (3) The Centre for Economic Development, Transport and the Environment may return a proposal for the management plan to the fisheries region for further preparation if the proposal does not fulfil the criteria for approval.
- (4) If the fisheries region fails to prepare the proposal within the time limit or does not prepare a proposal that meets the requirements for approval despite the proposal having been returned for preparation, the Centre for Economic Development, Transport and the Environment may refrain from paying the funds referred to in section 82(1)(2) to the fisheries region until a proposal meeting

the criteria for approval has been submitted to the Centre for Economic Development, Transport and the Environment.

- (5) The Centre for Economic Development, Transport and the Environment may implement the proposals on the necessary regional regulation measures of the fisheries regions by restricting fishing in the region in its decision on approval by virtue of its authority under sections 53, 54 and 57, 67(4) and 71(3).

#### Section 38

##### *Validity and amendment of a management plan*

- (1) The management plan shall be valid for a maximum of ten years from its approval. If a new plan has not been approved by the end of the validity of the old one, the old plan shall remain in force until the new one has entered into force.
- (2) If the status of the fish stocks in the fisheries region changes in such an essential way during the validity period that the implementation of the plan would no longer meet the objectives set for it, the fisheries region shall take measures to amend the plan. The initiative for the amendment of the plan may be made by the Centre for Economic Development, Transport and the Environment that approved the plan or by the fisheries region itself.
- (3) The proposal on the amendment of the plan shall be presented for approval to the Centre for Economic Development, Transport and the Environment, which shall approve the amendments as part of the plan in accordance with the procedure laid down in section 37.
- (4) The proposal for the new plan shall be submitted for approval to the Centre for Economic Development, Transport and the Environment no later than six months after the expiry of the valid plan.

#### Section 39

##### *Supervision of the implementation of a management plan*

The Centre for Economic Development, Transport and the Environment supervises the implementation of the management plan. If a fisheries region neglects the implementation of the plan in such a way as to endanger the vitality of a fish stock or species in the area, the Centre for Economic Development, Transport and the Environment may refrain from paying the funds referred to in section 82 to the fisheries region until the implementation has been started.

#### Section 40

##### *Implementation and monitoring of a management plan*

- (1) The management of fish resources in a fisheries region shall be organised according to an approved management plan. The fisheries region and the fishing

right holders are responsible for the implementation of the plan, insofar as the implementation of the plan applies to them. In their actions the authorities shall take into account the general outlines regarding the management of fish resources in the management plan of the fisheries region.

- (2) The Centre for Economic Development, Transport and the Environment shall notify the authority responsible for zoning in the municipality of the plan within six months of its approval. In addition, the Ministry of Agriculture and Forestry shall be notified of the proposals for regulation measures included in the plan that require amendments to the legislation or impact on the preparation and development of national fish resources management plans.
- (3) The fisheries region, the Centre for Economic Development, Transport and the Environment and the regional fishery committee shall monitor the impacts of the implementation of the plan and the realization of its objectives. Upon request, the Centre for Economic Development, Transport and the Environment shall be entitled to receive information on the implementation of the plan from the fisheries region.

## Chapter 5 Organisation of fishing

### Section 41 *Organisation of fishing*

- (1) Fishing shall be organised in accordance with the management plan.
- (2) The fishing right holder is responsible for the organisation of fishing.
- (3) If there are fishing benefits resting on special grounds in a jointly-owned water area, the owners of their shareholder properties and shareholders of the water area shall see to the organisation of fishing together.

### Section 42 *Division of the fishing right of a body of joint owners*

- (1) The right to the use of the water area of a body of joint owners is determined on the basis of fishing gear units. When dividing fishing gear units, the shareholders of the jointly-owned water area and others with the right to engage in fishing in the water area shall be taken into account.
- (2) Unless otherwise decided by the body of joint owners on the use of the fishing waters, the fishing gear units shall be divided among the joint owners of the jointly-owned fishing waters according to their shares of the water area. The body of joint owners may issue further instructions regarding the use of the fishing right of the joint owners.

## Section 43

*Reconciling fishing rights in a special fishing benefit area*

- (1) Subject to other provisions when establishing a fishing benefit resting on special grounds, the fishing right in a special fishing benefit area included in a jointly-owned water area is divided among the shareholder properties and shareholder properties of fishing benefits resting on special grounds in such a way that the maximum number of fishing gear units of a shareholder property with fishing benefits resting on special grounds equals the number of fishing gear units of such a shareholder property of a jointly-owned water area as, based on the tax assessment assigned in the census, corresponds in size to the property with fishing benefits resting on special grounds. The above provisions shall also apply to a water area not belonging to a body of joint owners.
- (2) Subject to other provisions when establishing a fishing benefit resting on special grounds, the fishing right in a special fishing benefit area included in a State-owned water area is divided so that one half of the maximum amount of sustainable fishing belongs to the State and one half to the shareholder properties of fishing benefits resting on special grounds, except for the Lake Inarijärvi, where the State shall have two thirds and shareholder properties of fishing benefits resting on special grounds shall have one third of the maximum amount of sustainable fishing.
- (3) Should several different fishing benefits resting on special grounds apply to a special fishing benefits area in a water area belonging to the State, the fishing right belonging to the shareholder properties of fishing benefits resting on special grounds is divided among them in proportion to the tax assessments of land assigned to them in the census, according to the share of the shareholder property in the shared benefit.

## Section 44

*Reconciling fishing rights in a special fishing site*

- (1) Fishing right based on fishing benefits resting on special grounds in a special fishing site belongs solely to the shareholder properties of fishing benefits resting on special grounds, subject to other provisions when establishing the fishing benefit resting on special grounds. In a special fishing site, the owner of the water area may engage in other fishing unless it significantly interferes with the use of a fishing benefit resting on special grounds. Where the fishing benefit belongs to several properties, the fishing right is divided among them according to the proportion of their shares.
- (2) The shareholder properties of fishing right applicable to a special fishing site are assigned the total number of their fishing gear units by comparing the catch yielded by the fishing area to the total catch from the water area where the fishing benefit is included.

## Section 45

### *Organisation of fishing in a State-owned water area*

- (1) In a State-owned water area, the duties referred to in section 41 shall be managed by Metsähallitus. In the municipalities of Enontekiö, Inari and Utsjoki, Metsähallitus shall annually request a statement regarding the organisation of fishing and principles to be complied with in granting fishing permits from the advisory committee referred to in section 20 of the Act on Metsähallitus (1378/2004).
- (2) Further provisions on the organisation of fishing in State-owned water areas may be laid down by decree of the Ministry of Agriculture and Forestry.

## Chapter 6

### Steering and restriction of fishing

#### Section 46 — *Prohibited ways of fishing, catching methods and fishing equipment*

- (1) The following ways of fishing, catching methods and fishing equipment are prohibited in fishing:
  - 1) pressure obtained by means of an explosion or otherwise;
  - 2) firearms;
  - 3) intoxicating or toxic substances or substances that otherwise contaminate water;
  - 4) electricity;
  - 5) intentional hooking of the fish from outside;
  - 6) fishgig, harpoon or a comparable blade, hook or a pointed equipment, fishing by using fire or light with a landing net in a river, rapids and currents in waters with migratory fish and, from 15 April to 31 May, in other waters as well;
  - 7) in rapids and currents in waters with migratory fish, angling, ice fishing and fishing with a grayling trap;
  - 8) a net drifting with currents or attached to a vessel;
  - 9) other fishing gear, devices and ways of fishing that unnecessarily damage or kill fish or endanger the preservation of a fish stock or are harmful to biodiversity.
- (2) Prohibited fishing equipment shall not be stored in a vehicle used for fishing or kept readily at hand for fishing. However, transporting a firearm used for hunting is allowed.
- (3) Further provisions on the prohibited ways of fishing, catching methods and fishing equipment, the structure of the prohibited fishing gear and the

measurement of the knots of fishing gear woven from twine and other properties of the fishing gear may be laid down by Government decree.

#### Section 47

##### *Exceptional permit of the Centre for Economic Development, Transport and the Environment*

- (1) For transplantation, fish farming activity, research, maintaining a fishing tradition, implementation or utilisation of fishery obligations or other purpose related to the management of fish resources, the Centre for Economic Development, Transport and the Environment may for a justifiable reason grant an exceptional permit for:
  - 1) using a prohibited way of fishing or catching method or using or storage of prohibited fishing equipment;
  - 2) fishing during a prohibited time;
  - 3) taking catch larger than allowed;
  - 4) using more fishing gear than allowed;
  - 5) catching and taking fish ordered to be released;
  - 6) fishing in a prohibited area;
  - 7) fishing a protected species or stock;
  - 8) deviating from the prohibition laid down below in section 91(2) with respect to catch obtained in a fishing competition.
- (2) A permit shall not be granted if it were to compromise the purpose of a restriction issued in or under this Act or meeting the objectives of the management plan.

#### Section 48

##### *Setting and marking fishing gear*

- (1) Fishing gear shall not be placed in water with its mouth open above the water level nor stored so that it may pose danger to game or other animals.
- (2) Fixed and standing fishing gear shall be equipped with clear signs so that it can be easily detected by others moving in the waters. The equipment used for marking the fishing gear shall not be placed or left in water without the fishing gear, with the exception of fishing on ice.
- (3) The fishing gear referred to above in subsection 2 shall show the name and contact information of the placer of the fishing gear and carry a mark indicating the fishing right in such a way that they can be seen without lifting the fishing gear from the water. A mark indicating the fishing right need not be affixed to the fishing gear in areas where the fishing right holder has not introduced a marking system indicating the fishing right.
- (4) Further provisions on the placement and marking of fishing gear are laid down by Government decree.

#### Section 49

##### *Fishing gear intended for commercial fishing*

- (1) Only commercial fishermen and those acting on their behalf have the right to use fishing gear intended for commercial fishing when engaged in it. Such fishing gear includes trawl and, in waters other than those north of the 67°00'N latitude, nets whose total length per fishing or boating party exceeds 240 metres. In a public water area at sea and in Finland's exclusive economic zone, fishing gear intended for commercial fishing shall also include:
  - 1) large bow net; and
  - 2) hooked fishing gear with more than 100 hooks per fishing or boating party.
- (2) Commercial fishermen and those working on their behalf shall, upon request by an authority or fishing supervisor referred to in section 99, prove their right to use the fishing gear referred to in subsection 1.
- (3) Further provisions on the structure and technical properties of fishing gear intended for commercial fishing may be laid down by Government decree.

#### Section 50

##### *Avoiding disturbance*

- (1) When engaging in fishing, no unnecessary harm or disturbance shall be caused to the environment, those moving in the waters, other authorised fishing or the shore owner or possessor. Fishing referred to above in section 7 shall not be carried out closer than fifty metres away from a trawl or large bow net referred to in section 49.
- (2) Permitted fishing shall not be intentionally prevented or hindered.

#### Section 51

##### *Catching and storing crayfish*

- (1) In order to prevent the spread of the crayfish pest, the equipment used in catching crayfish shall be dried, disinfected or frozen before moving to another part of the water body or to another water body.
- (2) Crayfish may be stored in crayfish traps or other corresponding equipment only in the part of the water body where they were caught.

#### Section 52

##### *Authority to issue a decree concerning the restriction of fishing*

- (1) The Government and the Ministry of Agriculture and Forestry shall see to the implementation of the sustainable management of fish resources in order to preserve biodiversity.

- (2) In a water area with a fish species or stock whose vitality or return has degraded or is in danger of degrading and in a water area important for the reproduction of a fish species or stock, a Government decree may:
  - 1) prohibit fishing with a certain fishing gear or way of fishing or restrict it;
  - 2) prohibit fishing during a certain time or restrict it;
  - 3) restrict the number of fishing gear used;
  - 4) prohibit taking a catch larger than a certain amount;
  - 5) prohibit the catching of fish of a certain gender or size class or catching fish not marked in accordance with section 75; and
  - 6) lay down further provisions on the structure of fishing gear.
- (3) Technical provisions on the structure of and way of using fishing gear and detailed provisions on the time of use of the fishing gear, the amounts of fishing gear and catch and the obligation to release fish may be laid down by decree of the Ministry of Agriculture and Forestry, if necessary for a reason referred to in subsection 2.
- (4) When issuing the decrees referred to in subsections 2 and 3 above, the obligations imposed under them may be differentiated with regard to fishermen in different commercial fishermen groups.

#### Section 53

##### *Authority of the Centre for Economic Development, Transport and the Environment to restrict fishing*

- (1) In a water area with a fish species or stock whose viability or return has degraded or is in danger of degrading and in a water area important for the reproduction of a fish species or stock, the Centre for Economic Development, Transport and the Environment may:
  - 1) prohibit fishing with a certain fishing gear or way of fishing or restrict it;
  - 2) prohibit fishing during a certain time or restrict it;
  - 3) restrict the number of fishing gear used;
  - 4) prohibit taking catch larger than a certain amount; and
  - 5) prohibit the catching of fish of a certain gender or size class or catching fish not marked in accordance with section 75.
- (2) In addition, the Centre for Economic Development, Transport and the Environment may impose a restriction or prohibition referred to in paragraphs 1 and 2 of subsection 1 above, if this is necessary to prevent danger to waterborne traffic.
- (3) The restrictions and prohibitions referred to above in subsections 1 and 2 may be imposed for a maximum of ten years at a time. The restrictions and prohibitions imposed may be differentiated with regard to fishermen belonging to different commercial fishermen groups.

- (4) The restrictions and prohibitions may not restrict the use of a fishing right more than deemed necessary for the attainment of the objective of the restriction or prohibition.

#### Section 54

##### *Restriction of common fishing rights*

- (1) The Centre for Economic Development, Transport and the Environment may, in a specific water area, restrict angling, ice fishing and lure fishing or prohibit them if necessary in order to:
  - 1) secure the objectives of the management plan or more efficient management of the fish stock;
  - 2) perform fishery research;
  - 3) secure the fish stock;
  - 4) secure the commercial utilisation of fish or crayfish stocking done for commercial or other specific purposes; or
  - 5) prevent recurring or continuous disturbance of spawning areas of fish.
- (2) The Centre for Economic Development, Transport and the Environment may impose the restriction or prohibition referred to in subsection 1 for a maximum of ten years at a time, either on its own initiative or on the initiative of the fishing right holder, commercial fisherman, fisheries region or a party in whose interest the matter lies. The restriction or prohibition shall be applied for in writing, and the application shall be accompanied by an account of the grounds of the application and the proposed restricted or prohibited area with attached maps. The total restricted or prohibited area may be no more than 25% of the surface area of the waters of the fisheries region. The restrictions and prohibitions may not weaken the possibility to utilise common fishing rights more than what is necessary for the attainment of the objective of the restriction or prohibition.

#### Section 55

##### *Protection of fish*

- (1) If the reproduction of a fish species or stock is endangered or required for the protection of its depleted stocks, the fish species or stock can be protected in the entire country or in a specific area by Government decree.
- (2) Catching and selling protected fish and the use of fishing gear that is specifically suited for catching it are prohibited during the closed season. Provisions on fishing gear prohibited during the closed season may be laid down by Government decree.

#### Section 56

##### *Catch sizes of fish*

- (1) A lowest and highest catch size may be laid down for fish species or stocks if necessary for securing the sustainable production of fish resources, depleted stocks or the natural life cycle of depleted stocks or fish species.
- (2) It is prohibited to catch fish smaller than the minimum catch size or larger than the maximum catch size.
- (3) Provisions on the minimum and maximum catch sizes are laid down by Government decree.

#### Section 57

##### *Right of the Centre for Economic Development, Transport and the Environment to rule on the catch sizes*

- (1) In order to take special regional circumstances into consideration, the Centre for Economic Development, Transport and the Environment may, upon application of a fishing right holder or a fisheries region or on its own initiative, order catch sizes differing from those laid down for specific species or stocks under section 56, if the status of the fish species or stock in the area differs significantly from the criteria used for laying down the catch sizes.
- (2) Further provisions on the right of the Centre for Economic Development, Transport and the Environment to rule on the catch sizes are laid down by Government decree.

#### Section 58

##### *Releasing of fish*

- (1) A fish that does not meet the limits for catch sizes shall be released back in water immediately, subject to other provisions in the legislation of the European Union.
- (2) A fish shall always be released back in water if it was caught:
  - 1) during a closed or prohibited season;
  - 2) with prohibited fishing equipment or gear; or
  - 3) with a prohibited way of fishing or catching method.

#### Section 59

##### *Protection of endangered species*

- (1) The use of a certain type of fishing gear or way of fishing in a certain water area may be prohibited for a maximum of five years at a time and further provisions on the time of use of the fishing gear may be laid down by Government decree if necessary for preserving the viability of an animal species defined as endangered under the Nature Protection Act (1096/1996) and for attaining a favourable conservation status for the species.

- (2) Further technical provisions may be laid down by decree of the Ministry of Agriculture and Forestry for a specific water area for a maximum of five years at a time regarding the structure and use of fishing gear if necessary for preserving the viability of an endangered species referred to in subsection 1 or for attaining a favourable conservation status for the species.
- (3) The provisions of subsections 1 and 2 regarding species shall also apply to subspecies, breed, stock and form.

#### Section 60

##### *Agreements for the protection of the Saimaa ringed seal*

The South Savo Centre for Economic Development, Transport and the Environment and the owner of a water area or holder of a special right may conclude an agreement for the purpose of preserving the viability of the Saimaa ringed seal and attaining a favourable conservation status by restricting and prohibiting fishing in a specific water area. The agreement can be concluded for a maximum of five years at a time.

#### Section 61

##### *Compensations for damage caused by the protection of endangered animal species*

- (1) If a prohibition imposed under section 59(1) causes significant harm to the owner of the water area or holder of a special right, he or she shall be entitled to full compensation for the same from the State. In the compensation matter, the State is represented by the Centre for Economic Development, Transport and the Environment.
- (2) The Centre for Economic Development, Transport and the Environment and the party considering itself as entitled to compensation shall seek agreement on the amount of the compensation. If an agreement cannot be reached on the compensation, proceedings for ordering the compensation may be applied for from the National Land Survey of Finland within one year of entry into force of the prohibition that the application is based on. The provisions of the Act on the Redemption of Immoveable Property and Special Rights (603/1977) apply to the ordering of the compensation. Interest referred to in section 95(1) of the said Act shall be paid on the compensation from the date when the party entitled to the compensation has applied for the order on the compensation proceedings from the National Land Survey of Finland.
- (3) However, the right to compensation under this section shall not apply to damage that entitles the damaged party to compensation based on another act or agreement.

#### Section 62

##### *Bycatch report*

The owner or user of the fishing gear shall notify the National Resources Institute Finland without delay of any seal or harbour porpoise caught in the fishing gear.

## Chapter 7 Migratory fish and securing the passage of fish

### Section 63 *General securing of the passage of fish*

Fishing shall not be carried out in a way that prevents the passage of fish to their spawning or feeding areas or elsewhere where fishing has been restricted in order to secure the fish stock, or in a way that the management of the fish stock is unnecessarily impaired.

### Section 64 *Definition of waters containing migratory fish and rapids and currents*

- (1) Waters containing migratory fish mean a water area that migratory fish use as their central migratory path or breeding area.
- (2) A water area other than one referred to in subsection 1 may also be designated by Government decree as waters containing migratory fish if necessary for creating the conditions for the natural life cycle of migratory fish.
- (3) The boundaries of rapids and currents of waters containing migratory fish may be determined by a decision of the Centre for Economic Development, Transport and the Environment.

### Section 65 *Restricting fishing in order to secure the passage of migratory fish*

- (1) The maximum amounts of the catch taken from and fishing gear in waters containing migratory fish, fishing in such an area and use of fishing gear or a way of fishing or fishing at a time when the passage or natural life cycle of migratory fish is significantly disturbed may be restricted by Government decree.
- (2) Technical provisions on the structure and way of using fishing gear and detailed provisions on the time of use of the fishing gear and amounts of the catch and gear may be laid down by decree of the Ministry of Agriculture and Forestry, if necessary for preventing disturbance to the passage or natural life cycle of migratory fish.

- (3) When issuing the decrees referred to in subsections 1 and 2 above, the obligations under them may be differentiated between fishermen in different groups of commercial fishermen.

#### Section 66

##### *Prohibition on fishing at the mouth of a river*

- (1) Fishing with a trawl and seine is prohibited in a river included in waters with migratory fish and at sea closer than five kilometres from the mouth of such a river.
- (2) Fishing with a net is prohibited from 15 August to 31 October at sea closer than one kilometre from the mouth of a river referred to in subsection 1.
- (3) Without a previously gained right, no large bow net may be placed in a sea area referred to in subsection 1 above closer than three kilometres from the mouth of a river.

#### Section 67

##### *Fish passage*

- (1) A river referred to in Chapter 1, section 3(1)(4) and strait or narrow channel referred to in Chapter 1, section 6(1) of the Water Act have a fish passage that shall be kept clear of fishing gear in order to secure the passage of fish.
- (2) The fish passage is one third of the width of the river, strait or narrow channel according to the average water level at its deepest point.
- (3) Where a river flows into the sea or a lake, the fish passage is one third of the width of the water area according to the average water level at its deepest point and extends far enough into the open waters for the passage of fish to be secured.
- (4) The Centre for Economic Development, Transport and the Environment may, upon application by a fishing right holder or a fisheries region or on its own initiative, specify the width or location of the fish passage for a maximum of ten years in another way, if necessary for securing the passage of fish.

#### Section 68

##### *Keeping a fish passage clear of fishing gear*

- (1) Keeping fixed and standing fishing gear in a fish passage is prohibited, with the exclusion of a crayfish trap.
- (2) When fishing with a trawl and seine in a fish passage, more than one half of the width of the passage shall be kept free.

#### Section 69

##### *Determining the boundaries of a fish passage and river mouth areas*

The boundaries of a fish passage and river mouth areas referred to in section 66 may be determined and marked on a map in a survey operation conducted upon application of the Centre for Economic Development, Transport and the Environment, the fishing right holder or the fisheries region. The operation shall be conducted by a land surveyor without trustees, and it is otherwise subject to the provisions on demarcation in the Real Estate Formation Act. The cost of the operation shall be borne by the applicant.

#### Section 70

##### *Fishing in a brook*

The use of fixed and standing fishing gear in a brook referred to in Chapter 1, section 3(1)(5) of the Water Act is prohibited, with the exclusion of a fish trap and crayfish and lampern trap.

#### Section 71

##### *Fishing in a fish pass*

- (1) All fishing is prohibited in a fish pass built for securing the passage of fish and within two hundred metres above and below it or other corresponding structure.
- (2) No fishing is allowed in a channel conducting water to a power or other plant, or within one hundred metres below a dam built across a water body referred to in section 4(1) of the Dam Safety Act (494/2009).
- (3) Where necessary to secure the stock of migratory fish, the Centre for Economic Development, Transport and the Environment may prohibit fishing within no more than five hundred metres below a dam as well as in the reservoir above the dam and in an artificial lake or basin for a maximum of five years.

#### Section 72

##### *Exception to the prohibition on fishing in a river mouth area, fish passage and fish pass*

The Centre for Economic Development, Transport and the Environment may grant a temporary permit for fishing prohibited under sections 66, 68 or 71, if such a measure is necessary for securing public fishery interests or for another particular reason and this does not endanger the passage of fish in the waters or the implementation of the management plan.

### Chapter 8

#### Stocking fish and other management of fishing waters

### Section 73

#### *Prohibited stocking*

- (1) Stocking of fish and crayfish is prohibited if it may degrade biodiversity by endangering the survival of a fish or crayfish species or other species or their stock present in nature.
- (2) Further provisions on the grounds of prohibited stocking may be laid down by Government decree.

### Section 74

#### *Stocking fish and crayfish*

- (1) Stocking fish is allowed only if the stocking of the species or stock concerned in the target waters is included in the management plan of the fisheries region.
- (2) A permit from the Centre for Economic Development, Transport and the Environment is required for the introductory stocking of a new species or stock and for stocking not specified in the management plan of the fisheries region. The permit may be granted if the stocking does not interfere with reaching the objectives of the management plan of the fisheries region and does not endanger the preservation of the viability of the fish or crayfish stock in the target waters or biodiversity.
- (3) The Centre for Economic Development, Transport and the Environment may prohibit stocking from waters or aquaculture facilities that involves a risk of spreading fish or crayfish diseases into natural waters.
- (4) The fish stocker shall notify the stocking register referred to in section 94(1)(4) of the stocking within three months. Provisions on the information to be recorded on the stocking are laid down by decree of the Ministry of Agriculture and Forestry.
- (5) The provision in subsection 1 does not, however, apply to stocking carried out under Chapter 3, section 14 of the Water Act.

### Section 75

#### *Marking stocked fish*

If necessary in order to secure the sustainable utilisation of the fish stocks, provisions may be laid down by Government decree that for the stocking of certain fish species or stocks or certain age or size groups it may be required that they or part of them have been marked in a way that can be externally or otherwise identified from the fish.

### Section 76

#### *Exceptions to the prohibition on stocking*

The Centre for Economic Development, Transport and the Environment may grant an exemption from prohibitions imposed in sections 73 and 74 or under them for the purpose of research, education and fish farming, to prevent material degrading of the conditions for commercial fishing or for another special reason.

#### Section 77

##### *Import of fish and crayfish*

- (1) The Centre for Economic Development, Transport and the Environment shall act as the competent authority referred to in Council Regulation (EC) No 708/2007 on the use of alien and locally absent species in aquaculture.
- (2) The import of a fish or crayfish species or their stocks or gametes other than those naturally present in Finland for the purpose of release into natural waters or for aquaculture is prohibited without a permit from the Centre for Economic Development, Transport and the Environment. The Centre for Economic Development, Transport and the Environment considers applications regarding the import permit in accordance with the procedure specified in the Council Regulation referred to in subsection 1.
- (3) Further provisions on the conditions for granting the permits referred to in subsection 2 above may be laid down by Government decree.

#### Section 78

##### *Protection of certain Upper Lapland fish stocks*

- (1) Prohibitions, conditions, restrictions and measures for the protection of the fish stocks in the water areas of the Tenojoki, Näätämöjoki, Paatsjoki, Tuulomajoki and Uutuanjoki rivers may be laid down by Government decree concerning:
  - 1) transfer of live fish, spawn and vehicles, equipment, gear and bait fish to be used in fishing to these areas;
  - 2) use of bait fish in fishing practised in these areas;
  - 3) gutting of fish brought from outside of these areas in natural waters in these areas; and
  - 4) discharge of gutting waste into natural waters in these areas.

### Chapter 9

#### Promotion and financing of fishery

#### Section 79

##### *Fisheries management fee and adjusting it*

- (1) For fishing other than angling or ice fishing, persons 18 to 64 years of age shall pay a fisheries management fee to the State. The fisheries management fee is 39 euros for a calendar year, 12 euros for seven days and 5 euros for a day.
- (2) A proof of payment of the fisheries management fee shall be kept in one's possession when fishing and shown to the authority referred to in section 99 or fishing supervisor upon request.
- (3) The amount of the fisheries management fee shall be adjusted every five years by Government decree in accordance with the change in the value of money. The amount of the fee shall be rounded to the nearest full euro.

#### Section 80

##### *Collection of fees*

- (1) Metsähallitus is responsible for collecting the fisheries management fee. Metsähallitus may agree on the receipt of fisheries management fees with a private service provider. Metsähallitus shall agree with the service provider on the content of the task, payment of the fees and other issues necessary for managing the task and on a reasonable service fee to be collected for the execution of the task, payable by the payer of the fisheries management fee. Metsähallitus shall pay the fisheries management fee it has collected and fees collected for it to a bank account of the Ministry of Agriculture and Forestry account at a time specified by decree of the Ministry of Agriculture and Forestry.
- (2) The service provider shall be reliable and possess the necessary expertise. The service provider shall have the technical, financial and operative capacity for the management of the task. The service provider shall have a sufficient number of service points with sufficient regional coverage.
- (3) Metsähallitus shall supervise the activities of the service provider. The service provider shall notify Metsähallitus without delay of any changes in its operations that may significantly impact the appropriate management of the tasks.

#### Section 81

##### *Proof of payment of the fisheries management fee*

- (1) A receipt on the payment of the fisheries management fee shall serve as a proof referred to in section 79(2).
- (2) Metsähallitus is not obliged to provide a new proof of the payment of the fisheries management fee to replace a lost one or to refund an erroneously paid fisheries management fee without special reason.
- (3) Further provisions on the collection of payments, receipt and its content and other documents approved for proving the payment of the fisheries management fee are issued by decree of the Ministry of Agriculture and Forestry. Provisions on the places of payment where the payment may be made without a separate service fee are laid down by decree of the Ministry of Agriculture and Forestry.

## Section 82

### *Use of the funds from payments*

- (1) The funds accrued from the fisheries management fees shall be used for:
  - 1) costs incurred from the planning and implementation, steering and development of the sustainable management of fishing waters and from the supervision of fishing;
  - 2) costs incurred from the activities of the fisheries regions;
  - 3) costs incurred from the organisation of advisory services in the fishery sector;
  - 4) compensations paid to the owners of a water area for use based on the utilisation of common fishing rights and fishing guide activities; and
  - 5) paying for the expenses incurred by the State and Metsähallitus from the collection of the fisheries management fee.
- (2) The Ministry of Agriculture and Forestry may use the funds from payments for paying for the expenses of registers referred to in section 94(1)(2–8).

## Section 83

### *Division of the funds from payments*

- (1) The Ministry of Agriculture and Forestry and, to the extent determined by the Ministry, the Centre for Economic Development, Transport and the Environment, shall grant the funds for the costs referred to in section 82(1)(1) and 82(1)(3). The Centre for Economic Development, Transport and the Environment shall grant the funds for the costs and compensations referred to in section 82(1)(2) and 82(1)(4).
- (2) The division of compensations referred to above in section 82(1)(4) to owners of a water area is based on the strain imposed on the water area by lure fishing, as confirmed in the management plan. If the fisheries region does not have a valid management plan, the fisheries region may make a separate proposal to the Centre for Economic Development, Transport and the Environment on the strain caused by lure fishing that serves as the basis for the division. The fisheries regions are responsible for the technical implementation of the division. If the amount payable to the owner of the water area in the division would be no more than 50 euros, the funds shall not be handed out to the owners but they are left to the fisheries region concerned to be used for the management of fish stocks. The compensations are not considered discretionary government transfers referred to in the Act on Discretionary Government Transfers (688/2001).
- (3) The Ministry of Agriculture and Forestry and the Centre for Economic Development, Transport and the Environment may set performance objectives or conditions for the recipients of funds granted for the costs and expenses referred to in section 82(1)(1–3) and 82(1)(5).

- (4) Further provisions may be laid down by decree of the Ministry of Agriculture and Forestry on the grounds of granting the funds regarding the costs and compensations referred to in section 82(1)(1–4) and the use of the funds related to the expenses referred to in paragraph 5.

#### Section 84

##### *Information provision obligation of the owner of a water area*

The owner of a water area shall provide the following information and changes in it to the fisheries region for the payment of the compensations referred to in section 82(1)(4):

- 1) official name of the body of joint owners or name of the owner of a divided water area;
- 2) address;
- 3) property ID; and
- 4) account number.

#### Section 85

##### *Expiration of compensation paid from the fisheries management fees*

The compensation referred to above in section 82(1)(4) and the interest payable on it shall expire within three years from the beginning of the year following the year when the decision of the fisheries region regarding the compensation has been made. An expired compensation shall be transferred to the fisheries region to be used for the expenses referred to in section 82(1)(1).

#### Section 86

##### *Reserving an allocation in the budget*

An annual allocation equal to the accrual of fisheries management fees in accordance with the latest confirmed final central government accounts shall be included in the State budget for the costs, compensations and expenses referred to in section 82.

## Chapter 10

### Commercial fishing

#### Section 87

##### *Registration*

- (1) A natural or legal person whose residence or domicile is located within a state belonging to the European Union or the European Economic Area and who fishes

within Finland's territorial waters or exclusive economic zone or waters where fishing is allowed on the basis of the European Union legislation concerning the Common Fisheries Policy may register as a commercial fisherman.

- (2) Further provisions on the registers of the fishery administration are laid down in Chapter 11. Further provisions on the procedure to be followed in the registration may be laid down by decree of the Ministry of Agriculture and Forestry.

#### Section 88

##### *Groups of commercial fishermen*

- (1) Commercial fishermen are divided into groups I and II.
- (2) Group I comprises:
  - 1) natural persons or corporations whose average turnover accrued from the sale of the fish that they have caught themselves or fishery products processed from this during the past three accounting periods exceeds the amount laid down in section 3(1) of the Value Added Tax Act (1501/1993); and
  - 2) natural persons or corporations that in the year of registration or the year before have engaged or engage in commercial fishing and present a plan approved by the Centre for Economic Development, Transport and the Environment on how the turnover accrued from the sale of fish or fishery products processed from this will exceed the amount laid down in section 3(1) of the Value Added Tax Act no later than in the third accounting period since the registration.
- (3) Group II shall include commercial fishermen not included in group I. In addition, a fisherman shall be placed in group II if the turnover referred to in subsection 2(2) does not develop as planned.
- (4) The division of commercial fishermen into groups is made in connection with the registration and after that every three years or upon the fisherman's request.
- (5) Further provisions on the content of the plan referred to above in subsection (2)(2) are laid down by decree of the Ministry of Agriculture and Forestry.

#### Section 89

##### *Validity and expiration of registration concerning commercial fishermen*

- (1) The registration of a commercial fisherman is valid for no more than three years at a time. The Centre for Economic Development, Transport and the Environment shall provide a commercial fisherman with a certificate of being included in the register. If a commercial fisherman intends to continue to practise commercial fishing after the expiry of the validity of the registration, the commercial fisherman shall apply for the extension of the registration in writing from the Centre for Economic Development, Transport and the Environment.

- (2) A commercial fisherman may be removed from the register, if he or she has not filed the application referred to in subsection 1 or no longer meets the conditions for entry into the register or if he or she repeatedly or consistently acts in a way that significantly violates this Act or the provisions issued under it and does not rectify his or her actions despite a notice or warning from the Centre for Economic Development, Transport and the Environment.
- (3) The Centre for Economic Development, Transport and the Environment shall remove a commercial fisherman from the register after the fisherman has stopped commercial fishing. A commercial fisherman is obliged to immediately notify the Centre for Economic Development, Transport and the Environment of changes that have taken place in the conditions for registration or of the cessation of his or her activities.

#### Section 90

##### *Catch reporting obligation*

- (1) A commercial fisherman shall keep a journal of fishing in waters other than the sea area and notify the National Resources Institute Finland at least once per calendar year of the catches he or she has taken or that have been taken on his or her behalf.
- (2) The provisions of the legislation of the European Union and the national legislation implementing it apply to the catch reports of commercial fishing at sea.
- (3) Further provisions on catch reports, their content and time of submission for the reports are laid down by decree of the Ministry of Agriculture and Forestry.

#### Section 91

##### *First sale of catch*

- (1) The first sale of catch is considered to be the sale where the fish is sold for the first time after being caught.
- (2) Fishermen other than commercial fishermen may not engage in the first sale of catch caught by or on their behalf in inland waters with the exception of occasional sale of a minor fish or crayfish catch directly to consumers.
- (3) Provisions on the first sale of catch from the sea and its restrictions are laid down in the legislation of the European Union and the national legislation implementing it.

### Chapter 11

#### Fishery administration registers

#### Section 92

*Fishery administration information system*

- (1) The information system of the fishery administration means registers referred to in section 94 related to the tasks of the fishery administration authorities.
- (2) Registers of the information system of the fishery administration are kept by Centres for Economic Development, Transport and the Environment, Metsähallitus and Natural Resources Institute Finland and the register of the fisheries region referred to in section 94(1)(6) is kept by fisheries regions. Each register keeper is responsible for the information stored in the registers and their accuracy. The Ministry of Agriculture and Forestry is responsible for steering the keeping of registers included in the information system of the fishery administration and for the maintenance and development of information systems necessary for their administration.
- (3) Subject to other provisions in this Act, the Act on the Openness of Government Activities and the Personal Data Act (523/1999) apply to the publicity, disclosure and fees collected for the disclosure of information in the information system and the related documents.

## Section 93

*Purpose of use of the fishery administration information system*

- (1) The information system of the fishery administration is used for:
  - 1) supervising fishing and fishing supervisors;
  - 2) planning and enhancing the management of fish resources;
  - 3) monitoring fisheries management fees;
  - 4) determining the total number of persons who have paid the fisheries management fee;
  - 5) determining the addresses of fishermen for sending out the wire transfer form regarding the fisheries management fee;
  - 6) distributing funds accrued as fisheries management fees;
  - 7) communication by the authorities;
  - 8) fishery advisory services;
  - 9) managing of other tasks related to fishing and the management of fish stocks; and
  - 10) planning, monitoring and investigation tasks of the authorities, research and compiling of statistics.
- (2) Information in the information system may be disclosed for the completion of a thesis, if this is considered necessary based on the research plan and if the research work has an instructor or group responsible for it. A further condition for the disclosure of information is that information regarding an individual person is not disclosed to a third party and personal data is destroyed when it is no longer necessary for conducting the research or for verifying the correctness of its results.

## Section 94

### *Structure and content of the information system*

- (1) The information system of the fishery administration consists of:
  - 1) a register kept of commercial fishermen, where the information allowed to be recorded includes the name and personal or business identity number, mother tongue, commercial fisherman's domicile or residence information and contact information, and information on the group of commercial fishermen referred to in section 88 that the fisherman belongs to, on whether the fisherman engages in fishing in inland waters or at sea, on catch reports and on the time of starting and ending the registration.
  - 2) a fisheries management fee register with the names and birth dates of people permanently residing in Finland for whom the fisheries management fee has been paid, the amount of fisheries management fee paid, the time of payment and the time for which the fisheries management fee has been paid;
  - 3) a register for the payment of compensations to owners with information referred to in section 84;
  - 4) a stocking register where the information allowed to be recorded for each stocking includes the name of the fish stocker, the stocked species and stock, the origin of the stocked batch, the size, age and quantity of the stocked fish and the place and time of stocking;
  - 5) a fishery obligation and payment register with information concerning the plans referred to in Chapter 3, section 15 of the Water Act;
  - 6) a fisheries region register with the name, regional extent, responsible persons and contact information of the fisheries region;
  - 7) a fishing supervisor register with the name and photo and the date of birth and personal identity number of the fishing supervisor, period of validity of the approval, authorising party, operating area and period of validity of the authorisation; and
  - 8) a fishing regulation register with the type, content, area and duration of fishing restrictions imposed by an authority on the grounds of this Act or under it.
- (2) Other information necessary for the management of tasks referred to in section 93 and information necessary with regard to the purpose use of the information system may also be stored in the registers, excluding personal data.

## Section 95

### *Right of keepers of fishery administration registers to obtain information from authorities*

- (1) Provisions on secrecy notwithstanding, the register keeper has the right to obtain from the authorities keeping fishery and vessel registers information on

fishing vessels registered in fishery and vessel registers and on their owners and possessors that is necessary for managing the tasks laid down in section 93.

- (2) The information may be disclosed through a technical connection or otherwise in electronic form.

#### Section 96

##### *Disclosure of information to foreign authorities and international bodies*

- (1) Provisions on secrecy notwithstanding, information in the information system of the fishery administration may be disclosed to an authority of a Member State of the European Union or a state belonging to the European Economic Area, the European Commission, the European Fisheries Control Agency and authorities referred to in international treaties for meeting the obligations arising from the legislation of the European Union or international treaties that are binding on Finland.
- (2) The register keepers shall each decide on the disclosure of information with regard to their field of operation.

#### Section 97

##### *Storage of personal information in the information system of the fishery administration*

- (1) Information in the information system of the fishery administration shall be removed no later than three years from the time the registered information has last been considered.
- (2) However, information necessary for managing a task laid down by law or for a pending matter shall not be removed. Information shall be removed from the information system immediately when there is no basis laid down by law for its consideration.

#### Section 98

##### *Authorisation to issue decrees*

Further provisions may be issued by decree Ministry of Agriculture and Forestry on the recording method used in the information system of the fishery administration and its technical management.

## Chapter 12

### Supervision and sanctions

## Section 99

### *Supervisory authorities and fishing supervisors*

- (1) Compliance with this Act shall be supervised by:
  - 1) the police;
  - 2) the Finnish Border Guard;
  - 3) fishery authorities referred to in section 19;
  - 4) Metsähallitus officials tasked with the management of fishing matters;
  - 5) a fishing supervisor approved pursuant to section 103 and authorised pursuant to section 107; and
  - 6) the Customs in waters at the state border of Finland, in Finland's territorial waters and in Finland's exclusive economic zone.
- (2) Further provisions on the supervision of fishing in State-owned water areas administered by Metsähallitus are laid down in the Act on the Supervision of Hunting, Fishing and the Wilderness Areas (1157/2005).
- (3) A fishing supervisor referred to in subsection(1)(5) above does not, however, have the authority to supervise the compliance with the Union legislation concerning the Common Fisheries Policy of the European Union or the national legislation issued for its implementation.

## Section 100

### *Principles to be followed in the supervision*

A task or measure included in the supervision of fishing may not cause harm or damage greater than what is necessary for the implementation of the supervision of fishing. The task or measure shall be justified with respect to the objective and urgency pursued in the supervision of matters affecting the overall assessment of the situation.

## Section 101

### *Supervision of the activity of fishing supervisors*

- (1) The general supervision and steering of the fishing supervisors is the responsibility of the Ministry of Agriculture and Forestry. The Centres for Economic Development, Transport and the Environment are responsible for supervising the activity of fishing supervisors in their operating areas.
- (2) The Ministry of Agriculture and Forestry and the Centres for Economic Development, Transport and the Environment shall have the right to obtain information needed in the supervision of their activities regarding the performance of fishing supervision tasks and the organisation of the training of fishing supervisors from the fishing supervisor and coordinator of the training of fishing supervisors.

## Section 102

*Liability for acts in office of a fishing supervisor*

When performing a fishing supervision task referred to in this Act, the provisions concerning criminal liability for acts in office apply to the fishing supervisor. When managing a fishing supervision task, the Administrative Procedure Act, Act on the Openness of Government Activities, Language Act and Sámi Language Act shall be complied with. Provisions on the liability for damages are laid down in the Tort Liability Act.

## Section 103

*Qualification requirements and approval of a fishing supervisor*

- (1) Approval to act as a fishing supervisor may be awarded to a person who:
  - 1) has full legal capacity;
  - 2) is known to be an honest and reliable person and possesses personal properties suitable for the task; and
  - 3) has passed the fishing supervisor's examination laid down in section 104.
- (2) A person is approved as a fishing supervisor upon application by the Centre for Economic Development, Transport and the Environment in whose operating area the applicant's domicile belongs. The approval is valid for ten years.

## Section 104

*Fishing supervisor's examination and training*

- (1) The organisation and supervision of the fishing supervisor's examination is the responsibility of the Centre for Economic Development, Transport and the Environment. A decision regarding the examination may be appealed to the Centre for Economic Development, Transport and the Environment within 30 days of the receipt of the decision.
- (2) In the training preceding the fishing supervisor's examination, the trainee shall be provided with sufficient knowledge of the fishing legislation and good governance with respect to the fishing supervision task and other knowledge and skills required for the fishing supervision task. An alternative to the training is sufficient knowledge of fishing supervision, proven by completing the examination referred to in subsection 1.
- (3) Further provisions on the training and examination of a fishing supervisor are laid down by Government decree.

## Section 105

*Fishing supervisor card and identifier*

- (1) The Centre for Economic Development, Transport and the Environment shall issue a fishing supervisor's card and identifier to a person approved as a fishing supervisor. The fishing supervisor shall keep the card and a document concerning the authorisation referred to in section 107 with him or her and present them upon request. In addition, the fishing supervisor shall use the fishing supervisor's identifier when managing fishing supervision tasks.
- (2) Provisions on the content of the fishing supervisor's card and the appearance of the fishing supervisor's identifier are laid down by decree of the Ministry of Agriculture and Forestry.

#### Section 106

##### *Revoking the approval as a fishing supervisor*

- (1) The Centre for Economic Development, Transport and the Environment shall revoke the approval as a fishing supervisor upon request by the fishing supervisor.
- (2) The Centre for Economic Development, Transport and the Environment may, if a verbal warning is not considered a sufficient sanction, issue a written warning to a fishing supervisor who acts in violation of his or her obligations under this Act.
- (3) The Centre for Economic Development, Transport and the Environment may revoke the approval as a fishing supervisor if the fishing supervisor no longer meets the qualification requirements laid down in section 103(1) or if the fishing supervisor materially or repeatedly violates the provisions concerning fishing supervision or fishing and a written warning is not to be considered a sufficient sanction.
- (4) A fishing supervisor whose approval has been revoked shall return the fishing supervisor's card and identifier referred to in section 105 to the Centre for Economic Development, Transport and the Environment that made the decision on the revoking within the reasonable time determined by the Centre.

#### Section 107

##### *Fishing supervisor's authorisation and operating area*

- (1) A fishing supervisor approved pursuant to section 103 above shall have the right to supervise the compliance with the provisions regarding fishing only by the authorisation of the Centre for Economic Development, Transport and the Environment, a fisheries region, a body of joint owners or an owner of a water area not belonging to a body of joint owners in the area specified in the authorisation. A fishing supervisor authorised by a fisheries region shall have the right to supervise the compliance with the provisions regarding fishing within the entire area of the fisheries region regardless of whether a decision on the transfer of tasks to the fisheries region referred to in section 121 has been made.

- (2) A fisheries region, a body of joint owners and an owner of a water area not belonging to a body of joint owners are obliged to notify the Centre for Economic Development, Transport and the Environment in whose operating area most of the authoriser's area belongs of the content and period of validity of the authorisation within two months of the entry into force of the authorisation. The Centre for Economic Development, Transport and the Environment shall be notified without delay of the expiry of authorisation earlier than the original period of validity.

#### Section 108

##### *Right of inspection of a supervising authority and fishing supervisor*

- (1) The authority referred to above in section 99 shall have the right to inspect that the fishing equipment, fishing gear and catch in water, in a vessel used for fishing or ashore comply with the relevant provisions. The authority referred to in section 99 above shall also have the right to inspect the transportation and storage facilities where fish or crayfish are kept. However, the inspection shall not be extended to premises used for permanent residence, unless this is necessary for determining the matters under inspection and there is a justifiable cause to suspect that someone is guilty of the crime referred to in Chapter 48 a, sections 2 or 4 of the Criminal Code (39/1889).
- (2) A fishing supervisor shall have the right to inspect that the fishing equipment, fishing gear and catch in water, in a vessel used for fishing or ashore comply with the relevant provisions. However, the inspection shall not be extended to premises used for permanent residence.
- (3) The authority referred to in section 99 above and a fishing supervisor shall have the right to inspect the right of a party engaged in fishing to practise the type of fishing in question.
- (4) The name and contact information of the inspector shall be left in the inspected fishing gear.

#### Section 109

##### *Right of confiscation of a supervising authority and fishing supervisor*

The authority referred to in section 99 above and a fishing supervisor shall have the right to confiscate the gear and fishing equipment used in fishing and the catch if:

- 1) the provisions regarding fishing times, fishing gear, numbers of fishing gear and catching methods or release, catching or protection of fish are violated;
- 2) fishing is practised without a fishing right or clearly in excess of the fishing right;
- 3) fishing gear is not marked as required in section 48.

#### Section 110

##### *Right of inspection and confiscation of the owner of a water area, shareholder and fishing right holder*

- (1) A shareholder of a body of joint owners and the owner of a water area not belonging to a body of joint owners has the right to inspect that the fishing gear has been marked as laid down in section 48(3) with a mark indicating the fishing right.
- (2) A shareholder of a body of joint owners and an owner of a water area not belonging to a body of joint owners has the right to confiscate any fishing gear set for fishing if it has not been marked with a mark indicating the fishing right referred to in section 48(3) and the catch contained in it, provided that the owner of the fishing gear cannot be reached or that he or she does not remove it despite a request to do so and sufficient and timely assistance from the authorities of fishing supervisor referred to in section 99 is not available.

#### Section 111

##### *Confiscation procedure*

- (1) If possible, information regarding the party doing the confiscation and the storage location of the fishing gear, fishing equipment and catch shall be left at the place where fishing gear, fishing equipment and catch were confiscated under section 109 or section 110(2) above if their owner or user is not present when the confiscation takes place.
- (2) Any confiscated fishing gear or fishing equipment shall be immediately reported to the police and handed over to the police for storage as soon as possible. If there are difficulties regarding the handover, the fishing gear and its storage location shall be reported to the police for deciding how it is to be stored.
- (3) Any confiscated fishing gear or fishing equipment shall be returned to the owner or user of the fishing gear or fishing equipment without delay if pre-trial investigation is not started. Fishing equipment used in lure fishing shall, however, be returned immediately if proof of the payment of the fisheries management fee is presented within seven days of the confiscation.
- (4) Any confiscated catch shall be immediately reported to the police, who gives an order for the catch to be released, stored appropriately or, if storage is not possible without unreasonable effort, destroyed.
- (5) The obligation of reporting and handing over referred to in subsections 2 and 4 above shall not apply to the Border Guard, the Customs or official of Metsähallitus managing hunting, fishing and wilderness affairs.

#### Section 112

##### *Sale or destruction of confiscated fishing gear*

If the owner of confiscated fishing gear or fishing equipment cannot be reached within six months of the confiscation, the police shall sell the fishing gear or fishing equipment and forward the funds accrued from the sale to the State. Alternatively, the police may destroy the fishing gear or fishing equipment if they are only of minor value.

#### Section 113

##### *Obligation to stop and to establish identity*

- (1) Upon a clearly observable stop signal given by an authority referred to in section 99 or a fishing supervisor, a vessel used for fishing shall be stopped immediately when it is safe to do so.
- (2) A party engaged in fishing shall provide the authority referred to in section 99 or the fishing supervisor with information sufficient for the execution of a single supervision task regarding the party's name, personal identity number or, in the absence of this, date of birth and nationality and contact information.

#### Section 114

##### *Order to show proof*

- (1) The authority or fishing supervisor referred to above in section 99 may issue an order to show proof to a person engaged in fishing if the person does not present proof of a fee paid pursuant to section 79(2).
- (2) The order to show proof obliges a person referred to in subsection 1 to show proof to the police within seven days of the issuing of the order to show proof.
- (3) Provisions on the content of the order to show proof are laid down by decree of the Ministry of Agriculture and Forestry.

#### Section 115

##### *Notice*

If the violation of provisions regarding fishing is a minor one considering the circumstances, the authority referred to in section 99 or fishing supervisor may give the guilty party a notice without taking further action.

#### Section 116

##### *Abandoning an action*

The authority referred to in section 99 above and the fishing supervisor may abandon an action laid down in this Chapter if completing it may result in unreasonable consequences considering the nature of the violation and the result sought with the measure.

Section 117  
*Incident report*

- (1) The fishing supervisor shall prepare an incident report regarding the confiscation referred to in section 109, issuing of notice referred to in section 115 and abandoning of action referred to in section 116. The information in the incident report may only be used for securing the legal protection of the party concerned and for the supervision of the activities of the fishing supervisors.
- (2) The information entered in the incident report is the following:
  - 1) personal identity number and other identifying information and contact information of the party subjected to the action;
  - 2) suspected violation for the examination of which the measure has been taken;
  - 3) type of measure;
  - 4) list of confiscated goods;
  - 5) executor and time of the measure.
- (3) Incident reports shall be submitted to the competent Centre for Economic Development, Transport and the Environment that approved the fishing supervisor on an annual basis by the end of January following each operating year of the fishing supervisor.
- (4) The Centre for Economic Development, Transport and the Environment shall retain the incident reports for two years from their date of submission, after which they shall be destroyed.

Section 118  
*Fishing offence*

- (1) Anybody who deliberately or through negligence
  - 1) uses a way of fishing, catching method or fishing equipment prohibited in sections 46 and 49 or under them or in the fishing rule or keeps prohibited fishing equipment in a vessel used for fishing or otherwise so that it is readily available for fishing,
  - 2) fishes in an area where fishing is prohibited or restricted in sections 7, 52–54, 59, 65–68, 70 or 71 or under them or in the fishing rule,
  - 3) fishes during a time prohibited under sections 52 and 53 or during a closed season laid down under section 55 or in the fishing rule or keeps fishing gear suitable for catching fish in water during that time,
  - 4) fishes in violation of a restriction set for the implementation of an agreement referred to in section 60,
  - 5) fishes undersized or oversized fish in violation of section 56 or the fishing rule or catches fish in violation of a prohibition laid down under sections 52 or 53 or in the fishing rule,
  - 6) neglects the obligation to release fish laid down in section 58 or the fishing rule,

- 7) fishes without having paid the fisheries management fee laid down in section 79 or without having proof of the payment of the fisheries management fee with him or her and does not present one to the police within seven days,
  - 8) imports a fish species not naturally present in Finland or its stock or gametes without the permit laid down in section 77(2) or in violation of a permit condition;
  - 9) stocks a fish species or its stock in a water area in violation of the provisions laid down in section 73 or 74 or under section 75,
  - 10) neglects the obligation to mark fishing gear laid down in section 48 or the fishing rule or keeps the fishing gear mark in water in violation of the provisions laid down section 48,
  - 11) violates the prohibition of first sale of fish laid down in section 91 or the prohibition of sale of protected fish laid down in section 55,
  - 12) stores crayfish or uses equipment used for catching crayfish in violation of section 51,
  - 13) neglects the obligation to report bycatches laid down in section 62,
  - 14) violates the prohibitions, conditions or restrictions laid down under section 78,
  - 15) violates the prohibition on the use of a boat or engine laid down in the fishing rule,
- shall be sentenced to a fine for a *fishing offence*, unless a more severe punishment has been laid down for the act in other law.
- (2) Provisions on petty fine as the sole penalty for neglecting the payment of the fisheries management fee referred to in section 79 or failing to present the proof of payment of the fee within the prescribed time period are laid down in Chapter 2 a, section 9(3) of the Criminal Code and by decree issued under section 9(8).
  - (3) Provisions on the penalty for unauthorised fishing are laid down in Chapter 28, section 10 of the Criminal Code. Provisions on the penalties for a fishing offence are laid down in Chapter 48 a, section 2 of the Criminal Code. Provisions on the penalties for impairment of the environment are laid down in Chapter 48, section 1 of the Criminal Code.

#### Section 119

##### *Forfeiture*

Provisions regarding forfeiture shall not be applied if the person is guilty of an act referred to in section 118(1)(7) for which the person is imposed a petty fine as a sanction.

#### Section 120

##### *Right to bring charges*

If the fishing offence has only violated the rights of a private party, the public prosecutor may bring charges only if the complainant reports the offence as one for which charges are to be brought.

## Chapter 13 Miscellaneous provisions

### Section 121

#### *Transfer of duties regarding the management of fish resources and the organisation of fishing to a fisheries region*

- (1) A body of joint owners or an owner of a water area not belonging to a body of joint owners may transfer the duties regarding the management of fish resources and the organisation of fishing to a fisheries region for a fixed period or until further notice.
- (2) A settlement is carried out for the transfer of the duties where a decision is made on the specification and method of execution of the duties to be transferred and the division of income and costs. The fisheries region shall assume the duties if this is appropriate for the management of the duties of the fisheries region.
- (3) The decision of the meeting of the body of joint owners on the transfer is considered as the authorization on the grounds of which the fisheries region may act on behalf of the body of joint owners in the matters to be transferred.

### Section 122

#### *Participation of a holder of a fishing benefit resting on special grounds in a meeting of a body of joint owners*

At meetings of a body of joint owners a holder of a fishing benefit resting on special grounds shall, besides the joint owners in a body of joint owners, have the right to vote when deciding on matters related to fishing in such a way that each party participating in the vote has the number of votes corresponding to the number of fishing gear units of the property they own. Otherwise, the provisions of the Act on Jointly Owned Areas shall apply to the right to vote when making decisions on matters related to fishing.

### Section 123

#### *Participation of a holder of fishing benefits resting on special grounds in the management of fishing matters in a water area not belonging to the body of joint owners*

If there are fishing benefits resting on special grounds in a water area not belonging to the body of joint owners, the owner of the water area and the owners of the properties with fishing benefits resting on special grounds are deemed to constitute a body of joint owners tasked with managing the duties referred to in section 41. The parties to such body of joint owners shall have a vote at the meetings of the body of joint owners in accordance with fishing gear units.

## Chapter 14 Appeal

### Section 124

#### *Appeal of a decision of the Centre for Economic Development, Transport and the Environment*

- (1) A decision of the Centre for Economic Development, Transport and the Environment referred to in this Act may be appealed to the Administrative Court as laid down in the Administrative Judicial Procedure Act (586/1996).
- (2) Subject to other provisions in this Act, the Centre for Economic Development, Transport and the Environment may order that the decision shall be complied with regardless of the appeal.
- (3) The competent Administrative Court is the one in the jurisdiction of which the region or main part of the region in question is located. If such grounds cannot be applied, the competent Administrative Court shall be determined as laid down in section 12 of the Administrative Judicial Procedure Act.
- (4) The decision of the Administrative Court on matters concerning permits referred to in sections 13 and 16, registration and removal from a register referred to in sections 87–89 and written warning and revoking of approval referred to in section 106 may be appealed as laid down in to the Administrative Judicial Procedure Act. A decision of the Administrative Court other than the above may be appealed only if the Supreme Administrative Court grants a permit to appeal.

### Section 125

#### *Appeal of a decision of a fisheries region*

- (1) A party whose rights the decision of the general meeting or board, or the executive director under section 27(3), of the fisheries region concerns may request from the general meeting of a fisheries region a rectification of a decision on the grounds that the decision has not been made in legal order or violates an act, a decree or the regulations of the fisheries region or deviates from what is provided in the management plan.

- (2) Provisions on the request for rectification are laid down in the Administrative Procedure Act. If necessary, an extraordinary general meeting shall be convened to consider the request for rectification.
- (3) A decision of the general meeting of the fisheries region given on the basis of a request for rectification may be appealed to the Administrative Court as laid down in the Administrative Judicial Procedure Act. The competent Administrative Court is the one in the jurisdiction of which most the fisheries region in question is located. The Administrative Court may decide that the decision may be enforced immediately before the final decision on the matter is made, if there is a special reason for doing so and enforcement does not render the appeal useless.
- (4) A decision of the Administrative Court may be appealed only if the Supreme Administrative Court grants a permit to appeal.

#### Section 126

##### *Settling of an ambiguity and dispute regarding a fishing benefit resting on special grounds*

Any ambiguity or dispute concerning the following is settled in an operation referred to in section 101 of the Real Estate Formation Act:

- 1) location or extent of a special fishing benefit area or a special fishing site;
- 2) content of a fishing benefit resting on special grounds;
- 3) mutual relationship between the fishing right belonging to the owner of the water area and the owner of the property with a fishing benefit resting on special grounds; or
- 4) size of the shares of the properties with fishing benefits resting on special grounds in a shared fishing benefit resting on special grounds.

#### Section 127

##### *Settling of disagreements*

A disagreement concerning the use of a water area for fishing and the damage or nuisance caused by this to another party and the exploitation of another right based on this Act or neglect of an obligation may be referred to the District Court to be decided as a civil case, subject to other provisions in this Act with regard to a certain matter.

#### Chapter 15

##### Entry into force

#### Section 128

##### *Entry into force*

- (1) This Act enters into force on 1 January 2016.
- (2) This Act repeals the Fishing Act (286/1982), hereinafter referred to as the *repealed Act*, and the Act on the Public Fishing Right (285/1982).
- (3) If in another Act reference is to the Fishing Act that was in force upon the entry into force of this Act, this Act shall be applied instead.

#### Section 129

##### *First division of fisheries regions*

- (1) The fishing regions referred to in section 68 of the repealed Act shall manage the duties of fisheries regions referred to in section 24, paragraphs 3–5, 8 and 9 until 31 December 2018. The decisions of the Centres for Economic Development, Transport and the Environment to confirm the boundaries of the fisheries regions shall be applied as of 1 January 2019.
- (2) Representatives of fishing regions referred to in section 68 of the repealed Act according to the fishing region division in force upon the entry into force of this Act shall participate in the regional fishery committee for preparing the proposal on the first division of fisheries regions.
- (3) The proposal for the boundaries of the fisheries region referred to in this Act shall be submitted for confirmation by the Centres for Economic Development, Transport and the Environment by 31 December 2016.
- (4) The Centre for Economic Development, Transport and the Environment shall convene the first general meeting of the fisheries region after the decision on the boundaries of the fisheries region has become applicable pursuant to subsection 1.

#### Section 130

##### *Preparation of first management plans and of the rules*

- (1) The fisheries region shall present the management plan referred to in section 35 for the approval of the Centre for Economic Development, Transport and the Environment within two years of the start of the application of the decision on the boundaries of the fisheries region pursuant to section 129(1) above. The management plan approved pursuant to section 79 of the repealed Act shall remain in force until the Centre for Economic Development, Transport and the Environment has approved the management plan under section 37 of this Act.
- (2) The fisheries region shall present the rules referred to in section 30 for the confirmation of the Centre for Economic Development, Transport and the Environment within one year of the start of the application of the decision on the boundaries of the fisheries region pursuant to section 129(1) above.

#### Section 131

*Transitional provisions regarding the duties, rights and obligations of fisheries regions*

- (1) The rights, agreements, commitments and obligations concerning the fishing regions referred to in section 68 of the repealed Act shall be transferred to the fisheries region in the area of which the most of the fishing region under the repealed Act belongs. If the fisheries regions cannot reach mutual agreement on the matter, the Centre for Economic Development, Transport and the Environment shall decide on the fisheries region to which the rights, agreements, commitments and obligations of the fishing regions are to be transferred to on a case-by-case basis. The fisheries region shall become a party instead of the fishing region in a matter pending decision of an administrative authority or court upon the entry into force of this Act.
- (2) Funds intended for compensations to be paid under sections 89 a and 91 of the repealed Act to the owner of the water area which have been deposited with a Regional State Administrative Agency in accordance with section 1 of the Act on the Depositing of Money, Book-entry Securities, Securities or Documents as Payment for Debt or for Release from other Payment Obligation (281/1931) shall be paid upon their return after the expiry of the term referred to in section 7 of the said Act to the fisheries region to which the owner of the water area who is entitled to the compensation belongs. If the owner entitled to the compensation is not known, the provisions of subsection 1 apply to the return of the funds.

Section 132

*Compensations to the owners of a water area under earlier legislation*

- (1) Compensation payable to the owner of a water area under sections 89 a and 91 of the repealed Act for which the legal basis has arisen prior to the entry into force of this Act shall expire within three years of the entry into force of this Act. Compensation for which the legal basis has arisen no later than five years prior to the entry into force of this Act shall, however, expire one year after the entry into force of this Act.
- (2) The fishing regions under the repealed Act shall transfer the funds intended for compensations referred to in subsection 1 to the regional Centre for Economic Development, Transport and the Environment upon the entry into force of this Act.
- (3) If the receivables concerning the funds transferred to the regional Centre for Economic Development, Transport and the Environment under subsection 2 expire under subsection 1, the regional Centre for Economic Development, Transport and the Environment shall divide the funds among the fisheries regions referred to in section 22 to be used for costs referred to in section 82(1)(1).

Section 133

*Other transitional provisions*

- (1) Decisions and regulations regarding restrictions on fishing in a fishing region, issued under sections 11(3), 26, 32(2–3), 35, 37(2), 43 and 46 shall remain in force until otherwise provided, but for no more than five years from the entry into force of this Act.
- (2) Subject to other provisions in this Act, the provisions in force upon the entry into force of this Act shall apply to the lure fishing and fisheries management fees collected prior to the entry into force of this Act.
- (3) In the first two State budgets prepared after the entry into force of this Act, an appropriation shall be allocated for purposes referred to in section 82 based on the estimate of the amount of fisheries management fees collected during the year preceding the one for which the budget is prepared.
- (4) Permits granted under the repealed Act shall remain in force in accordance with the permit conditions.
- (5) This Act notwithstanding, agreements regarding the leasing or other assignment of fishing rights that have been concluded under the repealed Act prior to the entry into force of this Act shall remain in force.
- (6) Angling, ice fishing and lure fishing prohibitions ordered under section 11 of the repealed Act shall remain in force and apply to the angling, ice fishing and lure fishing referred to in this Act.
- (7) The following decrees shall remain in force:
  - 1) Government Decree on Certain Fishing Restrictions in Lake Saimaa (295/2011);
  - 2) Government Decree on the Restriction of Net Fishing for the Protection of the Cubs of Saimaa Ringed Seal (294/2011);
  - 3) Government Decree on the Restriction of Salmon Fishing in the Gulf of Bothnia and River Simojoki (190/2008);
  - 4) Decree of the Ministry of Agriculture and Forestry on the Protection of the Tenojoki, Näätämöjoki, Paatsjoki, Tuulomajoki and Uutuanjoki River Basins against the Spread of the *Gyrodactylus salaris* Parasite (1376/2004);
  - 5) Decree on the Fishing Rule of the Tributaries of the Tenojoki Fishing District (405/1990).

## Section 134

*Previously allowed fishing gear*

Legal fishing gear acquired earlier that is in violation of this Act may still be used for three years from the entry into force of this Act.

## Section 135

*Previously obtained right to keep a fishing gear in a fish passage*

- (1) A right obtained legally prior to the entry into force of this Act to keep fixed or standing fishing gear in a main channel or fish passage or closer to the mouth of a river containing salmon or powan than laid down by law shall remain in force.
- (2) Where required for public fishery benefit, the Centre for Economic Development, Transport and the Environment may apply for a permit to redeem the right referred to in subsection 1 if necessary for the attainment of the objectives of the management plan.
- (3) The decision on the application for a redemption permit is made by the National Land Survey of Finland. The provisions of the Act on the Redemption of Immoveable Property and Special Rights apply to establishing the amount of compensation. Interest referred to in section 95(1) of the said Act shall be paid towards the compensation counting from the date when the party entitled to the compensation has applied for the order on the compensation proceedings from the National Land Survey of Finland.

#### Section 136

##### *Right of passage required for the utilisation of previously obtained fishing right*

Rights of passage required for the utilisation of fishing rights obtained legally prior to the entry into force of this Act shall remain as agreed.

#### Section 137

##### *Approval of a previously prepared plan as the national fish resources management plan*

The Ministry of Agriculture and Forestry may confirm with its decision that a national plan or strategy containing management measures for fish resources prepared prior to the entry into force of this Act shall be considered as the plan referred to in section 34(1).