

2. Finland

(a) Act on the Exclusive Economic Zone of Finland  
26 November 2004<sup>1</sup>

The following is enacted in accordance with the decision of Parliament:

CHAPTER 1  
GENERAL PROVISIONS

Section 1  
The exclusive economic zone

The exclusive economic zone of Finland shall comprise the part of the sea which is immediately adjacent to the territorial waters of Finland and the outer limit of which is determined by the agreements concluded by Finland with foreign States and the outer limit location of which is given by a Government Decree.

Section 2  
The rights and jurisdiction of the State of Finland in the exclusive economic zone

The State of Finland shall, in the exclusive economic zone, have the right of exploring and exploiting, conserving and managing the natural resources, whether living or nonliving, and the right to other activities for the economic exploitation and exploration of the zone.

Finland shall, in the exclusive economic zone, have jurisdiction as provided for in international law with regard to the establishment and use of artificial islands, installations and other structures and to the protection of the marine environment and marine scientific research, and other rights and duties provided for in international law.

CHAPTER 2  
LEGISLATION APPLICABLE IN THE EXCLUSIVE ECONOMIC ZONE

Section 3  
Legislation applicable to environmental protection and water construction

The Act on Environmental Impact Assessment Procedure (468/1994), the Environmental Protection Act (86/2000) and the Water Act (264/1961) and any provisions issued by virtue of them shall be applied in the exclusive economic zone.

Provisions on the prevention of water pollution caused by normal operation of vessels and on measures to prevent oil damage in the exclusive economic zone are laid down in the Act on the Prevention of Pollution from Ships (300/1979). Further, the Waste Act (1072/1993) shall be applied in the exclusive economic zone as provided for separately.

Section 4  
Legislation applicable to fishing, hunting and nature conservation

What is provided for or prescribed in the legislation on fishing, hunting and nature conservation and the provisions on the Common Fisheries Policy of the European Community or by virtue of them, and what has been agreed with foreign States, shall be in force in respect of fishing, hunting, preservation of living natural resources and nature conservation in the exclusive economic zone.

Section 5  
Legislation applicable to the protection of submarine cables and pipelines, and to soil materials and minerals

What is provided in the Act on the Protection of Certain Submarine Cables and Pipelines (145/1965) shall be in force in the exclusive economic zone.

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<sup>1</sup> Unofficial translation provided by the Ministry for Foreign Affairs. Text communicated by the Permanent Mission of Finland to the United Nations in a note verbale dated 11 January 2005.

The Water Act shall be applied to the extraction of soil materials in the exclusive economic zone.

The Mining Act (503/1965) and any provisions issued by virtue of it shall be applied to any exploration, prospecting and occupation aimed at exploitation of minerals and to utilisation of minerals in the exclusive economic zone.

CHAPTER 3  
ECONOMIC EXPLOITATION OF THE EXCLUSIVE ECONOMIC ZONE AND  
ANY EXPLORATION AIMED AT IT, AND CONSTRUCTION IN THE EXCLUSIVE ECONOMIC ZONE

Section 6  
The right of exploitation

The Government may, on application, give its consent to the exploitation of natural resources of the seabed and its subsoil located in the exclusive economic zone and to exploration aimed at such exploitation or to carrying on, in the exclusive economic zone, of other activities aimed at the economic exploitation of the zone (the right of exploitation). The right of exploitation shall not apply to the activities referred to in section 4. The content of the application shall be prescribed by a Government Decree.

In paragraph 1, natural resources refer to minerals, rock materials and other non-living resources of the seabed and its subsoil and plants and animals belonging to sedentary species which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

A consent may be given for a fixed term or until further notice. The consent decision shall determine any conditions which are necessary for security or securing any rights which according to this Act belong to the State.

The consent decision may be revised, if the activities do not fulfil the conditions laid down in the decision. Suspension of the activities may be ordered on the same grounds. The decision on the suspension of the activities shall be taken by the Ministry of Trade and Industry. The consent decision may also be cancelled, if the activities essentially violate the conditions laid down in the decision. The supervisory authority shall, without delay, inform the Ministry of Trade and Industry of any violation it has noticed.

Section 7  
Construction

The Government may, on application, give its consent to the construction and use of artificial islands, installations and other structures used in activities referred to in section 6 and such other installations and structures as may interfere with the exercise, in the exclusive economic zone, of rights which according to international law belong to Finland. The content of the application shall be prescribed by a Government Decree.

In the decision, the recipient of the consent shall, to ensure safety of navigation, be obligated to remove, if possible, any discussed installations and structures. The recipient of the consent shall also be obligated to inform the Ministry of Trade and Industry of the position, depth and dimensions of any installations and structures not entirely removed.

The consent may be given for a fixed term or until further notice. The consent decision shall determine any conditions which are necessary for security or securing any rights which according to this Act belong to the State. If the activities do not fulfil the conditions laid down in the decision or if, after the decision-making, the circumstances have changed essentially, the conditions of the decision may be revised or the consent may be withdrawn. The supervisory authority shall, without delay, inform the Ministry of Trade and Industry of any violation it has noticed.

The decision may order that a safety zone be established around artificial islands, installations and structures constructed in accordance with this Act. The safety zone shall not exceed a distance of 500 metres around the artificial islands, installations or other structures, measured from each point of their outer edge, except as authorized by generally accepted international standards or as recommended by the competent international organization.

CHAPTER 4  
MARINE SCIENTIFIC RESEARCH

Section 8  
Marine scientific research

In respect of any research which does not fall under the scope of section 4 or section 6, a notification shall be given to the Ministry of Trade and Industry. If the Ministry of Trade and Industry considers that the research project referred to in the notification on marine scientific research falls under the scope of section 6 or section 7, the Ministry shall inform the notifying party of it as soon as possible and no later than four months from receipt of the notification. In other cases, a notified research project may be started at the earliest six months from receipt of the notification, unless the Ministry of Trade and Industry decides that it can be started earlier. The content of a notification of marine scientific research shall be prescribed by a Government Decree.

The Ministry of Trade and Industry may prohibit proceeding with a research project, if the notified information about the research project is erroneous or if the party proceeding with the project is deemed incapable of fulfilling the obligations related to the research project ensuing from article 249 of the United Nations Convention on the Law of the Sea (Finnish Treaty Series 4950/1996) because the party proceeding with the project has earlier failed to fulfil similar obligations. The Ministry of Trade and Industry shall inform of its prohibition decision within four months from receipt of the notification.

Section 9  
Suspension and cessation of marine scientific research

The Ministry of Trade and Industry may order suspension of any research referred to in section 8, if such research is not being conducted in accordance with the information communicated in a notification referred to in section 8, paragraph 1, or if the party conducting the research fails to comply with the provisions of article 249 of the United Nations Convention on the Law of the Sea concerning the rights of the coastal State with respect to the marine scientific research project. The order of suspension shall be lifted immediately when the party conducting the research provides correct information about the research or fulfils the requirements of said article.

The Ministry of Trade and Industry may order a complete cessation of any marine scientific research, if any noncompliance with the information communicated in a notification referred to in section 8, paragraph 1 amounts to a major change in the research project or the research activities or if any of the defects referred to in section 9, paragraph 1 are not rectified within a reasonable period of time.

The supervisory authority shall, without delay, inform the Ministry of Trade and Industry of any violation or omission it has noticed.

CHAPTER 5  
APPLICATION OF FINNISH CRIMINAL LAW IN THE EXCLUSIVE ECONOMIC ZONE AND PENALTIES

Section 10  
Application of Finnish criminal law to offences committed in the exclusive economic zone

Any offence and any punishable attempt of an offence committed on or directed against an artificial island, installation or other structure referred to in section 7 and located in the exclusive economic zone, shall, according to chapter 1, section 1 of the Penal Code (39/1889), be considered as committed in Finland.

Any offence and any punishable attempt of an offence mentioned in sections 11-16 and committed elsewhere in the exclusive economic zone shall, according to chapter 1, section 1 of the Penal Code, be considered as committed in Finland.

If the offence referred to in paragraph 2 has been committed from a foreign vessel during its stay in the exclusive economic zone of Finland, the criminal case must not be investigated in Finland without an order for prosecution by the Prosecutor General, unless the case constitutes a case referred to in chapter 1, section 12, paragraph 2 of the Penal Code.

Section 11

Environmental offences in the exclusive economic zone

Any penalty for damaging of the environment, serious damaging of the environment, environmental violation, damaging of the environment through negligence and nature conservation offence committed in the exclusive economic zone in violation of the Acts mentioned in section 3, paragraph 1 shall be imposed in accordance with chapter 48, sections 1-5 of the Penal Code. The provisions of the Penal Code on corporate criminal liability shall apply to the offences mentioned in this paragraph.

Any penalty for violation of the Environmental Protection Act committed in the exclusive economic zone shall be imposed in accordance with section 116, paragraph 2 of the Environmental Protection Act, any penalty for a waste violation committed in the exclusive economic zone shall be imposed in accordance with section 60 of the Waste Act, and any penalty for a nature conservation violation committed in the exclusive economic zone shall be imposed in accordance with section 58, paragraph 2 of the Nature Conservation Act (1096/1996).

Section 12

Permit violation against the Water Act in the exclusive economic zone

Any penalty for a permit violation against the Water Act committed in the exclusive economic zone shall be imposed in accordance with chapter 13, section 3 of the Water Act.

Section 13

Fishing offence, concealment of illegal catch, fishing violation and violation of the Common Fisheries Policy in the exclusive economic zone

Any penalty for a fishing offence and concealment of illegal catch committed in the exclusive economic zone shall be imposed in accordance with chapter 48a, sections 2 and 4 of the Penal Code. In the imposition of the penalty, account shall also be taken of the provisions of chapter 48a, section 7 of the Penal Code.

Any penalty for a fishing violation committed in the exclusive economic zone shall be imposed in accordance with section 108 of the Fishing Act (286/1982).

Any penalty for violation of the Common Fisheries Policy committed in the exclusive economic zone shall be imposed in accordance with section 7, paragraph 1 of the Act on Implementing the Common Fisheries Policy of the European Community (1139/1994).

Section 14

Hunting offence, concealment of illegal quarry, hunting violation and violation of provisions of the Hunting Act in the exclusive economic zone

Any penalty for a hunting offence and concealment of illegal quarry committed in the exclusive economic zone shall be imposed in accordance with chapter 48a sections 1 and 4 of the Penal Code.

Any penalty for a hunting violation and violation of provisions of the Hunting Act committed in the exclusive economic zone shall be imposed in accordance with sections 74 and 75 of the Hunting Act (615/1993).

Section 15

Mining violation in the exclusive economic zone

Any penalty for a mining violation committed in the exclusive economic zone shall be imposed in accordance with section 62, paragraph 2 of the Mining Act.

Section 16

Illegal activities in the exclusive economic zone

Anyone who, deliberately or negligently, 1) proceeds with activities referred to in section 6 or 7 without a consent of the Government, 2) acts against the conditions laid down in a decision referred to in section 6 or 7, or 3) acts against the prohibition referred to in section 8, paragraph 2, shall be sentenced to a fine for illegal activity in the exclusive economic zone.

CHAPTER 6  
MISCELLANEOUS PROVISIONS

Section 17

Law applicable on artificial islands, installations and other structures

Finnish law shall apply on artificial islands, installations and other structures constructed in accordance with this Act as if the structure concerned was located in the nearest part of the Finnish territory.

Section 18

Territorial competence of authorities

In the exclusive economic zone, the regional environment centre shall act as the liaison authority referred to in the Act on Environmental Impact Assessment Procedure and the supervisory authority referred to in the Nature Conservation Act, the Environmental Protection Act, the Water Act and the Waste Act. The competent regional environment centre shall be the centre by whose territory the project is located in the exclusive economic zone. The border between the territories of regional environment centres is considered to extend, without changing course, from the outer limit of the territorial waters to the outer limit of the exclusive economic zone.

The Western Finland Environmental Permit Authority acts in the exclusive economic zone as a permit authority referred to in the Environmental Protection Act and the Water Act.

Section 19

Supervision and orders of the frontier guard authority

The activities referred to in sections 6-8 are supervised by the Frontier Guard. A decision referred to in sections 6-9 shall be notified without delay by the decision-maker to the Headquarters of the Frontier Guard. The Ministry of Trade and Industry shall, without delay, inform the Headquarters of the Frontier Guard also of a notification referred to in section 8, unless it considers that the research project referred to in the notification falls under the scope of section 6 or section 7. At the same time, the information shall also be given to the notifying party.

The frontier guard authority is entitled to order immediate cessation of any activities referred to in sections 6-8 which are conducted without a consent of the Government or a notification to the Ministry of Trade and Industry, and any activities continued despite an order referred to in section 9.

Section 20

Threat of a fine and threat of ordering performance at the defaulter's expense

To ensure compliance with a decision made according to this Act, a threat of a fine or a threat of ordering performance at the defaulter's expense may be imposed as provided in the Act on Administrative Fines (1113/1990).

Section 21

Use of coercive measures in criminal procedure

On the basis of offences referred to in this Act and committed in the exclusive economic zone, coercive measures may be used as provided in the Coercive Measures Act (450/1987). Section 28b of the Act on the Prevention of Pollution from Ships (300/1979) lays down the prerequisites for the use of coercive measures in the investigation of an act referred to in section 28, paragraph 1 of that Act and committed from a foreign vessel in the exclusive economic zone of Finland.

Section 22

Appeals

Any decision made by the Government or the Ministry of Trade and Industry by virtue of this Act may be appealed against as provided in the Administrative Judicial Procedure Act (586/1996).

Any other decision necessary for the implementation of a project referred to in this Act may be appealed against as provided separately.

Section 23  
The competent courts

Any criminal cases referred to in this Act shall be processed by district courts mentioned in chapter 21, section .1 of the Maritime Act (674/1994). The competent court shall be the court whose judicial district can be considered nearest the scene of the offence, by applying the provisions of chapter 4, section 1, paragraphs 1 and 2 of the Helsinki, November 26, 2004, Criminal Procedure Act (689/1997). For the purpose of this section, the limits of the judicial districts of these district courts shall be considered to extend, without changing course, from the outer limit of the territorial waters to the outer limit of the exclusive economic zone.

CHAPTER 7  
ENTRY INTO FORCE

Section 24  
Entry into force

This Act shall enter into force on February 1, 2005.

This Act shall repeal the Continental Shelf Act (149/1965) of 5 March 1965 and the Act on the Fishing Zone of Finland (839/1974) of 15 November 1974 as subsequently amended. The provisions issued by virtue of the latter Act shall, however, remain in force.

Any permit issued by virtue of the Continental Shelf Act or any decision made by virtue of section 4 of the Continental Shelf Act which is in force when this Act enters into force shall apply, unless otherwise provided by virtue of this Act.

If reference is made to the Act on the Fishing Zone of Finland elsewhere in legislation, the provisions of this Act on the Exclusive Economic Zone of Finland shall apply, *mutatis mutandis*, instead of it.

Measures necessary for the implementation of this Act may be undertaken prior to its entry into force.  
President of the Republic of Finland

TARJA HALONEN

Minister for Foreign Affairs Erkki Tuomioja