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Reindeer Husbandry Act (848/1990; amendments up to 54/2000 included)

Chapter 1 – General provisions

Section 1 - Scope of application

- (1) This Act applies to the practice of reindeer herding in the reindeer herding area. Sections 31-38 of the Act also apply to the area outside the reindeer herding area referred to in section 35(1).

Subsection 2 has been repealed (1353/1996).

- (3) In addition to what is provided in this Act, agreements made separately between Finland and foreign states on matters concerning reindeer herding also apply.

Section 2 - Reindeer herding area

- (1) The reindeer herding area comprises the Province of Lapland, excluding the towns of Kemi and Tornio and the municipality of Keminmaa, and the following areas in the Province of Oulu: the municipalities of Hyrynsalmi, Kuivaniemi, Kuusamo, Pudasjärvi, Suomussalmi, Taivalkoski and Yli-Ii, and the areas north of the Kiiminkijoki river and the road between Puolanka and Hyrynsalmi in the municipalities of Puolanka, Utajärvi and Ylikiiiminki.
- (2) State land situated north of the line marked on the map appended to this Act forms an area specifically intended for reindeer herding. The land in this area may not be used in a manner that may significantly hinder reindeer herding. Transfer of ownership or leasing of land in this area may only be on the condition that the landowner or lessee does not have a right to receive compensation for damage caused by reindeer.

Section 3 - The right to practice reindeer herding

- (1) Subject to the restrictions provided in this Act, reindeer herding may be practised in the reindeer herding area irrespective of land ownership or possession rights.

Section 3a – Reindeer grazing in timberline forests (1353/1996)

- (1) In timberline forests referred to in section 12 of the Forest Act (1093/1996), reindeer grazing must be practised with special care and in a manner that does not cause the timberline to recede. The ministry competent in forestry matters may issue provisions restricting reindeer grazing in timberline forest areas that are necessary for preventing the timberline from receding.

Section 4 – Reindeer owners

- (1) Reindeer may only be owned by citizens of the countries belonging to the European Economic Area who have permanent residence in the reindeer herding area, and reindeer herding co-operatives. The Association of Reindeer Herding Co-operatives may also own

- reindeer for testing and research purposes. (614/1993)
- (2) If a person residing outside the reindeer herding area gains ownership of reindeer, the provisions in section 9(2) and (3) apply. A person residing outside the reindeer herding area who owns reindeer has a right to own reindeer and have them looked after for the period laid down in section 9(2) and (3).
 - (3) Notwithstanding what is provided in this section above, citizens of countries belonging to the European Economic Area who do not reside in the reindeer herding area may own draught reindeer. (614/1993)

Section 5 - *Definitions*

- (1) In this Act:
 - 1) *slaughter reindeer* mean slaughtered reindeer;
 - 2) *living reindeer* mean reindeer other than slaughter reindeer; and
 - 3) *registered reindeer* mean slaughter and living reindeer that are more than one year old and in the possession of a reindeer owner in accordance with the latest approved reindeer register.

Chapter 2 - **Reindeer herding co-operatives and the Association of Reindeer Herding Co-operatives**

Section 6 - *Reindeer herding co-operatives*

- (1) Reindeer owners residing in the reindeer herding area whose reindeer are kept in the territory of a reindeer herding co-operative in accordance with section 9(1) and (2) (shareholders) form a reindeer herding co-operative. The Association of Reindeer Herding Co-operatives, a reindeer herding co-operative and the person referred to in section 9(3) are not shareholders of a reindeer herding co-operative. A reindeer owner may only be a shareholder in one reindeer herding co-operative.
- (2) A reindeer herding co-operative may assume responsibility for matters concerning reindeer herding in its territory, acquire rights in its name, and make commitments for carrying out the tasks referred to in this Act. A shareholder of a reindeer herding co-operative is not personally responsible for the liabilities of the reindeer herding co-operative.
- (3) The territorial boundaries of the reindeer herding co-operatives are approved by the State Provincial Office. The barrier fence between the territories of reindeer herding co-operatives is, however, regarded as the boundary between reindeer herding co-operatives. A reindeer herding co-operative has its registered office in the municipality in which it has all or most of its territory.

Section 7 - *Tasks of a reindeer herding co-operative*

- (1) The task of a reindeer herding co-operative is to ensure that the reindeer of the co-operative's shareholders are looked after in the territory of the reindeer herding co-operative and that the tasks concerning reindeer herding the shareholders are engaged in are carried out, to prevent the reindeer of the co-operative's shareholders from causing damage and from crossing over to the territory of other reindeer herding co-operatives and to carry out

- all other tasks given to it under this Act and the provisions and regulations issued under it.
- (2) A reindeer herding co-operative must ensure that the tasks referred to in subsection 1 are also carried out for the reindeer that are in the territory of the reindeer herding co-operative but owned by shareholders of other reindeer herding co-operative. However, after having agreed on the matter with the chairman of the reindeer herding co-operative, the reindeer herding co-operatives in question have a right to collect their registered reindeer by the end of the reindeer herding year. A reindeer herding co-operative is entitled to compensation for the costs arising from the task referred to in this subsection, in accordance with the provisions in section 29(1).
 - (3) A reindeer herding co-operative that has entered into an agreement referred to in section 9(3) must also carry out the tasks referred to in subsection 1 for the reindeer referred to in the agreement.

Section 8 - *Establishing a reindeer herding co-operative*

- (1) A reindeer herding co-operative is established at a meeting held at a time specified by the State Provincial Office after the territorial boundaries of the reindeer herding co-operative have been approved. All reindeer owners whose reindeer are kept in the territory of the reindeer herding co-operative have a right to take part in the meeting. Otherwise, the provisions in sections 13-15 apply in respect of the meeting. The meeting will, however, be convened by a person appointed to the task by the State Provincial Office.
- (2) When a reindeer herding co-operative is established by merging two or more reindeer herding co-operatives, the property of the reindeer herding co-operatives that are to be discontinued shall be transferred to the co-operative being established to the extent that it is not distributed among the shareholders of the co-operatives that are to be discontinued. If the property items transferred from the reindeer herding co-operatives that are to be discontinued are of different value when calculated per registered reindeer they are contributing, the reindeer herding co-operative with property items which, as calculated in this manner, are of lower value than the property items of the reindeer herding co-operative with the highest-value property, must pay to the reindeer herding co-operative that is to be established an amount corresponding to the difference between the property values, unless otherwise agreed at the meeting.
- (3) The provisions of subsection 2 also apply to the establishment of a reindeer herding co-operative where a part of another reindeer herding co-operative is incorporated into the reindeer herding co-operative that is to be established.

Section 9 - *The rights of a reindeer owner in relation to a reindeer herding co-operative*

- (1) Reindeer owners residing in the reindeer herding area have a right to have their reindeer looked after in the territory of the reindeer herding co-operative that is wholly or partially located in the territory of their municipality of residence. The reindeer of the reindeer owners must be looked after in the territory of the same reindeer herding co-operative unless otherwise provided in subsection 2.
- (2) Reindeer owners moving to another municipality who are unable to take their reindeer to the territory of another reindeer herding co-operative to be looked after have a right to have

their reindeer looked after in the territory of the former reindeer herding co-operative for a period of three years from the move.

- (3) Notwithstanding the above provisions in this section, a reindeer herding co-operative may also, under a fixed-term agreement, look after reindeer that belong to a reindeer owner referred to in section 4(3) and reindeer that belong to a reindeer owner other than the one referred to in subsection 1 who resides in the reindeer herding area.

Section 10 - *Bringing reindeer into the territory of a reindeer herding co-operative*

- (1) The board of a reindeer herding co-operative may, on special grounds, decide that no reindeer may be brought into the territory of the reindeer herding co-operative.
- (2) The bringing of reindeer other than draught or slaughter reindeer which are to be looked after into the territory of a reindeer herding co-operative whose board has not made the decision referred to in subsection 1 must be approved by the board of the reindeer herding co-operative.

Section 11 - *Entrance fee*

- (1) When reindeer are brought into the territory of a reindeer herding co-operative to be looked after, the reindeer owner must pay an entrance fee to the reindeer herding co-operative. The entrance fee is calculated by dividing the savings of the reindeer herding co-operative by the number of the co-operative's living reindeer and by multiplying the resulting sum by the number of living reindeer to be brought into the territory of the reindeer herding co-operative. The board of the reindeer herding co-operative decides on the amount and payment period of the entrance fee.
- (2) If the bringing of reindeer into the territory of a reindeer herding co-operative results from a change in the place of residence of the reindeer owner, the reindeer herding co-operative in whose territory the reindeer were formerly kept must pay part of the entrance fee. The proportion of the entrance fee payable by the reindeer herding co-operative referred to in this subsection may not be more than 50 per cent of the fee referred to in subsection 1 and not more than the entrance fee payable to a reindeer herding co-operative would be when calculated in accordance with subsection 1.

Section 12 - *Duties of the shareholders of a reindeer herding co-operative in relation to the reindeer herding co-operative*

- (1) The shareholders of a reindeer herding co-operative participate in the activities of the association through an annual contribution to the co-operative which is in proportion to the registered reindeer of their total reindeer stock. Shareholders can make their annual contribution by carrying out reindeer herding work ordered by the board of the reindeer herding co-operative or having the work carried out by somebody else or in cash in accordance with the decisions made by the meeting of the reindeer herding co-operative.
- (2) If for two consecutive reindeer herding years a shareholder of the reindeer herding co-operative has without an acceptable reason failed to participate in reindeer herding work, the reindeer herding co-operative may oblige him/her to make an increased annual contribution, the maximum amount required being twice the normal contribution.

- (3) The meeting of a reindeer herding co-operative may order shareholders to pay for reindeer herding work carried out by the reindeer herding co-operative.
- (4) The reindeer herding year begins on June 1 and ends on May 31.

Section 13 - *The tasks of the meeting of a reindeer herding co-operative*

- (1) The meeting of a reindeer herding co-operative decides on matters pertaining to the reindeer herding co-operative unless under this Act the board or the chairman of the reindeer herding co-operative must decide on the matter.
- (2) The meeting of a reindeer herding co-operative shall also discuss matters submitted for its consideration under section 44(2). Likewise, matters falling under the competence of the board of the reindeer herding co-operative that the board has referred to the meeting of the reindeer herding co-operative shall be considered by the meeting of the reindeer herding co-operative.

Section 14 - *Convening the meeting of a reindeer herding co-operative*

- (1) The meeting of a reindeer herding co-operative is convened by the board of the reindeer herding co-operative by means of a notice which must be published in a newspaper circulating in the territory of the reindeer herding co-operative at least seven days before the meeting. The board of the reindeer herding co-operative must also convene the meeting of the reindeer herding co-operative if the shareholders of the association who own at least ten per cent of the registered reindeer belonging to the shareholders of the reindeer herding co-operative request it for the consideration of a specific matter. If the meeting has not been convened within one month of the verifiable presentation of the request, the State Provincial Office may authorize the presenter of the request to convene the meeting.
- (2) The meeting of a reindeer herding co-operative may only consider the matters mentioned in the invitation to the meeting. However, the matter referred to in section 44(2) must be considered by the meeting of a reindeer herding co-operative if the reindeer owner concerned so requests even though it has not been mentioned in the invitation to the meeting.

Section 15 - *Voting at the meeting of a reindeer herding co-operative*

- (1) At the meeting of a reindeer herding co-operative, a shareholder has as many votes as he/she has registered reindeer. However, the number of votes for each shareholder is limited to five per cent of the number of registered reindeer held by the shareholders of the reindeer herding co-operative. A shareholder also has a right to use his/her vote by proxy.
- (2) The opinion supported by a majority of the votes cast shall be regarded as the decision of the meeting. In a tie, the opinion of the chairman shall be decisive, except in an election which shall be decided by lot.

Section 16 - *Further provisions on the meeting of a reindeer herding co-operative*

Further provisions on the organization of the meeting of a reindeer herding co-operative and on the procedure for dealing with matters in the meeting are given by decree.

Section 17 - *Board of a reindeer herding co-operative*

- (1) The board of a reindeer herding co-operative shall have the chairman, the vice chairman and four shareholders of the reindeer herding co-operative as members. The term of office for the members of the board of a reindeer herding co-operative is three years.
- (2) The board shall convene at the invitation of the chairman or, in the event of the chairman being prevented from attending to his/her duties, at the invitation of the vice chairman. The chairman and at least two other members constitute a quorum. Each member has one vote at a board meeting. Otherwise, the decision-making shall be in accordance with the provisions in section 15(2).

Section 18 - *Tasks of the board*

- (1) The board is responsible for directing the activities of the reindeer herding co-operative and for seeing that the decisions of the meeting of the reindeer herding co-operative are properly prepared and implemented. The board must notify the co-operative's shareholders of its decisions at the following meeting of the reindeer herding co-operative.

Section 19 – *Chairman of a reindeer herding co-operative*

- (1) The chairman of a reindeer herding co-operative must ensure that the practical tasks for which the co-operative is responsible are carried out, implement the decisions made by the board of the co-operative, act as the co-operative's representative, supervise the work of the co-operative's officials, see that order is maintained and the provisions of this Act observed in reindeer herding work, and carry out all other duties of the reindeer herding co-operative that are not laid down as responsibilities of the meeting or the board of the reindeer herding co-operative.
- (2) The vice chairman of the reindeer herding co-operative acts as the chairman's deputy. If the vice chairman, too, is prevented from attending to his/her duties, a shareholder of the reindeer herding co-operative elected by the board of the reindeer herding co-operative shall act as the deputy of the chairman.
- (3) The meeting of the reindeer herding co-operative shall elect the chairman and the vice chairman for three years at a time.

Section 20 - *Association of Reindeer Herding Co-operatives*

- (1) The reindeer herding co-operatives form an association which has the following tasks:
 - 1) to act as a link between reindeer herding co-operatives;
 - 2) to develop reindeer herding and the reindeer economy;
 - 3) to promote research in reindeer herding, experiments concerning reindeer herding, and reindeer breeding; and
 - 4) to undertake all other tasks laid down as its duties.
- (2) All reindeer herding co-operatives are members of the Association and they use their decision-making powers at the Association meeting. At the meeting, each reindeer herding co-operative has one vote for one thousand registered reindeer. The opinion supported by a majority of the votes cast shall be regarded as the decision of the meeting. In a tie the decision will be by lot.

- (3) The Ministry of Agriculture and Forestry approves the by-laws of the Association at the recommendation of its meeting. The Ministry of Agriculture and Forestry appoints a State representative and the Sami Parliament a Sami representative to the association board. Otherwise, the provisions of the Associations Act (503/89) apply to the Association.

Chapter 3 – **The number of reindeer**

Section 21 - *Determining the number of reindeer*

- (1) The Ministry of Agriculture and Forestry shall, after consulting the Association of Reindeer Herding Co-operatives and the unions of agricultural producers, determine for a period of ten years at a time the number of living reindeer a reindeer herding co-operative may keep in its territory and the maximum number of such reindeer a shareholder of a reindeer herding co-operative may own. The Ministry of Agriculture and Forestry may, on special grounds, amend the decision on this matter during the ten-year period in question.
- (2) When determining the maximum number of living reindeer of a reindeer herding co-operative referred to in subsection 1 above, the Ministry of Agriculture and Forestry must take into account that the number of reindeer grazing in the territory of the reindeer herding co-operative during the winter season does not exceed the sustainable production capacity of the winter pasture of the reindeer herding co-operative.
- (3) If the proper practice of reindeer herding so requires, a reindeer herding co-operative may, for a maximum period of one year at a time, decide that the maximum number of living reindeer to be kept in its territory shall be smaller than the maximum number referred to in subsection 1. The decision of the reindeer herding co-operative must be put into effect immediately unless the Provincial Administrative Court decides otherwise on appeal. The number of reindeer shall be reduced in accordance with the provisions in section 22.

Section 22 – *Reducing the number of reindeer*

- (1) If the number of living reindeer of a reindeer herding co-operative or a reindeer owner exceeds the maximum number referred to in section 21, the reindeer herding co-operative must, in the course of the following reindeer herding year, decide on the reduction of the number of reindeer kept in its territory to the maximum allowable number. The reductions must first be in the number of reindeer owned by those who are not shareholders of the reindeer herding co-operative. When the number of reindeer belonging to the shareholders of the reindeer herding co-operative is reduced, the first to be affected must be the reindeer that are in excess of the maximum number approved for the owners concerned, after which the number of reindeer belonging to the shareholders of the reindeer herding co-operative must be reduced in proportion to the number of the reindeer.
- (2) On special grounds, a reindeer herding co-operative may decide that the number of reindeer belonging to a shareholder of the reindeer herding co-operative shall not be reduced, in which case equivalent reductions will be carried out among other reindeer owners in proportion to the number of their reindeer.
- (3) If it becomes clear that the number of reindeer during the following reindeer herding year would exceed the maximum allowable number, the reindeer herding co-operative may

decide that the number of reindeer must already be reduced during the current reindeer herding year. The reductions shall be in accordance with subsections 1 and 2. The decision of the reindeer herding co-operative can be put into effect immediately unless the Provincial Administrative Court decides otherwise on appeal.

- (4) If the reindeer owner does not reduce the number of his/her reindeer in accordance with the decision of the reindeer herding co-operative, the chairman of the reindeer herding co-operative may decide that the reindeer herding co-operative will carry out the reduction on behalf of the reindeer owner.

Chapter 4 – **Marking of reindeer**

Section 23 - *Reindeer earmark*

- (1) Each reindeer must be marked with the owner's reindeer earmark which has been approved by the Association of Reindeer Herding Co-operatives on the recommendation of the board of the reindeer herding co-operative. The reindeer referred to in section 4(3) above shall not be marked with a reindeer earmark but with the temporary earmark referred to in section 25(1). Each reindeer owner may only have one reindeer earmark. A reindeer herding co-operative and the Association of Reindeer Herding Co-operatives may, however, have two reindeer earmarks.
- (2) In the area specifically intended for reindeer herding, the reindeer earmark must as far as possible be on the basis of traditionally observed principles (*kinship earmark*).
- (3) Further provisions on reindeer earmarks, on the making of them, on how to apply for them, and on how they are granted are given by decree.

Section 24 - *The marking of specific reindeer*

- (1) A calf following a female reindeer and an unmarked reindeer that is more than one year old must be marked with the reindeer earmark of the owner of the female reindeer. Other unmarked reindeer must be sold by the chairman of the reindeer herding co-operative on behalf of the co-operative or marked with the reindeer earmark of the reindeer herding co-operative. If it is established that a reindeer marked with the reindeer earmark of the reindeer herding co-operative is following a female reindeer not belonging to the reindeer herding co-operative, the reindeer earmark of the reindeer must be changed so that the reindeer is marked with the reindeer earmark of the owner of the female reindeer.
- (2) A reindeer with a reindeer earmark which is so badly damaged that it is not legible or whose owner cannot be identified on the basis of the reindeer earmark must be sold by the chairman of the reindeer herding co-operative. The proceeds of the sale must be given to the owner of the reindeer. If the owner of the reindeer cannot be determined within a reasonable period of time, the proceeds shall belong to the reindeer herding co-operative.
- (3) Only reindeer that are to be put down in the course of the current reindeer herding year may be marked with the reindeer earmark of the reindeer owner referred to in section 9(2) above.
- (4) A shareholder of a reindeer herding co-operative may be obliged to pay a marking fee for the marking of reindeer, as decided by the meeting of the reindeer herding co-operative.

Section 25 - *The marking of reindeer upon transfer of ownership*

- (1) A person who gains ownership of reindeer must mark them with his/her reindeer earmark or, if this is not possible or if he/she does not have a reindeer earmark of his/her own, mark the reindeer in some other way that sufficiently indicates ownership (*temporary earmark*). The temporary earmark may be used for three years. A reindeer herding co-operative may on special grounds grant permission to use a temporary earmark for a maximum total of eight years. The reindeer must be put down in the course of the period during which the temporary earmark may be used. Further provisions concerning temporary earmarks are given by decree.
- (2) A person who gains ownership of all reindeer marked with a specific reindeer earmark has the right to have the reindeer earmark approved for himself/herself if he/she does not already have an approved reindeer earmark and the prerequisites laid down in section 23 for the approval of a reindeer earmark otherwise exist and the approval does not cause any harm or confusion. If the reindeer earmark cannot be approved for him/her, the provisions in subsection 1 apply.

Section 26 - *Cancelling a reindeer earmark*

- (1) A reindeer owner who wishes to relinquish his/her reindeer earmark must notify the chairman of the reindeer herding co-operative of the matter in writing. The chairman must submit the notification to the Association of Reindeer Herding Co-operatives, which will decide on the cancellation of the reindeer earmark.
- (2) A reindeer owner may keep reindeer marked with a cancelled reindeer earmark for three years following the cancellation. A reindeer herding co-operative may, on special grounds, grant permission for keeping reindeer marked with a cancelled reindeer earmark for a maximum total of eight years.
- (3) The Association of Reindeer Herding Co-operatives must decide to cancel a reindeer earmark after having been notified by a reindeer herding co-operative that the reindeer earmark concerned has not been used for marking reindeer for three years and is not found on any reindeer. The person for whom the reindeer earmark had been approved must be notified of the decision in a verifiable manner.

Section 27 - *Reindeer marking districts*

- (1) For the appropriate distribution of different reindeer earmarks among the sectors of the reindeer herding area, the reindeer herding area shall be divided into reindeer marking districts by decision of the Ministry of Agriculture and Forestry. Further provisions on the marking districts are given by decree.

Chapter 5 – **Reindeer round-ups**

Section 28 - *Carrying out reindeer round-ups*

- (1) A reindeer herding co-operative must hold the necessary number of reindeer round-ups every year in which reindeer intended for slaughter (slaughter reindeer) are separated from living reindeer. As part of the round-up, the number of reindeer to be slaughtered and the

- number of living reindeer must also be determined, and the living reindeer participating in the round-up equipped with a mark indicating this (*register mark*).
- (2) If because of the freezing of lichen or some other important reason the holding of reindeer round-ups in a certain year would cause unreasonable inconvenience to a reindeer herding co-operative, the State Provincial Office may exempt the reindeer herding co-operative from holding reindeer round-ups. In that case, the number of reindeer determined in the previous year shall be considered as the number of reindeer.
 - (3) If a reindeer herding co-operative neglects to carry out the necessary reindeer round-ups, the State Provincial Office may on application entitle another reindeer herding co-operative to carry them out at the expense of the reindeer herding co-operative guilty of the neglect.
 - (4) The shareholders of a reindeer herding co-operative, neighbouring reindeer herding co-operatives, and the Association of Reindeer Herding Co-operatives must be notified of the reindeer round-up sufficiently far in advance.

Section 29 - *Reindeer belonging to other reindeer herding co-operatives*

- (1) A reindeer herding co-operative is entitled to receive a payment corresponding to herding expenses (*herding fee*) from a reindeer herding co-operative for looking after the reindeer that have been identified in a reindeer round-up as belonging to that particular reindeer herding co-operative. The Association of Reindeer Herding Co-operatives shall approve the herding fee for each registered reindeer on the basis of average herding costs every year.
- (2) The chairman of a reindeer herding co-operative must take care of the reindeer that another reindeer herding co-operative has in a reindeer round-up determined as belonging to his/her reindeer herding co-operative and to see that they are taken from the round-up place.
- (3) Reindeer identified in a reindeer round-up as belonging to another reindeer herding co-operative that are not collected by the end of the round-up must be sold by the chairman of the reindeer herding co-operative in the most advantageous manner, calves inclusive, on behalf of the reindeer owner. For the issuing of a statement, the Association of Reindeer Herding Co-operatives must be notified of the sold reindeer whose owner could not be identified and their reindeer earmarks.

Section 30 - *Reindeer register*

- (1) For each reindeer herding year, a reindeer herding co-operative must, on the basis of reindeer round-ups, draw up a register of the reindeer owned by the shareholders of the reindeer herding co-operative (*reindeer register*). The reindeer register must also include other reindeer being looked after in the territory of the reindeer herding co-operative and reindeer which owners have adopted outside the round-ups. A similar register must be drawn up of the reindeer identified as belonging to other reindeer herding co-operatives during round-ups.
- (2) Further provisions on the reindeer register are given by decree.

Chapter 6 – **Provisions concerning compensation for damage**

Section 31 - *Prevention of damage*

- (1) Reindeer must be kept so that they cannot enter agricultural land without the landowner's permission or, when the right of possession belongs to a party other than a landowner, the possessor's permission, or cause damage to sapling stands in forest regeneration areas or cause any other unnecessary damage to agriculture or forestry. Outside the Sami residential areas referred to in section 1(3) of the Decree on the Sami Parliament (824/73), reindeer must also be kept so that they cannot trespass on gardens, yards of permanent residences, or other areas that have been put to use for a special purpose.
- (2) If reindeer have been kept in violation of subsection 1, the landowner or the injured party must notify the reindeer herding co-operative of the matter and the co-operative must immediately remove the reindeer from the area.
- (3) If a reindeer herding co-operative neglects its obligation referred to in subsection 2, the landowner or the injured party has the right to remove the reindeer at the expense of the reindeer herding co-operative.

Section 32 – *Fencing obligation*

- (1) A reindeer herding co-operative must construct a fence or some other device or structure (*fencing*) for the protection of agricultural land and, outside Sami residential areas, gardens, yards of permanent residences, and other areas that have been put to use for a special purpose from the reindeer. The requirement for the fencing obligation is that the fencing is necessary for the prevention of damage and that the construction costs are reasonable when compared with the probable benefit to be gained from the fencing. A dispute concerning a fencing obligation shall be settled by a valuation committee.
- (2) For extremely pressing causes, a reindeer herding co-operative must also fence sapling stands in forest regeneration areas that are located in areas owned by parties other than the State, a municipality or a parish.

Section 33 - *Fencing subsidy*

Provisions on the subsidy granted to cover the costs arising from fencing to a reindeer herding co-operative are laid down in the Reindeer Economy Act (161/90).

Section 34 – *Damage to be compensated*

- (1) Damage caused by reindeer to agriculture and forestry and damage caused by reindeer in areas referred to in section 31(1) must be compensated to the injured party. However, no compensation is payable:
 - 1) for damage caused to the State, a municipality or a parish;
 - 2) for the trampling on or eating of lichen or grass growing in forest areas and for damage to bushes or trees, except for leaves and needles of sapling stands in forest regeneration areas;
 - 3) for damage that has been caused in a land area leased or transferred from the area referred to in section 2(2), on a reindeer farm referred to in the Reindeer Farm Act (590/69), or
 - 4) to the owner of a farm referred to in section 3(1) of the Act on the Financing of Reindeer Husbandry and Natural Economy Industries (45/2000). (54/2000)

- (2) Notwithstanding what is laid down in subsection 1, compensation for damage is payable for the trampling on or eating of lichen collected for decorative purposes outside the reindeer herding area in a municipality that borders on or partly belongs to the reindeer herding area.
- (3) A dispute concerning compensation for damage shall be settled by a valuation committee. The compensation may be arbitrated in accordance with the provisions laid down in the Damages Act (412/74).

Section 35 - *Liability for damage*

- (1) Compensation for damage caused by reindeer is payable by the reindeer herding co-operative in whose territory the damage has occurred. If the damage has occurred outside the reindeer herding area in a municipality that either borders on or partially belongs to the reindeer herding area, the compensation is payable by the reindeer herding co-operative whose territorial boundary is closest to the place where the damage has occurred. If the damage has been caused by reindeer other than those kept in the territory of the reindeer herding co-operative that paid the compensation, the reindeer herding co-operative is entitled to receive the amount it paid in compensation from the reindeer herding co-operative in whose territory the reindeer that caused the damage are normally kept.
- (2) If the damage for which the reindeer herding co-operative has paid compensation in accordance with subsection 1 has been caused by reindeer that are being kept by the owner in accordance with section 41, the co-operative has the right to be refunded the amount it paid in compensation from the reindeer owner.
- (3) Damage caused by reindeer outside the reindeer herding area in cases other than those referred to in subsection 1 comes under the Act on the protection of agricultural land from damage caused by livestock (47/21).

Section 36 - *Valuation committee*

- (1) The task of a valuation committee is to settle matters falling under its purview in accordance with section 32(1), section 34(3) and section 43(4). The committee has a chairman and two other members. A person appointed by the [agricultural district] acts as the chairman. Prior to appointing the chairman, the [agricultural district] must consult the reindeer herding co-operative and the local association of agricultural producers. Of the other members, one represents local agricultural producers and the other the reindeer herding co-operative which the matter in question concerns.
- (2) Each reindeer herding co-operative must have the required number of valuers selected by the co-operative and each municipality referred to in section 35(1) must have the required number of valuers representing agricultural producers. Further provisions on their selection are given by decree.
- (3) A person who wants to submit a matter for consideration by a valuation committee must notify the chairman and the other party about the matter and at the same time give the name of the valuer whom he/she has chosen as a member of the committee. The other party must give the name of the valuer he/she has chosen as the second member of the committee as soon as possible after the notification referred to above has arrived. If he/she does not make the notification within three days, the district police chief must appoint a valuer on his/her

behalf.

Section 37 - *Valuation committee decision*

- (1) A valuation committee must issue a decision on a matter submitted for its consideration without delay. Prior to the issuing of the decision, an opportunity must be reserved for the parties concerned to be heard. The decision must be notified to the parties concerned in a verifiable manner.
- (2) In a decision concerning compensation for damage caused by reindeer, the valuation committee must state the extent of the damage caused by reindeer and determine the amount of compensation payable to the injured party.
- (3) In a decision concerning a dispute over a fencing obligation, the valuation committee must state the extent of the fencing obligation of the reindeer herding co-operative.
- (4) Dissatisfaction with a valuation committee decision must be made known to the committee chairman within two weeks of receipt of the notification of the decision. The party making its dissatisfaction known must initiate the matter in a lower court by summons, which must be served on the other party within two months of the receipt of the notification of the decision.
- (5) If no dissatisfaction has been registered with the valuation committee decision or if no action has been taken concerning the contesting of it, the decision can be put into effect in the same way as a decision in a civil case.

Section 38 - *Remuneration and responsibilities of a valuation committee member*

- (1) A valuer who has acted as a member of a valuation committee has a right to receive remuneration and be refunded travel expenses for the task in accordance with the criteria laid down by the State Provincial Office. The committee must in its decision specify how the expenses must be refunded between the relevant parties.
- (2) The members of a valuation committee are responsible for the legality of their actions.

Section 39 – *Construction of reindeer fences*

- (1) A barrier fence or a fence surrounding the round-up area may be built on State land, the former with the permission of the Ministry of the Agriculture and Forestry and the latter with the permission of the authority in possession of the area. When a temporary reindeer fence is constructed on State land, the authority in possession of the area must be notified of the undertaking.
- (2) The user right required for the construction of a barrier fence along the national frontier may be expropriated by the State on condition that the process is in accordance with the Act on the Redemption of Immovable Property and Special Rights (603/77).
- (3) The costs arising from the construction and maintenance of a barrier fence along the national frontier shall be paid from State funds.

Section 40 - *The taking of wood*

- (1) Wood needed as firewood or for the construction of shelters for reindeer herding may be taken from State forests free of charge and without a permit. Wood needed for other reindeer herding

purposes may be purchased from State forests at the current market price in accordance with the directions of the authority in possession of the area.

Chapter 7 – **Protection of reindeer**

Section 41 – *Gathering of reindeer*

- (1) The gathering and marking of reindeer and other reindeer herding work may not be carried out without the permission of the board of the reindeer herding co-operative unless the meeting of the reindeer herding co-operative has decided otherwise. However, in the reindeer round-up, reindeer owners have the right to take all or some of their own reindeer into their own care until the 15th of the following June. The board of the reindeer herding co-operative must assign a grazing area for these reindeer that is in accordance with their number. Reindeer owners who have taken their reindeer into their own care in the manner described above must see that, as far as their reindeer are concerned, the tasks laid down in section 7(1) are carried out.
- (2) Reindeer may be kept in an enclosure without feeding for a maximum uninterrupted period of 36 hours.
- (3) The gathering and transporting of reindeer must be carried out so that the health of the animals is not endangered.

Section 42 - *Preventing the frightening of reindeer*

- (1) Reindeer must not be frightened. Compensation must be paid for any damage or inconvenience caused to the reindeer owner and the reindeer herding co-operative as a result of frightening. Driving off reindeer with the purpose of preventing damage is not regarded as frightening reindeer.
- (2) The authority responsible for supervising compliance with the [Hunting Act (290/62)] and a reindeer owner and a reindeer shepherd may in the territory of their reindeer herding co-operative put down a stray dog that during the period when dogs must be kept on a leash is found chasing reindeer in their pasture or that at any other time is found mutilating a reindeer it has chased. However, the dog may not be put down if it is caught or if the damage can otherwise be prevented. The police must be notified immediately of a dog that has been caught or put down.
- (3) Logging must be carried out so that it does not cause any damage to reindeer. The holder of logging rights must provide the reindeer owner with compensation for any damage caused wilfully or through negligence.
- (4) Otherwise the compensation for damage referred to in this section comes under the Damages Act.

Chapter 8 – **Miscellaneous provisions**

Section 43 - *Transfer of reindeer ownership*

- (1) A buyer or a recipient of a gift must notify the chairman of the reindeer herding co-operative

- of the transaction or the gift without delay.
- (2) Ownership of reindeer is transferred:
 - 1) when the transfer has been approved by the board of the reindeer herding co-operative (*reindeer title deed permit*); or
 - 2) two months from the date on which the chairman of the reindeer herding co-operative has received notification of the transfer. However, during this period, the board of the reindeer herding co-operative has the right to decide on the purchase of the reindeer (*right of pre-emption*).
 - (3) A reindeer title deed permit may be refused and the right of pre-emption used if the securing of sufficient income for persons engaged in reindeer herding as their profession so requires. However, a reindeer title deed permit is not required and the reindeer herding co-operative does not have a right of pre-emption if the buyer or the recipient of a gift is a shareholder of the same reindeer herding co-operative, the spouse of the transferor, or a person who in accordance with Chapter 2 of the Inheritance Code (40/65) could inherit from the transferor, or the spouse of such a person, or the adopted child of the transferor or the spouse of the adopted child of the transferor.
 - (4) When requested by the transferor, the reindeer herding co-operative must use its right of pre-emption if it has refused the reindeer title deed permit. In using the right of pre-emption, the reindeer herding co-operative must buy all the transferred reindeer and pay to the transferor of the reindeer the same price he/she would have received from the purchaser. If the transfer has not involved any payments or if the sales price is substantially different from the current value, the reindeer herding co-operative must pay the transferor the current market price for the reindeer. Disputes concerning the level of the current price shall be settled by a valuation committee.

Section 44 - *Appealing against the decisions of the reindeer herding co-operative*

- (1) A reindeer owner dissatisfied with the decision of the chairman of the reindeer herding co-operative has a right to bring a matter pertaining to him/her personally before the board of the reindeer herding co-operative for review. The request for a review by the board of the reindeer herding co-operative must be submitted within thirty days of the date the shareholder has received notification of the decision of the reindeer herding co-operative chairman.
- (2) A reindeer owner dissatisfied with the decision of the board of the reindeer herding co-operative has the right to bring the decision before the meeting of the reindeer herding co-operative for review. A request to this end must be made in writing to the chairman of the reindeer herding co-operative within thirty days of the date on which the notification of the decision was served at the meeting of the reindeer herding co-operative referred to in section 18.
- (3) A reindeer owner may appeal against the decision of the meeting of the reindeer herding co-operative to the Provincial Administrative Court if the decision infringes upon his/her rights or was not prepared in accordance with due process or is otherwise against the law. The appeals process must be in accordance with the provisions of [the Administrative Appeals Act (154/50)].

- (4) The provisions in subsection 2 do not apply to a decision of the board of the reindeer herding co-operative by which a reindeer title deed permit has been granted or by which a right of pre-emption has been left unused. A reindeer transferee may appeal against a decision made by the board of the reindeer herding co-operative or the meeting of the reindeer herding co-operative on the refusal of a reindeer title deed permit and the use of the pre-emptive right in accordance with the provisions in subsections 2 and 3.

Section 45 - Appealing against a decision of the Association of Reindeer Herding Co-operatives

A decision of the Association of Reindeer Herding Co-operatives may be appealed against by a party whom the decision concerns on the grounds that the decision was not made in accordance with due process or is otherwise against the law or the by-laws of the Association. The appeal must be lodged with the Provincial Administrative Court of Lapland. The appeal must be in accordance with the provisions of [the Administrative Appeals Act].

Section 46 - Appropriating reindeer

- (1) Penalty provisions for appropriates reindeer and for an attempt to do so are laid down in Chapter 28, sections 1-3 and Chapter 29, sections 1-4 of the Penal Code.

Section 47 - Reindeer herding offence

- (1) A person who:
- 1) transports or attempts to transport reindeer from the territory of one reindeer herding co-operative to another or away from Finland or from another state to Finland without permission;
 - 2) deliberately fails to enter the number of his/her reindeer in the reindeer register in the manner required by legal provisions, or enters the number of his/her reindeer wrongfully in the register;
 - 3) deliberately fails to reduce the number of his/her reindeer in the manner required by legal provisions;
 - 4) frightens reindeer in violation of the provisions of section 42; or
 - 5) in any other way violates this Act or provisions and regulations issued under it,
- must be fined for *a reindeer herding offence*, unless a more severe penalty for the offence is laid down elsewhere in the law.

Section 48 - Financing the activities of the Association of Reindeer Herding Co-operatives

- (1) The State budget must appropriate an annual sum for use by the Association of Reindeer Herding Co-operatives so that it can carry out its tasks under this Act.

Section 49 - Collection of fees and contributions

- (1) If a reindeer owner neglects to pay the fees and contributions referred to in section 11(1), section 12(1) and (3), and section 24(4) by the due date, the chairman of the reindeer herding co-operative has the right to sell reindeer owned by the reindeer owner in question so that the fees and contributions can be covered with the price received for the reindeer. An outstanding

fee or contribution may also be recovered by debt recovery procedure without a separate decision or sentence.

Section 50 - *Purchase book*

- (1) When reindeer are purchased for slaughter, the purchaser must keep a purchase book in which the place and time of purchase, the number of reindeer purchased, the reindeer earmarks, price and the gender of the reindeer, and the name, address, and signature of the seller must be entered. When requested, the purchase book must be presented to the chairman of the reindeer herding co-operative, to any other person authorised by the reindeer herding co-operative or an official of the Association of Reindeer Herding Co-operatives.

Section 51 - *Declaration*

- (1) Before taking up their duties, the chairman and vice chairman of the reindeer herding co-operative, the foreman, the valuation committee chairman, the valuer and the counter at a reindeer round-up must sign a declaration. Further provisions on the declaration are given by decree.

Section 52 - *Supervision*

- (1) The State Provincial Office is responsible for the supervision and implementation of this Act and the provisions and regulations issued under it.
- (2) If a reindeer herding co-operative deliberately neglects to observe the provisions and regulations pertaining to its activities, the State Provincial Office must, by issuing a threat of a fine or by threatening that the work not carried out is carried out at the expense of the reindeer herding co-operative, order that what has been done illegally or neglected must be rectified.

Section 53 – *Consulting obligation*

- (1) When planning measures concerning State land that will have a substantial effect on the practice of reindeer herding, the State authorities must consult the representatives of the reindeer herding co-operative in question.

Section 54 - *Further provisions*

- (1) Further provisions on the implementation of this Act are given by decree.

Section 55 - *Entry into force*

- (1) This Act enters into force on 1 October 1990. This Act repeals the Reindeer Husbandry Act of 4 June 1948 (444/48) and its subsequent amendments.
- (2) Section 43 of this Act only applies to transfers that have been made after the entry into force of this Act.
- (3) Reindeer herding co-operatives that have been established prior to the entry into force of this Act are automatically regarded as having been established in accordance with this Act.
- (4) The condition referred to in section 2(2) of the previous Act, which has entered into force prior to the entry into force of this Act, shall remain in force.

