

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of Defence, Finland

Act on the Expropriation of Immovable Property and Special Rights to Ensure National Security (468/2019)

By decision of Parliament, the following is enacted:

Section 1

Scope of application

This Act shall apply to the expropriation of immovable property and special rights to ensure national defence, territorial integrity, internal security, government administration, border security, border control, security of supply, or to safeguard the operation of critical societal infrastructure or other similar societal interests.

The Act on the Expropriation of Immoveable Property and Special Rights (603/1977), hereafter the Expropriation Act, shall be applied to expropriation unless otherwise provided in this Act.

Section 2

Expropriation permit

A ministry responsible for the safeguarding of interests referred in section 1, subsection 1 may grant a permit to a public authority or entity to expropriate immovable property or a special right if so required by a common interest referred to in section 1.

Section 3

Temporary prohibition of measures

Once a ministry referred to in section 2 has begun preparing expropriation as referred to in this Act, it may temporarily prohibit, for a maximum of one year at a time, such use of property and such exercise of special rights as may endanger the purpose of the expropriation. If the expropriation later lapses, the owner or rightholder shall be entitled to receive compensation for the damage or harm caused by the prohibition.

The expropriation permit may stipulate that the property may not be used in a way that may endanger the purpose of the expropriation. This prohibition shall be in force from the date on which the notice of the decision on the expropriation permit was served to the owner or rightholder until the expropriation has been completed or has lapsed. If the expropriation lapses, compensation for the damage and harm caused shall be paid as laid down in subsection 1.

If no agreement on the compensation referred to in this section is reached, the compensation shall be decided in an expropriation procedure. Such procedure shall be subject to the provisions laid down in the Expropriation Act unless the procedure is otherwise pending.

Section 4

Compensation for expropriation

Full compensation corresponding to the highest fair market price shall be paid for the property to be expropriated. Compensation shall otherwise be determined in accordance with the grounds for compensation laid down in the Expropriation Act.

If the expropriation permit includes a prohibition of measures referred to in section 3, subsection 2, interest at the rate laid down in section 95 of the Expropriation Act shall be payable on the compensation as of the date of service of the expropriation permit. If a prohibition of measures referred to in section 3, subsection 1 has been imposed before the expropriation permit has been granted, interest shall be paid from the date of service of the prohibition decision.

Section 5

Experts

When considering consulting experts referred to in section 12, subsection 2 of the Expropriation Act, special consideration shall be given to the purpose of expropriation.

Section 6

Right to obtain information

Notwithstanding non-disclosure provisions, a public authority preparing expropriation as referred to in this Act is entitled to obtain information essential for the consideration of the expropriation matter from the National Land Survey of Finland free of charge.

Section 7

Request for review

A judicial review of a decision on a temporary prohibition of measures may be requested by way of appeal to an administrative court in the manner laid down in the Administrative Judicial Procedure Act (586/1996). A decision of the administrative court may only be appealed against if the Supreme Administrative Court grants leave to appeal.

In its decision on the temporary prohibition of measures, a ministry referred to in section 2 above may specify that the decision shall be complied with regardless of a request for a review, unless otherwise ordered by the appellate court.

Section 8

Entry into force

This Act enters into force on 1 January 2020.

This Act repeals the Act on Expropriation of Property for Defence Purposes (1301/1996).