

**No. 264  
WATER ACT  
May 19, 1961**

**Chapter 1  
General Provisions**

**Water Areas and Waters**

**Section 1**

A water area means an area which is covered by water other than temporarily.

Water bodies\* are inland water areas with open surfaces, including their natural and artificial parts, with the exception of the waters referred to in section 2 of this chapter.

**Section 2**

The following are not water bodies or their parts:

- 1) a ditch, a streamlet or a water channel which has no constant flow of water and, even at the season with the most abundant waterflow, has not enough water to allow a boat passage or to float timber, and which cannot be used to any major degree for passage by fish, or
- 2) a spring or a well or a water intake, reservoir or artificial pond.

**Section 3**

In this Act, the provisions on water bodies also apply to seas.

**Section 4**

Groundwater means water in the soil or bedrock.

**Section 5**

A body of flowing water is considered a river if, with the exception of the driest season of the year, it allows passage by rowing boat if not obstructed by rapids or rocks. A water body where the average flow is at least two cubic metres a second is always considered a river.

A water body smaller than a river is a brook.

**Section 6**

In applying this Act, it is considered that the limit between a water area and dry land is formed by the shoreline determined by the mean water level. If the water level has

changed permanently, said limit shall be determined according to the water levels observed after the change.

The provisions of this Act on everyman's right to use the water body for passage and for other general purposes and for floating timber shall also apply to an area outside the limit referred to in paragraph 1 when it is covered by water.

**Section 7**

The water power of rapids or another part of a water body shall be calculated using the mean flow and the corresponding hydraulic head.

**Section 7a (30.4.1987/467)**

The provisions of this Act on fish and fishing shall also apply to lamprey and crayfish and to catching them.

**Section 8**

The water in a water reservoir, well or other water intake is owned by the owner of the facility. The water in a spring or artificial pond is owned by the owner of the ground. Any other water with an open surface, or groundwater, shall be governed, within the limitations prescribed in this Act, by the owner of the water or land area in question, unless otherwise provided by a special right granted to another party.

In the case of a river and brook, the owners of both sides have equal rights to the water flowing therein.

**Section 9**

The rights and obligations provided by this Act for a certain land or water area are vested in the owner of the area in question, unless otherwise required by the provisions below or by provisions issued separately.

The provisions of paragraph 1 on the owner also apply to anyone who is in permanent possession of the land or water area in question.

Anyone who possesses an area by virtue of a lease or some other similar grounds, is entitled, rather than the owner, in matters concerning ditching and conducting of waste water, to decide about measures which do not require a water court permit or which do not result in a duty to pay remittance or a right to receive remuneration after the legal relationship forming the grounds for possession has ended.

**Section 10**

Unless otherwise provided in this or some other Act or a separately issued permit, a part owner of a joint water area has an owner's right to take measures to use the area and the water therein, provided such measures do not cause damage or

disturbance to other part owners and do not prevent them from using the area in a similar way.

Whenever applicable, the provisions of paragraph 1 on the rights of a part owner of a water area shall also apply to the right of the joint owners of a land area to use the groundwater that can be abstracted from the area.

If a measure taken with respect to someone else's water area requires a permit under this Act, a part owner of a water area shall also apply for a permit for said measure if it is taken in respect of the joint area.

### Section 11

Where applicable, the provisions issued on lease of land for purposes other than farming shall also apply to the lease of a water area.

### General Restrictions on Use

### Section 12

The deepest section of a river shall form the main channel for the free flow of water, transport, timber floating and passage of fish.

The main channel shall comprise one third of the width of the water body calculated using the mean water level; if, however, the water body is generally used for traffic or floating, the width of the main channel shall be at least seven metres. If weighty cause exists, a water court may, on application, decide that the main channel should be wider or narrower or be located elsewhere than prescribed above.

Unless provided by this Act or by regulations issued separately, or permitted by a water court, the main channel may not be closed or reduced by building; nor shall any device or hindrance obstructing its use be placed in the channel even temporarily.

### Section 13

The provisions of section 12 of this chapter concerning rivers shall also apply to straits or narrow channels in a lake or in the sea if these are regularly used for traffic or for floating timber, or if they are used by fish as their main route.

### Section 14

If the water body has a public channel for transport or floating, the provisions of section 12, paragraph 3, of this chapter shall apply to its closure.

### Section 15

Unless otherwise prescribed in the provisions below or

in a permit issued under said provisions, no water may be led from a water body, and no other measures taken in the water body or on land, if such measures may lead to a change in the position, depth, water level or flow of the water body and thereby

- 1) cause damage or harm to someone else's water area, fishing, land, buildings or other property;
- 2) cause a flood risk, general shortage of water or harmful changes in the aquatic environment and its functions;
- 3) markedly reduce natural beauty, environmental amenity, cultural values or the usability of the water body as a water supply or its use for recreational purposes;
- 4) reduce the self-purification capacity of the water body or alter the main channel or hinder the use of a public channel for transport or floating;
- 5) cause a health hazard; or
- 6) infringe the public interest in some other way comparable to those mentioned above (*prohibition on altering a water system*). (30.4.1987/467)

The prohibition referred to above in paragraph 1 shall also apply to any measure which may lead to a change in the water quality or in the bottom of the water body, causing the consequences referred to in said paragraph, unless the measure is one referred to in section 19 of this chapter. (30.4.1987/467)

The prohibition referred to above in paragraph 1 shall not, however, apply to a measure that can only cause damage or harm to a private individual, if he has given his consent to said measure. (30.4.1987/467)

### Section 16

The alteration of a water body, as referred to in section 15 of this chapter, does not mean a situation in which the owner or part owner of a water area abstracts water for his household, for livestock production or for watering a kitchen garden to answer a moderate need. If the water body does not supply enough water for all those who need household water, the appropriate municipal environment committee shall issue the necessary regulations on restriction of water use if so requested by a water area owner who suffers harm from the abstraction of water. The regulations issued may be revised if circumstances change.

### Section 17 (5.4.1991/629)

The free flow of water in a channel which is not a water body according to section 2 of this chapter may not be altered or hindered to the detriment of anyone living downstream without his consent, unless the owner of the channel or basin upstream needs the water for his own use. If the party downstream uses the water in the channel for household purposes, the party upstream may not use the water for other purposes to

an extent that prevents the supply of household water to the party downstream. In addition, the provisions of chapter 9, section 17 (concerning groundwater), shall apply to the right to abstract water.

The channel referred to above in paragraph 1, or the flow of water therein, may not be altered so as to cause damage to someone else's land. A water court may, however, permit building; in that case, the provisions on building in a water body shall be applicable.

Provisions on ditching and related measures are given in chapter 6.

### Section 18

Unless permitted by a water court, groundwater may not be used and no measures may be embarked upon for the purpose of abstracting groundwater if this may make the supply of water more difficult for a facility already abstracting groundwater, cause a marked reduction in the yield of an aquifer that is important or otherwise usable as a water supply, or result in some other deterioration in the usability of this aquifer, or obstruct the supply of household water on someone else's property (*prohibition on altering groundwater*). The prohibition shall also apply to the taking of materials from the ground and to any other measure not prescribed by section 22, if it is obvious that the measure may have one of the consequences referred to above. A measure that is not mentioned in section 22 but that may obviously result in the consequences referred to in section 22 shall be subject to the provisions of section 22 of this chapter. (30.4.1987/467)

If the abstraction of groundwater has a consequence referred to in section 15 of this chapter, the measure shall be considered to alter the water body in a way described in said section.

The provisions of paragraph 1 shall not apply to the abstraction of groundwater for household use, nor to the construction of a well for that purpose.

### Section 19

Unless otherwise provided below, no measures that may cause pollution of the water body may be taken without a water court permit (*prohibition on polluting a water body*). Such measures include conducting or discharging a solid, liquid or gaseous substance or energy into the water body so as to produce, either immediately or when allowed to continue, a change in the quality of the water in the water body or its bottom that

- 1) is manifested as a harmful lowering of the water level;
- 2) causes detrimental change in the aquatic environment and its functions or obvious damage to the fish stock;
- 3) causes a health hazard;
- 4) causes a substantial reduction in environmental amenity or cultural values or in the suitability of the

water body for water supply or recreational purposes; or 5) may cause some other infringement of a public or private interest comparable to those mentioned above. (30.4.1987/467)

The provisions of paragraph 1 shall also apply to a situation in which said substances are placed on ice or taken or conducted so close to the shore of a water body that they may end up in the water and have the adverse consequences referred to above.

In addition to the provisions of this Act, the provisions of any international convention binding on Finland on the protection of water bodies and the sea shall also be complied with to prevent pollution of a water body. (16.3.1979/299)

Separate provisions have been issued on the duties and preventive and other action related to operations that involve a risk of air pollution. (25.1.1982/69)

### Section 20

The provisions above regarding water bodies shall also apply to a water channel and basin referred to in section 2 of this chapter if the measures involved may have adverse effects infringing the public interest or someone else's private interest, as referred to in section 19.

### Section 21 (11.10.1963/453)

On application by the relevant authority, and to maintain the purity of a water body, a water court may issue stricter regulations than those prescribed in section 19 above, for the whole water body or its part, if there are important reasons for such action; conversely, a water court may issue more lenient regulations than those prescribed in said section, if so required by public interest associated with organizing the use of water bodies over a larger area and if private interests can be adequately safeguarded through appropriate measures. In that case, the permit referred to in section 19 shall be applied for if the measure includes deviation from the regulations issued under this section.

If important reasons so require, a water court may, on application, grant the authorities or a party entitled to take water from a water body for use as a liquid, a permit to add substances defined in the permit to the water body also in someone else's water area, or to take other measures to improve the state of the water body or the usability of the water or to study the water body. A water court decision referred to herein can be enforced any pending appeal notwithstanding.

### Section 22

The substances or energy referred to in section 19 of this chapter may not be placed, conducted or treated (*prohibition on polluting groundwater*) in such a way that

- 1) the groundwater may become hazardous to health or its quality may in some other way deteriorate in a groundwater area that is important or otherwise suitable as a water supply;
- 2) the groundwater on someone else's land property may become hazardous to health or unfit for the purpose for which it could otherwise be used; or
- 3) the measure may otherwise infringe the public interest or someone else's private interest by affecting the quality of the groundwater. (30.4.1987/467)

In applying the provisions of section 21 of this chapter, a water court may issue regulations more lenient than those prescribed in paragraph 1 regarding the groundwater of some area.

### Section 23

A facility, defined separately by decree, used for industrial or for other corresponding purposes, that causes or is liable to cause water pollution, irrespective of whether its operation results in any of the consequences referred to in sections 19 to 21 of this chapter, shall not be built without taking such action as is necessary to prevent water pollution. If the facility, operating in a sector of industry or trade as referred to above in this section, has been built before the entry of this Act into force, it shall be furnished with water protection or treatment equipment within five years of said entry into force. If special cause exists, a water court may, on application, extend this deadline to a maximum of ten years.

It may also be provided by decree that, before a facility, other than those referred to in paragraph 1, that causes a risk of pollution in open-surface water or in groundwater is put to use, or before waste water is conducted from a populated area into a water body or into the ground, notification shall be made to the relevant municipal committee and to the State authority supervising water bodies. This notification shall not absolve the party in question from applying for a permit to discharge waste water if the duty to apply for a permit exists in accordance with the provisions above, owing to the consequences of the action.

### General Use and Other Rights to Use Another Person's Area

#### Section 24

Anyone shall have the right, while not causing undue disturbance, to use a water body for passage wherever it is open. A water body is considered open if it has not been closed by virtue of a legal right. The provisions issued above on passage through a water body shall also apply to passage on ice.

Anyone who uses a water body for passage shall also be permitted to use another person's water area for temporary moorage if this does not cause any major harm or disturbance

to said person.

Traps and other movable objects that hinder passage in the main channel or in a public channel may be temporarily moved to allow passage, provided they are not damaged in the process. The same holds good for movable objects that prevent passage outside the channel in a way that causes unreasonable harm. Provisions on passage over or past a marked trap outside the channel are laid down in the fishing legislation.

Provisions on traffic in a canal and elsewhere in a water body and on a public winter road have been issued separately.

### Section 25

Damage caused by a colliding ship or by a ship's wake, by sparks emitted by a steamer, or otherwise by passage in a water body, to someone else's land, facility, storage, timber-floating equipment, traps or other property shall be compensated by the ship's owner, taking into account the separate provisions on limitation of a shipowner's liability and on liens under maritime law, even when said damage is not caused by negligence in the steering or management of the ship.

The owner of an object placed in the main channel or in a public channel illegally is not, however, eligible for compensation for damage caused by passage in the water body. The same is true regarding a trap in such a channel, unless the damage has been caused deliberately or through gross negligence. Anyone who uses a water body for passage and damages a trap outside the channel deliberately or through gross negligence, even when the trap has not been marked as required by the Fishing Act, is liable to pay compensation for the damage caused.

If the damage has been caused by the fact that the damaged property is not in proper condition or properly cared for, the owner of the vessel shall be released from liability to compensate, either entirely or to the extent corresponding to the deficiency.

### Section 26

Provisions on using a water body for floating timber are given in chapter 5.

### Section 27

Anyone has the right to draw water from a water body for use as household water and to take ice for household use and for the needs of livestock production, to swim in the water body, to use the water for washing, to give it to animals to drink and to use it for other similar purposes, provided this can be done without trespassing on someone else's land and causing harm or disturbance to the owner of the area or to someone else.

Taking account of the restrictions provided above in paragraph 1, it is also permissible to draw water temporarily



from someone else's water channel (not defined as a water body), as referred to in section 2, subparagraph 1, of this chapter, and from a spring that is not used permanently by the owner or, with the owner's permission, by some other person. Separate provisions have been issued on the right to take water from the above-mentioned channel or spring or some other basin not considered to be a water body according to said section 2, when this is done to prevent a risk of fire.

Provisions on the conducting of water for use as a liquid are given in chapter 9.

### Section 28

The owner or holder of a shore, even if he is not an owner or part owner of the water area, has the right to place a mooring post for a boat in the water offshore for his private use, and to build a jetty, boathouse, bathing cabin, wash house, sauna or similar building on his shore and extending into someone else's water area, if this can be done without causing damage or substantial harm to the owner of the water area and without causing the kind of change or consequence in the water body referred to in sections 12 to 15 of this chapter. This right shall not, however, apply to a harbour area or other water area put to special use.

The owner of the water area shall be compensated for any harm caused by said measure.

### Section 29

When a water body has moved from its original position, the owners and part owners of both the old and the new channel and, if the public interest so requires, the State have the right, within two years, to redirect the water into the old channel. After two years, the provisions issued on building in a water body shall apply to redirection of water into the old channel.

The party carrying out the redirection shall not be required to compensate for the costs of working the old bottom or building on it or using water in the new channel within two years of the water body's having moved. If redirection of the water body into the old channel takes place within ten years, no compensation need be paid for inundation of the old channel insofar as it does not render ineffectual any work performed after two years have passed since the water body moved.

### Section 30

Anyone who suffers from sludge, shallows or a similar hindrance which restricts the use of a water body shall be entitled, without permission and even in someone else's water area, to take the necessary action to remove the hindrance so as to improve the condition and usability of the water body, provided this does not result in a change or consequence referred to in sections 12 to 15 of this chapter, or performance

of the work does not cause substantial harm to the owner of the water area. If the measure taken is not of minor significance, the owner of the water area and, as provided by decree, the water and environment district office or the municipal environmental protection committee shall be notified in advance that work is commencing and of the measures that will be taken. (30.4.1987/467)

The provisions of chapter 4, section 6, on dredged spoils shall apply as appropriate to material removed from the bottom of a water body. (30.4.1987/467)

Any damage caused by a measure referred to above in this section must be compensated.

### Section 31

If it is necessary to conduct a study of the soil, water volumes or some other feature in someone else's area in order to establish the effects of some enterprise concerning a water body, determine the groundwater reserves or establish the feasibility of some other measure referred to in this Act, and no consent has been obtained from the owner or holder of the area, the appropriate municipal environment committee may, on application and, when necessary, after consulting the owner or holder of the area, permit a study of this kind for a given period and under conditions laid down by the committee. In conducting the study, any unwarranted infringement of the owner's and other persons' interests shall be avoided. The permit may prescribe that said municipal environment committee and, when the study concerns groundwater, the owner of the area must be informed of the results of said studies. If possible, the owner or holder of the area shall be notified that the studies are to begin.

The parties affected shall be compensated for any loss arising from the studies.

## Chapter 4 Channels and Other Water Traffic Areas

### Section 1

In this Act, a public channel denotes both a channel in an inland water body or sea which is to be regarded as public according to the provisions on navigation (official channel), and a waterway which has been designated a public local channel in accordance with the provisions below.

Other channels are private.

### Section 2

Upon application, a water court can designate part of a water body which is not part of an official channel, and which must of necessity be kept open for public ship and boat traffic, including recreational boating, a public local channel. A public local channel can also be designated in a water body with a

main channel. (30.4.1987/467)

On application, a public local channel can be terminated by a water court decision.

### Section 3

Prior to issue of the order referred to in section 2, paragraph 1, of this chapter by a water court, said court shall establish that the part of the water body in question reasonably fulfils the requirements which can be set for a public channel with regard to the traffic in the water body.

The water court decision shall define the location of a public local channel. When the water court deems that the part of a water body referred to in an application does not meet the requirements referred to in paragraph 1 without opening and improvement work, it can, taking the provisions of section 4 of this chapter into account, require the applicant to perform the necessary work within a fixed period, on pain of the application being otherwise dismissed. In such a case, the order designating the public local channel shall not be issued before the applicant has proved that the work ordered in the decision has been completed.

In addition to the provisions of this chapter, what has been decreed separately on safety devices for navigation shall apply to the construction of safety devices in a public local channel.

A public local channel shall be entered in the water court register referred to in chapter 15, section 12, and on a map kept at the court.

### Section 4

If it is necessary to take a measure other than that referred to in chapter 1, section 30, in order to open or improve a public or private channel, the provisions of chapter 2 on building in a water body shall apply to said measure and grant of a permit.

### Section 5 (5.4.1991/629)

The State or other party opening or improving a public channel may, after reaching agreement with the owner of the area, place navigational safety devices, such as spar buoys, marks and lights, permanently in the water body or on its shores and remove any obstacles preventing the devices from being seen.

If the agreement referred to in paragraph 1 has not been reached or no negotiations on reaching an agreement in the matter have been held, the State or other party opening or improving the public channel shall apply to a water court for permission to install a safety device in the water body or on the shore. What is decreed in chapter 2 regarding building in a water body shall otherwise apply to an enterprise. However, no permission shall be granted without compelling reason for a plot, building site, garden, storage site, beach or some other

area in special use. The application case referred to in this paragraph shall not be declared a matter to be dealt with in inspection proceedings.

The State or other party opening or improving a public channel may, however, paragraphs 1 and 2 notwithstanding, place range and radar marks, floating safety devices such as buoys and spar buoys and other comparable devices of minor effect in another party's water area. The party opening or improving the channel may, without permission, also install auxiliary equipment for navigational safety devices, such as spar buoy positioning marks, bolts, stakes and other minor devices in the water body or on its shores. The equipment referred to in this paragraph shall be placed so as not to cause appreciable harm to the owner of the area or any other holder of rights.

### Section 6 (30.4.1987/467)

Soil removed from a channel and other solid matter taken from the bottom of a water body (*dredged spoils*) may be dumped in another party's water area if the measure does not lead to a consequence referred to in chapter 1, sections 12-15 or 19. What is decreed in chapter 2 on building in a water body shall apply to a measure subject to permit and to grant of a permit. Separate provisions on dumping dredged spoils in the sea shall also apply.

Dredged spoils may not be placed on cultivated land without the landowner's consent or on land put to special use as referred to in section 5, paragraph 2, of this chapter. They may not be placed on any other land without the landowner's consent, unless the amount is small or a water court has issued a permit. (5.4.1991/629)

### Section 7

A right to use a water area or to redeem it can be granted upon application for a public loading site or anchorage or a public harbour connected with a channel.

For a private loading site or an anchorage connected with a channel, the right to use another party's water area can be granted upon application on the same conditions as for granting a permit to build under chapter 2, section 6, paragraph 2.

For a private harbour, the shore owner can be granted the usufruct of another party's water area as provided in chapter 2, section 7, if the traffic is deemed important and the conditions laid down in paragraph 2 of said section are also met.

### Section 8

Compensation shall be paid for damage, harm and other loss deriving from measures taken under the above provisions of this chapter on a land or water area owned by another party or the right to use or redeem an area belonging to another

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party. In the case of a water area being specified a public channel or its use as a channel, compensation shall be paid only if the restriction arising from the order causes a substantial loss to exercise of a private fishing right, or a facility or structure erected in order to exercise a right is thus rendered useless.

#### **Section 9**

No charge shall be levied for the use of a channel in a water body unless a water court, in the case of a private channel, or the Ministry of Transport and Communications, in the case of a public local channel, assuming the costs of opening or improving the channel are considerable, has upon application granted the party opening or improving the channel the right to collect a charge to cover the costs from those using the channel. A decision granting said right shall determine the amount of the charge, the basis for collection of the charge, and the period for which the right is granted. (5.4.1991/629)

Notwithstanding the provisions of paragraph 1 above, the owner of a lock or other facility belonging to a private channel shall be entitled to collect a reasonable charge for services related to use of the facility.

The owner or the party whose right or interest the matter may affect may, however, apply to a water court for ratification of the size of the charge and the basis for its collection.

Notwithstanding paragraph 1, the separate provisions on the collection of charges for the use of public canals and harbours and on channel charges as referred to in the legislation concerning channel charges (1028/80). (5.4.1991/629)

#### **Section 10**

When a private channel or a public local channel is converted into an official channel, the State shall purchase any facilities connected with the channel if they are necessary for use of the official channel, at the current value. If the party that set up the channel has otherwise used funds to open or improve it and he has been granted, under section 9 of this chapter, the right to collect a charge for use of the channel, the State shall compensate him only in respect of his non-receipt of compensation for these expenses by collecting a charge.

#### **Section 11**

Whosoever has been granted permission to open or improve a channel shall be responsible for keeping the channel and facilities in it in such a condition that they do not cause harm or disturbance with regard to use of the water body.

### **Chapter 5 Timber Floating**

#### **General Provisions**

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-floating regulations

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**Chapter 6  
Ditching**

**General Provisions**

**Section 1**

In order to drain cultivated or forest land or to remove water from any other area where it hinders land use, the landowner has the right to ditch a piece of land in accordance with the provisions of this chapter. Provisions on conducting waste water are given in chapter 10.

Ditching also includes clearing out brooks for the purposes referred to in paragraph 1, provided this does not affect the water level of a lake upstream, and draining an area suffering from excess water, also when this involves draining a smallish lake which is of minor importance as a water body and which does not have any special value from the point of view of nature conservation. (30.4.1987/467)

The provisions laid down on the making of new ditches also apply to the widening or straightening of a ditch or brook.

**Section 2**

If ditching may result in a change or consequence referred to in chapter 1, sections 15, 18 and 19, a water court permit shall be obtained for this effect of the ditching work. A permit is not, however, needed, on the basis of chapter 1, section 15, insofar as a ditching project conducted entirely in the drainage area of a brook causes a change in the waterflow of the brook. Chapter 2, section 3, shall apply to the clearing of a brook carried out as ditching work, irrespective of the duty to apply for a permit. (5.4.1991/629)

If, in order to carry out ditching, it is necessary to remove or alter a power plant, a dam or a stationary installation, a water court permit shall be obtained for the work.

The provisions laid down in chapters 2, 9 and 10 on measures requiring a permit by virtue of the provisions referred to in paragraph 1, and on the permits granted, shall also apply to a measure requiring a permit under paragraph 1. A permit referred to above in paragraph 2 may be granted by a water court in accordance with the provisions on building in a water body. In its decision on the permit, a water court must also determine the compensation to be paid for any damage, harm or loss arising from the measures taken, insofar as a water court permit is needed for the ditching. (5.4.1991/629)

**Section 3**

Ditching shall be executed and the ditch maintained so that areas belonging to others do not become harmfully waterlogged or suffer any other damage.

If the damage caused by waterlogging or by the ditching work is substantially less than the costs that would have to be met by the maker of the ditching if such consequences were to be prevented, said ditch maker may compensate for the damage in cash.

**Section 4**

A ditch maker is entitled to make a ditch on someone else's land, or to start clearing a brook in a manner that can be considered ditching, in an area belonging to someone else if this is necessary for proper drainage of the land or to prevent a consequence referred to in section 3, paragraph 1, of this chapter. On both sides of the channel, a ditch is considered to include a 60 centimetre wide strip of land, unless a wider strip has been ordered or the soil quality requires greater width.

Under the conditions referred to above in paragraph 1, a protective embankment and a pump station may also be constructed on someone else's land area for ditching purposes.

A ditch on someone else's land shall be made, if possible without unreasonable costs, at the boundary of the land area or otherwise at a place where it causes as little harm to the landowner as possible. An open ditch, unless situated at the boundary of the estate, shall not be made without the owner's consent on someone else's plot, building site, garden, storage site, beach or any other area put to special use, or, unless necessary, on land drained with subsurface drains. The above provisions shall apply as appropriate to a construction referred to in paragraph 2.

**Section 5**

The landowner has the right to use the earth lifted from a ditch. If he does not want it, the ditch maker shall place the earth next to the ditch or in some other appropriate place where it does not cause any appreciable harm to the owner and does not prevent the water from draining into the ditch or make the slope of the ditch collapse, or shall remove the earth.

**Section 6**

Any damage caused by ditching shall be compensated. If a ditch has been made on someone else's land, the landowner is entitled to compensation for the land used for the ditch and the side strips. If water is led into a brook on someone else's land area, the compensation referred to herein shall only be paid insofar as a new channel has been dug for the brook or the old channel has been made substantially wider.

A party that obtains benefit from joint ditching is also entitled to the compensation referred to above in this section.

**Section 7**

A ditch made on someone else's land shall be maintained by the party who benefits from use of the ditch. If he does not repair the ditch within a reasonable time after being so requested by the landowner, the latter has the right to apply to the appropriate municipal committee for the order referred to below in chapter 20, section 7. Anyone else who suffers harm because maintenance of a ditch is neglected has the same



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right as the landowner.

Provisions on the maintenance of a joint ditch are given below.

**Section 8**

When a ditch has been made on someone else's land, the landowner may be granted the right to alter the position and direction of the ditch at his own expense if this can be done without diminishing the benefit obtained from the ditch and without causing any appreciable additional costs to the party utilizing the ditch.

**Section 9**

To drain his land, a landowner has the right to conduct water into someone else's ditch or into a brook located on someone else's land.

Whosoever conducts water into someone else's ditch or into a brook cleared by someone else has a duty, in accordance with the grounds stipulated below for joint ditching, to pay compensation for the costs incurred in the work, depending on the current condition of the ditch; the compensation includes the compensation referred to in section 6, paragraph 2, of this chapter, insofar as the party in question has not already paid his share of the costs; on the same grounds, he is required to participate in any necessary widening of the ditch and in its future maintenance.

Water may not be conducted into someone else's pipe drain without the owner's consent if the conduction is possible by some other means without unreasonable costs. If the pipe drain has to be made larger in order to conduct water into it, the party conducting the additional water into the drain must perform this work and any additional work required. Otherwise, the provisions of paragraph 2 shall apply to participation in ditching costs and to the maintenance of a ditch. (30.4.1987/467)

**Section 10**

Ditching shall not begin until the matter has been through ditching proceedings, in accordance with the provisions of chapter 19, if

- 1) the ditching requires a water court permit in accordance with section 2 and to the extent determined in said section;
- 2) the ditching includes the elimination or reduction of a flooded area or drainage of a smallish lake referred to in section 1, paragraph 2, of this chapter, or if there is a marked change in the direction of the waterflow because of the ditching or if a protective embankment or a pump station has to be constructed on someone else's land because of the ditching;
- 3) the ditch has to be dug under a public road, railway or

some other rail line, or a channel leading across such a route has to be widened, and no consent has been obtained from the maintainer of the road or from the owner of the railway or other rail line for said action; or 4) no agreement on joint ditching can be reached.

In addition, ditching proceedings shall deal with amendments to any plans ratified earlier at such proceedings, the founding of a ditching company and matters concerning the rights and duties of its part owners and other matters indicated by the appropriate municipal committee as within the purview of the ditching proceedings, in accordance with the provisions below.

When ditching of forest land mainly concerns areas owned by the State and the relevant State authority has prepared a plan for the work involved, no ditching proceedings need be held except when the authority, or the party whose interest or right the matter may concern, so requests.

**Section 11**

In cases in which the issue of ditching must be submitted to ditching proceedings in accordance with section 10, paragraphs 1 and 2, of this chapter, said proceedings shall prepare and ratify a ditching plan, including a cost estimate and a scheme of cost partition, though taking into account the provisions on joint ditching laid down below in this chapter.

A ditching plan may also be prepared and ratified in cases other than those referred to in paragraph 1 if it is considered that the nature or scope of the matter so requires.

Ditching may be implemented according to a ratified ditching plan irrespective of whether it affects someone else's land or rights.

In implementing the ditching work, minor alterations may be made to the ratified ditching plan, if necessary, without amending the plan if this has no significant effect on costs and on the benefit obtained from the ditching.

The provisions of chapter, 2 section 12, on the deadline for a construction project based on a water court permit shall apply to a deadline laid down for implementation of a plan ratified in ditching proceedings. The provisions of said section regarding the water court shall apply to the proceedings. (5.4.1991/629)

**Section 12**

If a ditch is made on someone else's land or across someone else's private road, or there is an intention to change the direction of a ditch or to conduct water into someone else's ditch or into a brook on someone else's land, and no agreement is reached on the matter, or if some other disagreement arises from a matter concerning ditching and the case is not one defined in section 10, paragraphs 1 and 2, of this chapter, the appropriate municipal committee shall deal with the matter in accordance with the provisions of chapter 20.

## **Joint Ditching**

### **Sections 13 - 32**

- beneficiaries and costs
- ditching company and part owners

## **Miscellaneous Provisions**

### **Sections 33 - 35**

## **Chapter 7 Water Depth Regulation**

### **Section 1**

Water depth regulation means lowering the water level of a water body by clearing or redirecting its channel or taking any other measure to eliminate or reduce a flooded area or otherwise to drain a land or water area, provided the measure is not considered ditching in accordance with chapter 6. Water depth regulation also includes filling in a water body or part of it, or draining a land or water area by building embankments. A measure is considered water depth regulation even if it includes flow regulation in the water body if this is necessary to achieve the aims of the water depth regulation.

### **Section 2**

A water court permit shall be obtained for water depth regulation that involves draining a lake to dry it out partly or entirely or that may cause a flood or a considerable rise in water level elsewhere in the water body, or that involves any other harmful or deleterious change or consequence as referred to in chapter 1, sections 12 to 15.

### **Sections 3 - 15**

- permits
- definition, commencement and alteration of depth regulation

## **Chapter 8 Flow Regulation**

### **General Provisions**

### **Section 1 (30.4.1987/467)**

If a party wishes to control the water level or otherwise regulate the flow of a water body on a continuous basis, therein also conducting or otherwise transferring water for regulation purposes from one water body, or part of it, to another, in order to make water power available, to increase or to level out the use of water power, to promote timber floating or traffic, or to facilitate the use of water as a liquid, irrigation, maintenance of the purity of the water body, recreational use, fish farming, drainage or some other similar purpose, a water court permit shall be obtained for such water flow regulation if this may result in a change or consequence as referred to in chapter 1, sections 12 to 15.

Provisions on flow regulation of a water body when this forms part of depth regulation are given in chapter 7.

### **Section 2**

An application for a permit to regulate flow may be submitted, or an initiative for a jointly executed regulation enterprise made, by any party able to utilize the benefit to be gained from the regulation, if said benefit, taking the nature and scope of the enterprise into account, can be considered substantial. Such beneficiary is also entitled to participate in flow regulation initiated by another party. The State has the right to apply for a permit to regulate flow even when it does not gain the above-mentioned benefit from the enterprise.

The benefits to be gained from the flow regulation shall include all advantages arising from implementation of the enterprise, such as

- 1) an increase in the quantity and value of feasible water power, an increase in the productive capacity or utility value of land, and better potential for draining land or using a land or water area for recreational purposes or fish farming, or in some other similar way so as to make better use of property, and
- 2) a reduction in timber floating costs, savings in expenditure on transport, a water supply benefit and an improvement in the self-purification capacity of the water body. (30.4.1987/467)

### **Section 3**

If a party other than the State applies for a permit to regulate flow, the applicant shall, except when the flow regulation referred to in the application manifestly fails to confer on anyone else the kind of benefit referred to in section 2, paragraph 2, of this chapter, provide other beneficiaries with an opportunity to participate in the flow



regulation by notifying a water court thereof. The water court must then, by posting a public notice, request possible beneficiaries to notify the court of their intention to participate in the enterprise, following the procedure laid down in section 4 of this chapter. A plan of the enterprise, a general description of who the beneficiaries are and how much benefit they are expected to gain from the enterprise, and a cost estimate of said enterprise shall be appended to the application for a notice. These documents shall be available for public inspection for a period determined by the water court, at the court premises or at a place determined by the court and mentioned in the public notice.

If the initiator of an enterprise demands, in accordance with section 5 of this chapter, that another beneficiary be required to share in the costs, he shall, after the public notice has been posted, provide the beneficiary in question with said demand and a copy of the notice, by registered letter or in some other demonstrable way.

If the initiator has, in a context other than an application for a permit, requested the public notice procedure, a permit application for the enterprise shall be made within one year of the end of the notice period, unless a water court has granted an extension to this deadline upon application.

If a plan presented together with the request for a public notice is likely to be of such a nature that no permit can be granted for flow regulation thereunder, a water court shall not agree to post a public notice in accordance with the request.

Provisions on water flow regulation by the State are given in section 24 of this chapter.

**Sections 4 - 10**

- work needed
- permits issued by a water court

**Flow Regulation Company**

**Sections 11 - 20**

- part owners and rules
- meetings and board
- costs and beneficiaries

**Miscellaneous Regulations**

**Sections 21 - 26**

**Chapter 9  
Conducting Water for Use as a Liquid and  
Abstraction of Groundwater**

**Conducting Water**

**Section 1**

Everyone has the right to conduct water from a water body, from someone else's water area, for use as household water, if enough water remains for the needs of those who, as owners or under a permit granted to them, take or conduct water for use as a liquid, and this does not cause any of the changes or consequences referred to in sections 12 to 15 of chapter 1. Any work and equipment needed in someone else's water area in order to conduct water shall be arranged and constructed so that it does not cause appreciable harm or disturbance to the owner or any other person.

**Section 2**

If a party who is not the owner or part owner of a water area wishes to conduct water from a water body for use as a liquid for purposes other than household water, or for household use with consequences that are not allowed, under section 1 of this chapter, a water court may, on application, grant him permission to do so and to keep equipment for this purpose in someone else's water area. The same applies if the owner or part owner of a water area wishes to conduct water from the area for use as a liquid, and said measure, taking the provisions of chapter 1, section 16, into account, results in a change or consequence referred to in sections 12 to 15 of the same chapter.

The provisions of chapter 2 on building in a water body shall apply to the measures referred to above in paragraph 1, as concerns the prerequisites for granting a permit, handling of a permit application, compensation for damage, harm or other loss and, as appropriate, the duties to be laid down for the party carrying out the work to protect the interests of others and otherwise.

**Section 3**

If several parties apply for a permit to conduct water from a water body for use as a liquid, and there is not enough water for them all, priority shall be granted to the party who wishes to use the water on the shores of the water body or in its vicinity as household water or for some other household purposes, such as to meet the needs of a hospital, barracks, hotel or restaurant establishment, public sauna or corporation established mainly for the acquisition of household water. The same applies to the reasonable use of water for irrigation in cases in which the nature of the cultivation makes this especially necessary and the acquisition of water to meet a public need is not consequently complicated. After that, priority shall be given to an enterprise the intention of which is

to conduct water to meet the needs of a community. Next in priority comes a party who wishes to conduct water for use by industry.

Among applicants who want to conduct water from a water body for purposes that, on the basis of the above criteria, must be considered of equal importance, priority shall be given, if it cannot be considered fair that an applicant's right is restricted, to the party who is the owner of the relevant water area or the major part of it, and, if the applicants also have equal standing in this respect, to the applicant who has first submitted an application to a water court.

The order of priority laid down above in paragraph 1 shall be taken into account in comparing conflicting interests in accordance with chapter 2, section 11, paragraph 3, when a permit application concerns a plan for conducting water that results in a loss of title or loss of right to conduct water, based on a permit granted under this Act or an earlier Act, or makes the exercise of these rights more difficult.

## **Abstracting Groundwater**

### **Section 4**

If there is not enough water suitable for household use available without unreasonable cost, a water court may on application entitle a party needing water to abstract groundwater from someone else's land as household water and to take the necessary measures for this purpose, provided enough water is left for the needs of the owner, any inhabitants living currently on the owner's land and those expected to come to live there, and enterprises located in the area, and the measures do not cause said parties unreasonable disturbance or harm. Under the conditions mentioned above, a right may also be granted to conduct groundwater from someone else's land for use in industrial or other business operations for which it is particularly important to obtain groundwater. A right of this kind may be revoked, on application, by water court decision if the circumstances affecting granting of the right have essentially changed and, against compensation, also if so required by the owner's own needs which are deemed important.

If the technically and economically most practical way to implement an enterprise whose main objective is to supply household water to a local authority or a large number of consumers, or some other project to acquire water to meet a public need, requires that groundwater be abstracted from someone else's land, a water court may, on application, notwithstanding the provisions of paragraph 1 above, grant a permit for the enterprise and for the measures needed to implement it. No such permit shall be granted for conducting water outside a locality, if a corresponding need for water within said locality cannot be met to a reasonable extent.

A right to abstract water from a well or some other groundwater intake belonging to someone else may be granted only if the owner's consent has been obtained. The holder of such a right is required to participate in the building and maintenance costs of the intake in proportion to the volume of water abstracted. The building costs are calculated on the basis

of the condition of the intake at the time in question.

If a measure aimed at taking groundwater from someone else's land requires a water court permit for a reason other than that referred to in this section, the provisions enacted below on such a permit shall be complied with, as well as what is prescribed above.

### **Section 5**

A groundwater intake means a well or some other facility from which groundwater is drawn, pumped or otherwise taken for household use, industry or some other purpose. If several intakes belonging to the same owner, and built to take water from one and the same aquifer, together form a facility serving the above purpose, they shall be regarded as one water intake.

### **Section 6**

A groundwater intake shall be constructed, operated and maintained so that no one is caused more damage, loss or harm than is necessary to implement the enterprise to obtain water without incurring unreasonable costs.

Wasting water during operation of the intake is to be avoided.

### **Section 7**

A water court permit shall be obtained for a measure referred to in chapter 1, section 18, that has the consequences mentioned therein, and for construction of a groundwater intake designed to take a minimum volume of two hundred and fifty cubic metres of water a day. The same also applies if an older intake or its operation is expanded so as to exceed the above limit or if the expansion has the consequences referred to above.

Also in cases other than those referred to above in this section, the owner of a groundwater intake may request a water court to conduct an investigation and issue a decision on the prerequisites for a project to construct or modify an intake and on any duties that may result from these measures.

### **Section 8**

With the exceptions listed in paragraph 2, a permit may be granted for construction of a groundwater intake and for taking any other measures referred to in chapter 1, section 18, if the advantage gained from said measure, taking into account as appropriate the provisions of section 6 of this chapter concerning implementation of such measures, is substantially greater than any damage, harm or other loss accruing from it, or if there is a public need for the measure to be taken.

A permit shall not be granted for a measure referred to in paragraph 1 if the measure would lead to prevention or

obstruction of water supply, impaired conditions for housing or business and trade over a wide area, or to any other major environmental change harmful from the public point of view, and the effects of the change cannot be prevented by arrangements carried out in connection with the measure.

#### **Section 9**

If several applicants apply for a permit to take measures aimed at using a particular groundwater supply, and there is not enough water to meet every applicant's stated needs, priority shall be given to an applicant for whom the groundwater acquisition is particularly necessary and whose operations can be considered important from the public point of view. If there is no perceptible difference in this respect, the provisions of section 3, paragraph 2, of this chapter shall apply.

#### **Section 10**

As appropriate, the provisions of chapter 2, section 11, shall be adhered to when evaluating and comparing the benefits, on the one hand, and any damage, loss and harm, on the other, resulting from the measures referred to above in this chapter.

#### **Section 11**

Any damage, harm or other loss caused by the construction and operation of a groundwater intake and other measures taken with respect to groundwater shall be compensated in accordance with the provisions of chapter 11, taking into account what is prescribed in paragraph 2.

The owner of land is not entitled to receive compensation for groundwater abstracted on said land. Impairment of water supply, provided it is not insignificant, resulting from the abstraction of groundwater and affecting the owner or other party using the groundwater by virtue of a special right is, however, considered a loss qualifying for compensation. In determining the compensation for usufruct, the added value of land deriving from its potential as a source of groundwater shall be taken into consideration.

#### **Section 12**

If the operation of a groundwater intake which was constructed before this Act comes into effect and needed no water court permit for its construction or modification causes damage or harm, the party suffering such damage, loss or harm is entitled to request a water court to consider the matter with a view to issuing regulations concerning operation of the intake and compensation for any damage, loss and harm resulting from said operation. Operation of the intake shall not, however, be restricted, unless so required by the public interest or

for some other very important reason, and compensation for damage, loss or harm caused by said intake shall not be ordered for a period longer than five years prior to submission of the application.

#### **Section 13**

To increase or secure the supply of water from a groundwater intake founded by virtue of a permit referred to in this Act, a water court may, on application, restrict the abstraction of water from another groundwater intake, even when it operates under a permit, if public need so requires. Any damage, harm or other loss caused by this restriction shall be compensated. If the restriction is so substantial that the facility thus restricted no longer performs any function, the applicant may be enjoined to buy the facility if the owner so demands.

#### **Section 14**

If a prolonged drought or some other comparable reason causes a considerable decrease in the supply of groundwater, a water court may, on application, enjoin the owner of a groundwater intake to restrict the volume of water taken from the intake for a given period of time, if such restriction is needed to ensure the supply of necessary household water to the area around the intake. It may order the owner of the intake to be compensated for the losses caused by the restriction if said restriction is considered manifestly unreasonable. All those abstracting groundwater and gaining essential benefit from the restriction shall contribute to paying the compensation, unless the benefit gained from the restriction mainly accrues to the applicant. If no compensation can be ordered in connection with the application for restriction, an application for compensation may be submitted to a water court separately at a later stage.

#### **Section 15**

As appropriate, the provisions issued on building in a water body shall also apply to the procedure followed in applying for a permit as referred to above in this chapter, to the regulations to be included in the permit, to the validity of the permit decision and to compensation for any losses that emerge later.

If use of a permit issued for measures referred to in chapter 1, section 18, causes appreciable harm not foreseen when the permit was issued, the permit conditions may be revised upon application by the party suffering the harm, or if the harm bears on the public interest, by the relevant authorities, or, if the losses are considerable, the permit may be revoked. If the order for revision of the permit conditions or for revocation of the permit is issued to avoid a consequence referred to in chapter 1, section 22, no compensation shall be paid. Otherwise the right to obtain compensation shall be

determined according to the provisions of chapter 2, section 28. (30.4.1987/467)

#### **Section 16**

As appropriate, the provisions issued above in this Act on groundwater and on measures taken with respect to groundwater shall also apply to water which has been conducted into the ground by infiltration or by some other artificial means to increase the volume of the groundwater or to improve its quality. If water is taken from a water body for this purpose, the water shall be considered conducted for use as a liquid as prescribed above in this chapter.

#### **Section 17**

The provisions on groundwater in this chapter shall also apply as appropriate to water as referred to in chapter 1, section 2, with the exception of a reservoir and a water intake.

#### **General Provisions**

#### **Section 18**

If conducting water for use as a liquid requires that a water conduit be constructed through someone else's land, the owner of the land must allow this, unless the damage or harm caused by construction of the conduit is in no way proportional to the benefit gained from the work. An open water conduit shall not, however, be constructed without the owner's consent on someone else's plot, building site, garden, storage site, beach or any other area reserved for special use. When earth is removed during construction of a conduit, the provisions on earth excavated during ditching shall apply.

If, in accordance with this Act, a water court permit must be obtained in order to conduct water from a water body or abstract groundwater, the permit shall include regulations on how the work is to be done in conformity with the provisions of paragraph 1 if the water conduit is conducted through someone else's land and if the applicant has requested such regulations. If a water court permit is not required or the permit does not include regulations on construction of a conduit, the matter may be submitted to the appropriate municipal committee for decision, should construction of the conduit give rise to disagreement with the owner of the land.

Any damage or harm caused by construction of a conduit and use of the land needed for the purpose shall be compensated.

#### **Section 19**

If water is conducted from a water body for use as a liquid for a purpose that, for health reasons or for other important public reasons, requires that the water remain clean,

a water court may, if so requested by the applicant, order a certain land or water area around the water supply to be designated a water supply buffer zone. This may be done in the decision on the permit to conduct the water, if a decision is issued, or upon separate application. The buffer zone, which shall not be designated any larger than is absolutely necessary, shall not, without a water court permit, house a tank, or a storage, sewer, conduit or other facility which may discharge a water pollutant into the water body; nor shall any operations be conducted there that would in any harmful way impair the quality of the water obtained from the water intake. Permission may be granted to cut trees and to remove other vegetation in the buffer zone, if special cause exists. The water court shall, taking into account the purpose of the water intake to be protected, supplement its decision with regulations on the necessary protective measures and other restrictions concerning use of the buffer zone. A decision issued earlier does not prevent a water court from issuing a new decision ordering new restrictions on use of a buffer zone or alleviating the earlier restrictions, if so requested by the party involved or by the authorities.

The applicant shall pay compensation for any damage, harm or other loss caused to another party by the decision to designate a buffer zone.

A decision that stipulates restriction on the use of a buffer zone shall be adhered to even if it is appealed.

#### **Section 20**

A water court may, if considered vital for health reasons or otherwise to maintain the purity of the groundwater, order in a permit decision on the founding of a groundwater intake or upon separate application, that a certain area around the intake be designated a buffer zone for the water intake where, without a water court permit, it is not allowed to have a building used for accommodation or otherwise for permanent residence, or a store, tank, conduit, sewer or facility from which dirt or some other substance affecting the water quality may enter the groundwater; nor shall any operations be carried out that may harmfully impair the quality of water obtained from the intake.

Otherwise, the provisions of section 19 of this chapter shall apply to a decision concerning the above restriction, as appropriate.

#### **Section 21**

When water is conducted or groundwater abstracted in cases referred to in section 19, paragraph 1 or section 20, paragraph 1, of this chapter, a water court may, upon application, grant a right whereby a land or water area can be made available or bought insofar as is needed for basins, structures and equipment used for the treatment of water.

**Chapter 10**  
**Waste Waters and Other Substances Polluting Water Bodies**

**General Provisions**

**Section 1**

Waste water means water that has been used as a liquid and is taken out of use. Waste water also includes any other liquid that is taken out of use, and water originating from a cemetery, storage site or any other similar area if it contains a harmful amount of foreign substances.

**Section 2**

Waste water may be discharged into a water body or into the ground, using a ditch or a sewer, as prescribed in this chapter. (30.4.1987/467)

A sewer means an open conduit or any other conduit that has been constructed mainly for the purpose of conducting waste water. A sewer also includes the related equipment, such as manholes and pump plants.

A ditch that conducts substantial quantities of waste water is to be considered a sewer. More detailed provisions on the classification of a ditch as a sewer in particular cases are given in section 5 of this chapter.

The provisions of this chapter concerning ditches also apply to other water channels as referred to in chapter 1, section 2. (30.4.1987/467)

**Conducting Waste Water into a Ditch**

**Section 3 (30.4.1987/467)**

If the waste water conducted into a ditch or into the ground may adversely affect the public interest or another party's private interest, as specified in chapter 1, section 20, an application shall be made to the municipal environmental protection committee to obtain a permit therefor. A permit shall not be granted if the measure, by worsening the quality of the groundwater, may have a consequence referred to in chapter 1, section 22. Otherwise, the prerequisites for granting a permit shall be those provided in section 24 of this chapter, as appropriate.

**Section 4 (30.4.1987/467)**

If a permit application concerning a scheme to conduct waste water, as referred to in section 3 above, is being reviewed by an environmental protection committee and the scheme may bring about one of the effects on the water body mentioned in chapter 1, section 19, the environmental protection committee shall without delay refer the entire case to a water court, as prescribed in chapter 20, section 2, paragraph 3.

**Section 5 (30.4.1987/467)**

A decision permitting waste water to be conducted into a ditch or the ground may include pertinent regulations on measures to be taken to avoid damage and harm, following the provisions laid down in section 24a, as appropriate. At the same time, it shall be determined whether the channel into which waste water is conducted is to be considered a ditch or a sewer.

If the circumstances affecting the permit conditions or the prerequisites for granting a permit referred to herein have essentially changed, the case may be referred to a water court, upon application by the supervisory authorities or the party suffering a loss, for the issuance of such new regulations as may be necessary in the changed circumstances. A permit may also be revoked if special reasons so require.

**Section 6 (30.4.1987/467)**

If it is necessary to use a ditch or a brook on someone else's land to conduct waste water practicably, and the landowner does not give his consent, the environmental protection committee may grant a permit therefor, provided the measure does not cause unreasonable harm. Said permit may be granted in connection with the permit referred to in section 3, or separately. If the matter otherwise falls within the jurisdiction of a water court, the permit shall be granted by a water court.

Whosoever conducts waste water into a ditch or a brook on someone else's land is required to carry out the work needed for the expansion, upkeep and maintenance of the channel and necessitated by the arrangements to conduct waste water, and also otherwise to ensure that conducting the waste water does not cause any damage that could be avoided at reasonable cost. When necessary, the municipal environmental protection committee may issue regulations on how the work is to be done. The provisions of chapter 20, section 7, shall apply to a decision of this kind.

If someone gains benefit from the measures referred to in paragraph 2, the provisions on ditching shall apply to said party's duty to contribute to the costs of carrying out the measures and to the procedure to be followed when this contribution is determined.

**Conducting Waste Water in a Sewer**

**Section 7**

If it is necessary to lead a sewer through someone else's land to conduct waste water practicably, and the landowner does not give his consent, the provisions in section 6 on the procedure to be followed when conducting waste water into a ditch in someone else's land shall apply to the measures taken. (30.4.1987/467)

An open sewer shall not be led through someone else's plot, construction site, garden, storage site, beach or any other

area reserved for a special purpose if this may cause considerable harm owing to the quality of the waste water, nor shall it be led through said area in any manner without the owner's consent. If the circumstances so require, a pipe sewer must be made watertight.

(Paragraph 3 repealed April 30, 1987.)

### Section 8

When a sewer is led under a public or private road, a railway or some other rail track, the provisions of sections 24 and 25 of chapter 2 on building in a water body shall apply, except when a sewer is led under a private road and the sewer construction matter does not otherwise fall within the jurisdiction of a water court, when the matter shall be decided by the appropriate municipal committee.

If the sewer is also used for water removed for the purpose of soil drainage, and the modification that is made under the road, railway or other rail track is mainly because such water is conducted, the corresponding provisions on ditching shall apply to the party responsible for road maintenance or to the owner of the railway or other rail track.

### Section 9

A sewer shall be maintained by the owner in a condition that poses no health hazard or any other manifest harm. If this maintenance is neglected, the appropriate municipal committee may, at the request of the party suffering the harm, issue a decision ordering that the work necessary for the maintenance be carried out by a certain date; the provisions in chapter 20, section 7, shall apply to such a decision.

### Section 10

If someone wishes to conduct waste water, or water removed for the purpose of soil drainage, into another party's sewer and this can be done without causing appreciable harm and, in the case of a pipe sewer, without requiring changes in the sewer and the related equipment, the appropriate municipal committee may grant the right to conduct water in this way. The party to whom the right is granted is required to pay a reasonable contribution towards the costs of building the sewer, calculated according to the sewer's current condition. The maximum contribution is the amount that he would be required to pay if the sewer were jointly built in accordance with the principles laid down in section 15 of this chapter. Said party is also required to share in the costs of future maintenance of the sewer, his maximum share corresponding to the contribution calculated in accordance with the principles prescribed in the above-mentioned section. If no agreement is reached on the contribution, the appropriate municipal committee shall rule on the matter.

If, owing to the fact that water is conducted into a sewer belonging to another party, it is necessary to carry out work

referred to in section 6 of this chapter, the provisions of said section shall be adhered to.

### Section 11

If a permit has been granted to build a pipe sewer on someone else's land, the land along the sewer shall not be used in a way that may damage the sewer or make maintenance of the sewer unduly complicated. The provisions on ditching in chapter 6, section 8, shall apply to the landowner's right to move a sewer.

### Joint Sewer

### Section 12

If two or more parties wish to build a joint sewer to conduct waste water or waste water together with water removed for the purpose of soil drainage, the provisions below on joint sewers shall apply, unless the parties agree otherwise. If a party other than an originator wants to participate in the joint sewer-building project, he shall be entitled to do so if the sewer can still be used for its original purpose after he has joined in the project and said joining does not result in any unreasonable increase in costs.

If someone wishes to start to conduct waste water, or water removed for the purpose of soil drainage, into a joint sewer built earlier and this can be done without causing appreciable harm and, in the case of a pipe sewer, without causing changes in the sewer and the related equipment, the party wishing to conduct the water may be entitled to acquire a share in the joint sewer if the benefit gained by him, compared with the other part owners, is so great that it can be considered in his interest to be allowed to acquire a share in the joint sewer.

The provisions of paragraphs 1 and 2 on participation in a joint sewer shall also apply if a party who wants to participate in a planned sewer demands that the sewer be designated a joint sewer.

Provisions on the right to conduct water into someone else's sewer without acquiring a share in the sewer are given in section 10 of this chapter.

### Section 13

If a completed or planned sewer can be used to conduct waste water or water removed for the purpose of soil drainage away from a plot of land which will gain considerable benefit from the conducting of water in said sewer, the owner of the plot can be required to acquire a share in a joint sewer if removal of water from his plot cannot be executed in any other more advantageous way. No one shall, however, be required to become a part owner in a sewer completed earlier if he would then become liable for the costs of expanding or renewing the sewer or its equipment, either wholly or to a substantial extent.



#### Section 14

Part owners of a joint sewer are required to participate in the costs of building and maintaining the sewer and its equipment insofar as they use it jointly. If the waste water that is conducted into the sewer comes only from dwellings and outbuildings, the cost of the joint section of the sewer must be divided between the part owners in proportion to the floor areas of the buildings from which the waste water is conducted. If a sewer of this kind is also used to remove water for the purpose of soil drainage, the costs shall be divided according to the principles laid down in chapter 6, section 16, on the division of joint ditching costs; however, the area used as a basis for determining the benefit shall also include the floor areas of the buildings from which the waste water is conducted.

If the waste water conducted by a part owner into a joint sewer is of a type other than one referred to in paragraph 1, the part owner shall contribute to the cost of building and maintaining the sewer and its equipment in the same ratio as exists between the estimated volume of this type of waste water and the total volume of water in the sewer. If, however, the waste water is extremely harmful, the contribution to costs shall be correspondingly higher. If no water besides waste water is conducted into the sewer, the quantity and quality of the waste water shall also be used as the criteria for the waste water referred to in paragraph 1.

Whosoever only conducts water removed for the purpose of soil drainage into a sewer is not required to contribute to the costs of building a pipe sewer any sum higher than the cost of building an open sewer; nor shall he be required to contribute to compensation payable for any harm resulting from the waste water or to any other costs caused solely by the fact that waste water is conducted into the sewer.

#### Section 15

Whosoever acquires a share in a sewer completed earlier, is required, in accordance with the principles laid down in section 14 of this chapter, to contribute to the costs of building the sewer, as determined by the current condition of the sewer, and to participate in future maintenance of the sewer, in accordance with the same principles. If his joining the system makes it necessary to expand or renew the sewer or its equipment, he is required to meet the costs thereof. If, at the same time, the sewer has been renewed or improved for the joint benefit, the corresponding costs shall be divided between the parties involved.

If anyone who conducts domestic waste water into a sewer starts to conduct waste water from a building from which it has not been conducted earlier, or essentially expands the building connected to the sewer, or if the volume of other waste water increases substantially, the party conducting the waste water shall pay extra compensation which shall be determined according to the regulations of section 14 of this chapter, as appropriate.

#### Section 16

As appropriate, the provisions of sections 17, 18, 20, 22-29 and 31 of chapter 6 shall be applied to a joint sewer; however, matters pertaining to the formation of a joint sewer, the relations between the part owners of a joint sewer, and a sewer company shall be handled by a water court.

A sewer company shall be founded at a meeting of the sewer company part owners. In order to found a sewer company, the initiator shall call the other participants to a meeting, which shall be held according to the provisions of chapter 7, section 10, as appropriate.

#### Section 17

If it is possible and practicable to use an existing sewer or a part thereof for a joint sewer, a water court may, upon application, entitle, or upon the application of the owner of the existing sewer, enjoin the builder of the new sewer to buy the old sewer at a price that reflects the value that the old sewer is considered to contribute to the building of the new sewer.

#### General Regulations Concerning the Conducting of Waste Water

#### Section 18

Separate regulations are issued regarding sewers in an area that has a ratified town plan. The provisions on ditching in chapter 6, section 35, shall apply to a sewer that extends beyond the area covered by a town plan and also to sewers in an area that has a ratified building plan.

#### Section 19

Before discharging waste water from a water closet into an open channel, into the ground or into a water body, the water shall be conducted through appropriately constructed septic tanks or treated in some other manner, unless other corresponding regulations have been issued in a permit as referred to in section 3 or 24, in a permit issued in accordance with the building legislation, or under section 20. (30.4.1987/467)

It may be stipulated by decree that, besides the waste water mentioned in paragraph 1, other waste water that runs in an open channel or that is discharged into the ground and may cause considerable harm shall also be conducted through an appropriate purification plant.

(Paragraph 3 repealed April 30, 1987.)

#### Section 20 (30.4.1987/467)

If waste water that runs in a ditch or is discharged into the ground causes substantial harm, and the measures involved

do not require a water court permit, the municipal environmental protection committee may enjoin the party from whose land or facility the waste water comes to take the necessary measures to treat the waste water before it is conducted into a ditch or into the ground or to take some other action to prevent the harm.

### Section 21

When the measures referred to above in this chapter are taken, any resulting compensations shall be determined in accordance with the provisions on ditching.

If the quality of waste water causes harm to another party, the party suffering harm is entitled to compensation if the harm is substantial.

### Section 22

Any matters concerning the conducting of waste water or sewers not designated above in this chapter as coming under an appropriate municipal committee shall be decided by a water court.

### Discharge of Polluting Waste Water or Other Polluting Substance into a Water Body

#### Section 23 (30.4.1987/467)

The application for a permit needed to conduct waste water or for some other measure that, in accordance with chapter 1, section 19, is not allowed without a permit shall be submitted to a water court. The same applies, unless otherwise prescribed in section 3 of this chapter, to a measure that may have one of the consequences referred to in section 20 of chapter 1.

### Section 24

A water court may, on application, grant a permit to conduct waste water or to carry out some other measure that is not allowed according to sections 19 and 20 of chapter 1. A prerequisite for granting a permit is that the adverse effects of the measure are considered to be relatively minor compared with the benefits gained, and the removal of waste water or some other substance polluting the water body, or prevention of the entry of such substances into the water body, is not possible in any other way at reasonable cost. In comparing interests, attention shall be paid especially to the significance of the operations denoted in the application and to the consequent adverse effects of the measure from the public point of view. (30.4.1987/467)

A permit shall not be granted if the measure would have one of the consequences referred to in chapter 2, section 5, or if granting the permit would be contrary to the provisions of an

international convention as referred to in chapter 1, section 19, paragraph 3. (30.4.1987/467)

Any damage, harm or other loss caused by the measures shall be compensated.

#### Section 24a (30.4.1987/467)

In granting a permit referred to in section 24, a water court shall issue the necessary regulations on the quantity and composition of the waste water or other substances to be conducted and on how to discharge them into a water body (*discharge regulations*).

A permit may stipulate that before operations begin, or before a deadline laid down in the permit decision, the permit holder must build protective and treatment equipment or take measures aimed at altering the release of water or at reducing water pollution (*duty to take measures*).

If the discharge of waste water or some other substance may cause the damage referred to in chapter 2, section 22, the permit decision shall include the necessary regulations on the fish management duty or the fish management fee. The provisions of chapter 2, sections 22 and 22b, shall apply in this respect.

The permit may also include regulations on how monitoring the formation, treatment, discharge and effects of waste water or some other substance should be arranged (*monitoring duty*).

#### Section 24b (30.4.1987/467)

Depending on the nature of the case, the permit referred to above in section 24 may be granted for a fixed period or until further notice.

The permit shall specify by which date an application should be submitted for revision of the conditions referred to above in section 24a and the documents which should then be presented, unless such specification is to be considered manifestly unnecessary. If the applicant has not submitted a new application within the specified period, a water court may decide, upon application from the supervisory authorities or the party suffering harm or damage, that the permit be cancelled.

#### Section 25 (30.4.1987/467)

A water court may, on application filed by the relevant authorities or the party suffering harm, modify the regulations of an earlier permit, if

- 1) the discharge of waste water or some other substance into a water body, or some other measure causes a change in circumstances which significantly impairs the condition of the water body, or
- 2) the prerequisites for granting the permit referred to in section 24, or the circumstances affecting the permit conditions, have undergone some other essential change.



The provisions of sections 24, 24a and 24b shall apply when the regulations in a permit are changed. An order may be given to cancel the permit if the operations referred to in the permit in question are already or, should they be allowed to continue, would be the chief source of appreciable pollution in the water body.

If the modification of regulations referred to in paragraph 1 is caused by building in a water body, or by some other action referred to in this Act, which does not include the discharge of waste water or some other substance into the water body by virtue of a legal right, a water court may, on application, order the builder or other executor of the measure to pay compensation for the cost of enforcing the water court decision.

#### **Section 25a (30.4.1987/467)**

If the discharge of waste water or some other substance into a water body did not originally require a permit as referred to in section 24, but later becomes subject to permit for a reason other than a change in the operation carried out by the party in question, the operation may be continued until the permit case has been decided by a water court, provided an application for a permit is filed without delay once the cause for it becomes manifest and the water court does not deny or restrict it in accordance with a demand from the relevant authorities or a party suffering loss or damage.

#### **Section 26 (5.4.1991/629)**

If execution of a measure referred to in section 24a or 25 of this chapter which must be carried out within a specified time causes an unreasonable financial burden within said time or, owing to a shortage of materials or some other weighty reason, involves considerable difficulties, and the delay in taking the measure does not result in any substantial risk of permanent pollution in the water body, the Ministry of the Environment may extend the prescribed deadline by a maximum of three years at a time.

#### **Section 27 (30.4.1987/467)**

If a permit referred to in section 24 of this chapter is granted on terms which mean that the permit holder is partly or wholly exempted from taking measures to prevent water pollution or if he obtains substantial financial benefit in the form of lower operating costs or otherwise as a result of the permit, the permit holder may be enjoined to pay an annual water protection fee.

The water protection fee shall be paid to the National Board of Waters and the Environment, and shall be used to cover costs incurred by the State in water protection, particularly in research related to water protection.

The maximum fee is two per cent of the annual value of the interest on which the duty to pay the fee is based.

A decision to levy a water protection fee may be made if so required by the National Board of Waters and the Environment. Unless the requirement has been presented in connection with the request for a permit, it shall be treated as an application case. If the circumstances change essentially, the sum of the fee may be revised or the fee may be revoked altogether; application therefor shall be made by the National Board of Waters and the Environment or by the party required to pay the fee.

The provisions of chapter 2, section 22b, on revision of the fish management fee shall also apply to revision of the water protection fee.

#### **Section 28**

If the measure referred to in this chapter has been initiated or a device or a construction has been placed in service before the entry into force of this Act, the provisions of the Act shall apply to it.

A sewer company, as referred to in this chapter, need not, however, be founded for a joint sewer placed in service before this Act comes into effect, if an allocation or a loan has been granted from State or municipal funds for the sewer or if a joint stock company, cooperative or some other corporation has been founded for it. Otherwise, the provisions of chapter 6, section 25, paragraph 3, on a ditching company shall apply, as appropriate.

#### **Section 29**

The provisions to be complied with to prevent groundwater pollution by waste water are given in section 22 of chapter 1.

In addition to what is prescribed in this Act, the provisions of the health care legislation shall apply to the prevention of health hazards caused by waste water.

#### **Section 30 (30.4.1987/467)**

If an applicant has been ordered, under section 24a, paragraph 2, of this chapter, to build a waste water treatment plant with the related equipment, or the building of a treatment plant is to be regarded as a measure required by the public need for the proper conducting of waste water, a water court may, when considering the case, or on separate application, grant a right to use or buy a land or water area necessary and appropriate for building the treatment plant. The affected party shall be compensated for any damage, harm or other loss caused by the right to use or buy the above-mentioned property.

## **Chapter 11 Compensation**

### **Section 1**

When compensation must be paid under the provisions of this Act for damage, harm or other loss incurred from a measure taken under this Act or a permit based on it, the provisions of this chapter shall apply in determining said compensation and in its payment.

What is provided in paragraph 1 shall apply to timber floating damage as referred to in chapter 5, section 79, and compensation for it, unless other provisions on said damage and the determination of consequent compensation require otherwise.

If damage for which payment of compensation should be ordered when a permit is granted is incurred from a measure for which a permit has not been applied for because it was not possible to foresee any consequences giving rise to a duty to apply for a permit, the party concerned shall also be compensated for such damage in accordance with the provisions below.

### **Section 2**

If a failure of a facility or structure, or ditch, water conduit, sewer or other conduit referred to in this Act, constructed or under construction in the water body or on its shore, which is not due to an exceptional external cause, results in flooding, pollution of the water body or groundwater or other damage, its owner and, if the property has been transferred to the possession of another party, its holder, jointly and severally with the owner, shall be liable for the damage, even if said damage is not due to their negligence.

In the cases referred to in paragraph 1 above and in chapter 1, section 25, and chapter 5, section 79, a party who has not caused damage deliberately or through negligence shall, however, only compensate for damage directly affecting another party's property.

### **Section 3**

Unless otherwise prescribed on compensation for some measure, the following shall be compensated as constituting the damage, harm and other loss as referred to in this Act:

- 1) loss arising to one party from usufruct granted to another party under this Act or from a right granted under this Act to redeem fixed or moveable property;
- 2) loss and deterioration of and damage to fixed or moveable property or part of it for a reason other than that referred to in subparagraph 1, including prevention or complication of use of the property, lower yield, lower sales value and loss of other ownership-based asset value, including the cost of transferring and converting the property;

3) a decrease in the utility value or in the sales value of other fixed or moveable property belonging to the same owner and arising from the loss referred to in subparagraph 1 or 2 above, or the cost of transferring or reconstructing a building or other property;

4) loss of easement or usufruct, usufruct of water power, fishing rights and other comparable special rights, prevention or complication of exercise of same, and loss of other asset value based on such right, though in respect of a right based on rent, only insofar as the tenant is not entitled to the decrease in rent provided in section 19 of this chapter; (30.4.1987/467)

5) a building or other structure, facility or equipment's becoming partly or totally useless as a result of the loss referred to in subparagraph 4 above;

6) prevention or serious complication of use of a necessary water supply or other important use of a water area or its shore, based on a right other than proprietary right or a special right as referred to in subparagraph 4;

7) prevention or complication of reindeer herding or commercial fishing, also in cases other than those referred to above; and (30.4.1987/467)

8) interruption of business activities on a piece of real estate subject to the measure and the cost of moving from said piece of real estate.

### **Section 4**

If passage and timber floating in a water body based on a general right provided in this Act are prevented or complicated, this shall not constitute damage to be compensated. Separate provisions on measures to be taken to safeguard these interests are enacted above.

### **Section 5**

Unless otherwise provided in section 6 or 7 of this chapter, compensation corresponding to the full value shall be paid for damage as referred to in section 3, subparagraphs 1 to 5, of this chapter. When compensation is paid for the assignment of fixed property or part thereof or for established usufruct concerning fixed property and this Act does not prescribe otherwise, the provisions of the general expropriation legislation on the principles to be followed in determining compensation shall apply when the compensation is decided.

If the property of a party entitled to compensation directly benefits from the measure causing the damage but he is not obliged to contribute to the costs of the enterprise, the benefit gained by him, reasonably adjusted, shall be taken into account in determining compensation.

Compensation for the damage prescribed in section 3, subparagraphs 6 to 8, of this chapter, shall be determined to meet the circumstances, taking account of the benefit directly accruing to the party entitled to compensation from the enterprise, insofar as he does not have to contribute to the costs of the enterprise.

## Section 6

When a right is granted under this Act to redeem a land area belonging to another party, to put it to permanent use or to convert it into a water area, damage to the ground and buildings, structures and equipment on it shall be compensated one and a half fold. Compensation shall also be paid one and a half fold to a party losing water power.

The provisions of paragraph 1 on compensation payable for the use of land belonging to another party shall not apply to an area required for a ditch, water conduit or water intake or sewer.

## Section 7

When a land area belonging to another party is permanently flooded through a measure based on this Act, or permanent and substantial harm is directly caused to use of a piece of real estate or an area connected with it, the piece of real estate or area can be ordered to be redeemed at the owner's request rather than granting usufruct.

If part of the real estate is redeemed from the owner or he forfeits the opportunity to use it and this causes substantial permanent harm to use of the remaining part, the entire piece of real estate shall be ordered redeemable at the owner's request.

Fixed or moveable property which becomes useless and for which its owner is entitled to claim compensation under section 3, subparagraph 3 or 5, of this chapter, can also be ordered redeemed, if the owner requires that the property be redeemed and it cannot be considered reasonable that he accept compensation as for loss of usufruct.

Compensation payable under this section is one and a half fold with respect to an area referred to in section 6, paragraph 1.

## Section 8 (30.4.1987/467)

When a permit is granted under this Act for some measure, it shall also be stated whether compensation is to be paid for known damage, harm or other loss, and in what amount.

In an application case in which a water court has to determine compensation for damage, harm or other loss arising from a measure subject to permit, a claim on the applicant made in connection with the case or already pending at the water court and concerning compensation for damage, harm or other loss caused by the measure referred to in the application before the permit is granted may be dealt with if it does not cause significant delay or other inconvenience. If the above-mentioned claim is not considered in connection with the application case and nothing else ensues from the grounds for the claim, it shall be deemed to have been instituted as a dispute case.

A water court or, in the case of a permit issued by a municipal environmental protection committee, said commit-

tee can be applied to for compensation for damage, harm or other loss not expected when the permit was granted, or in the case of which compensation was ordered to be resolved at a later date. A claim concerning compensation for damage caused by the same measure, contrary to permit, can be included in and considered in connection with the application submitted to a water court.

A water court shall be applied to for compensation arising from a measure based on this Act for which no permit is required, or compensation for damage as referred to in section 2 of this chapter. An environmental protection committee shall, however, be applied to for compensation related to ditching unless the case has to be dealt with by a water court or in ditching proceedings. Compensation for the damage referred to in section 1, paragraph 3, of this chapter shall be applied for separately following the same procedure as the original permit for the measure in question.

Chapter 16, section 24, provides for the determination of compensation in certain cases.

A decision concerning processing of a compensation claim as referred to in paragraph 2 above cannot be appealed.

## Section 9

The parties to the matter may agree on the payment of compensation, its amount and other aspects of compensation.

When this agreement pertains to fixed property pledged for a receivable or the right to collect a recurrent monetary or material revenue, or property for which a chattel mortgage has been registered, the consent of the holder of said right must be obtained.

## Section 10

The confirmed compensation shall be ordered payable as a lump sum unless the matter concerns a case referred to in section 11 of this chapter, or other special reasons require that it be paid at fixed intervals. When the recipient of compensation so requires, a security approved by a water court can be ordered to be provided for the payment of compensation at fixed intervals.

## Section 11

When a right has been granted under this Act to use water power relating to a piece of real estate owned by another party, the owner of the real estate, if he so requires and if this is deemed possible without causing difficulties with the planned use of the water power, shall be granted the right to hydroelectric power for household and farm use from the power plant to be built, correspondingly reducing the amount to be compensated in cash for the water power usufruct.

If the relevant parties do not agree on the supply of electric power in accordance with paragraph 1, a water court shall confirm the amount of power to be supplied, its manner

of supply and distribution over different parts of the day and year, and other necessary conditions.

The party entitled to compensation shall, unless otherwise agreed, or if no public electricity supply network is available, receive electric power from a distribution site in the power plant area and is entitled, free of charge, to maintain in said area cables and other equipment necessary for transmission.

The right to electric power under this section is a benefit attached to a piece of real estate, from which it cannot be separated.

### Section 12

If a measure for which a permit must be applied for according to the provisions of this Act results in the supply of water from some area being prevented or seriously complicated, a water court shall, if the relevant party so requires, order that the owner of the area or the person taking water under some other special right shall be compensated for the damage through the construction of a new well for the party entitled to compensation or through deepening the existing one or through extending the water conduit or placing at his disposal another water intake fulfilling reasonable requirements, with appropriate equipment including any conduit necessary to conduct water to the party's plot or building site, rather than being compensated in cash. The maintenance of equipment and structures set up is the charge of the party entitled to compensation, unless a water court decides otherwise in view of the circumstances.

If the compensation duty referred to in paragraph 1 arises from the construction or use of a water intake, the party entitled to compensation can, if this is possible without incurring unreasonable costs and without endangering the function of the intake, be granted, rather than cash, the right to receive from the intake an amount of water confirmed by a water court and equal to the party's previous consumption, for as long as the intake is in use, at a price corresponding to the proportion of the operating costs of the plant accounted for by the water provided. The necessary conduit shall be laid up to the entitled party's plot or building site and constructed and maintained at the expense of the party liable to compensate.

If use of the equipment referred to in this section confers on the party entitled to compensation a benefit greater than the damage sustained by him, he can be required in the decision on the measures in question to contribute, as reasonable, to the acquisition and maintenance costs of the equipment a share corresponding to the benefit gained.

### Section 13

If the prevention or reduction of damage, harm or other loss for which compensation is to be paid under this Act is possible in cases other than those referred to separately above, using special equipment or measures, and their costs do not disproportionately exceed the amount of monetary compensa-

tion payable for damage, the party liable to compensate, when this is deemed reasonable, shall be obliged to install said equipment and take other preventive measures at his own expense, rather than pay cash compensation.

### Section 14

A decision on a duty to compensate shall also determine when and how the compensation is to be paid and, if necessary, rule when measures for which compensation is paid can be taken.

A lump-sum compensation to be paid in cash shall be ordered paid or appropriately deposited before the measure from which the duty to compensate arises is taken, unless the relevant parties agree otherwise or section 26 of chapter 2 prescribes otherwise.

However, when the above-mentioned measure can be taken before compensation is paid or deposited, an annual interest of six hundredths shall be paid on said sum of compensation from the date on which the right to take the damage-causing measure was granted.

### Section 15

When a lump-sum compensation is ordered payable for assigning a piece of real estate or an area connected with it, for usufruct established in respect of fixed property or for a measure otherwise affecting it under this Act, and said property has been pledged for a receivable or right to collect a recurrent monetary or material revenue, a water court shall at the same time order the compensation to be deposited with the executor-in-chief after the decision takes effect and distributed as provided regarding the sales price of distrained property. With respect to the deposited amount, the holder of a right of lien shall have a right equal to that concerning said property.

The deposit shall not be ordered if the holder of a right of lien consents to omission of the deposit or if the damage cannot be deemed to have appreciably decreased the value of the security because of the low value of the benefit to be compensated, or for other comparable reason.

### Section 16

When fixed property which has been pledged for a receivable or right to collect a recurrent monetary or material revenue is damaged as a result of a measure referred to in this Act which benefits another piece of real estate or an independent enterprise by the same owner, compensation corresponding to the damage shall be confirmed when a permit for the measure is granted, and ordered deposited as provided in section 15, paragraph 1, of this chapter, unless the case in question is referred to in paragraph 2 of said section.



**Section 17**

If several parties have jointly initiated an enterprise as referred to in this Act for the implementation of which compensation must be paid, they shall be jointly and severally liable to pay said compensation.

**Section 18**

If compensation has been ordered payable at fixed intervals for damage, harm or other loss regarding fixed property or such facility for which a mortgage can be registered, the property in question shall have the right to compensation as an interest from which it cannot be separated.

**Section 19**

If a party possesses an area under lease and the tenant loses possession of or opportunity to use part of the area as a result of a measure referred to in this Act, he shall be entitled to a reduction in rent corresponding to the loss sustained.

**Section 20 (5.4.1991/629)**

In matters concerning ditching, and when provisions on ditching are applicable to the conducting of waste water, the provisions of sections 2, 8 to 10 and 14 to 19 of this chapter shall be observed as appropriate. Other provisions of this chapter shall, however, also apply to the ditching referred to in section 2 of chapter 6.

**Section 21 (11.10.1963/453)**

If advance compensation has been ordered for damage, harm or other loss in accordance with section 24, paragraph 2, of chapter 16, the party paying the compensation shall be entitled to deduct the sum paid in advance from the final compensation. If the advance compensation exceeds the final compensation, the excess advance shall be paid back unless a water court decides that this is not necessary in view of the small amount of the excess and the circumstances.

**Chapter 12  
Miscellaneous Provisions**

**Sections 1 - 19**

**Chapter 13  
Penal Provisions**

**Section 1**

Whosoever, contrary to the provisions of chapter 1, closes a channel which should be kept open or sets up an obstacle in it, changes a water body or obstructs the free flow of water contrary to chapter 1, section 17, takes a measure which results in the pollution of a water body or water, or otherwise, without legal right, deliberately causes a detrimental change in water conditions shall be punished by a fine or imprisonment of up to two years.

Whosoever has effected the consequence referred to in paragraph 1 through gross negligence shall be punished by a fine or imprisonment of up to six months, unless the infringement of a private or public interest is minor.

**Chapter 13  
Penal Provisions**

- sentencing
- default
- disturbance
- failure to make notification

**Chapter 14  
General Provisions on Procedures**

**Sections 1 - 8**

- water cases
- role of water courts, Supreme Water Court, Supreme Administrative Court and Supreme Court
- ownership disputes
- raising charges in a water court or general court
- water courts deal with application, dispute, criminal, appeal and executive assistance cases

**Chapter 15**  
**Courts dealing with Water Cases**

**Water Court**

**Sections 1 - 13**

- number, jurisdiction and location of water courts laid down by decree
- official posts and working order
- water court register
- Supreme Water Court

**Sections 14 - 23**

- deals with appeals and extraordinary appeals against water court judgements
- Court President appointed by the President of the Republic

**Chapter 16**  
**Water Court Proceedings**

**Application Cases**

**Sections 1 - 32**

- written opinions
- oral proceedings
- complaints and claims
- inspections
- decisions on applications
- written notification of completion of work

**Dispute Cases**

**Sections 33 - 42**

- written petitions and reply needed

**Criminal Cases**

**Sections 43 - 48**

- role of public prosecutor
- police investigation
- indictment and police report
- written petition

**Appeal Cases**

**Section 49**

**Chapter 17 (30.4.1987/467)**  
**Appeal**

**Appeal of a Water Court Decision (30.4.1987/467)**

**Section 1 (30.4.1987/467)**

A decision taken by a water court or a water court judge may be appealed to the Supreme Water Court, unless otherwise provided.

The petition of appeal with its appendices, and the decision subject to appeal, the first-mentioned documents in duplicate, shall be submitted to the relevant water court at the latest on the sixtieth day from the date on which the decision was promulgated, or issued following public display, or, if this has not been the case, demonstrably announced to the relevant party, or appropriately posted, excluding said date. It is not necessary to register dissatisfaction with a decision separately.

**Section 2 (30.4.1987/467)**

If a water court judge deems that the adverse party or other interested parties must be provided with an opportunity to reply to the appeal, said parties shall be notified of the appeal and informed of where the appeal documents will be displayed and the time within which the reply must be submitted and where. The authorities to whom a copy of a decision subject to appeal must be sent under the provisions of chapter 16 shall also be notified of the appeal.

The interested parties shall, if public notice is not considered necessary, be notified via the relevant police chief or city administrative court, and the appeal documents shall be sent to said authority to be put on display for those granted an opportunity to reply.

The reply shall be lodged with the authority where the documents are on display. This authority shall deliver the documents to a water court judge, who shall see to it that the appeal documents and the ensuing file pertaining to the case are sent to the Supreme Water Court.

**Section 3 (30.4.1987/467)**

When considering the appeal, the Supreme Water Court may hear the adverse party or another interested party in compliance with the provisions of section 2 of this chapter, as appropriate. If necessary, the Supreme Water Court may hold a hearing, arrange an inspection or request the authority referred to in section 8, paragraph 1, of chapter 16, or an environmental protection committee, to provide the Court with such opinions and clarifications as it requires. In cases concerning applications, the provisions of section 20, paragraph 1, of chapter 16 shall in addition apply to the acquisition of clarifications.

Upon an order from the Supreme Water Court, its chairman or member, or a presenting official may conduct an on-the-spot inspection, the report on which shall be appended to the file pertaining to the matter under consideration.





Appeal against a Supreme Water Court Decision  
(30.4.1987/467)

**Section 4 (30.4.1987/467)**

A decision by the Supreme Water Court concerning appeals and applications for the establishment, winding-up or operation of a timber-floating association or a company referred to in this Act, or rights and duties of its members or part owners, may not be appealed in the normal manner. The same applies to a Supreme Water Court decision in respect of settlement of an issue regarding which a decision taken by a water court cannot be appealed.

A decision by the Supreme Water Court may not be appealed in the normal manner even in a case other than that referred to in paragraph 1 unless the appellate court referred to in section 5 grants leave to appeal. Leave to appeal can be granted only if there is a weighty reason for having the matter submitted to the appellate court, such as the special significance of the matter, the importance of the decision for other similar legal cases in view of its application or harmonization of legal praxis, or if special cause exists because of a procedural or other error on the basis of which the decision should be declared void or deleted.

Leave to appeal a Supreme Water Court decision can be granted insofar as the cause referred to in paragraph 2 exists. When the appeal is processed, however, it can also be taken up for consideration in other respects as necessary.

**Section 5 (30.4.1987/467)**

When a Supreme Water Court decision concerning an application is appealed, the appellate court shall be the Supreme Administrative Court. This shall apply to an appeal regarding compensation only if the case involves the damage, harm or other loss referred to in section 8, paragraph 1 or 3, of chapter 11, including a loss arising from a right granted or a restriction imposed under this Act, or if the compensation claim has been considered in connection with an application case under paragraph 2 or 3 of said section or section 24, paragraph 4, of chapter 16.

A Supreme Water Court decision in a case related to executive assistance must be appealed to the Supreme Administrative Court.

In a dispute or criminal case, and in an application case regarding compensation other than that referred to in paragraph 1, a Supreme Water Court decision shall be appealed to the Supreme Court.

**Section 6 (30.4.1987/467)**

If a Supreme Water Court decision cannot be appealed in the normal way, the decision shall contain a statement to that effect and a reference to the legal provision on which the prohibition on appeal is based. When leave to appeal a

decision can be applied for, instructions for the appeal should be appended to the decision. It shall state the appellate court and mention the conditions under which leave to appeal can be granted according to the law and how the party requesting leave to appeal must proceed in order to have his application for said leave and the appeal considered by the appellate court.

**Section 7 (30.4.1987/467)**

The period for requesting leave to appeal and for submitting the appeal shall be sixty days from the date on which the Supreme Water Court decision was issued.

Under penalty of forfeiture of all claims, the applicant shall submit the petition, including the application for leave to appeal and the appeal itself, to the Supreme Water Court, addressed to the appellate court, on the last day of the prescribed period at the latest.

The documents in which the facts cited by the applicant as grounds appear shall be appended to the petition.

**Section 8 (30.4.1987/467)**

An application for leave to appeal shall specify the facts on the basis of which the applicant deems that cause for issuing the leave to appeal referred to in section 4, paragraph 2, exists.

The appeal shall state where and what alterations are requested to the Supreme Water Court decision, and the grounds for the request.

The petition shall also state the name, profession and domicile of the applicant and his or his authorized representative's postal address to which notifications concerning the matter shall be sent. If the postal address changes, the appellate court registry office shall be informed of the new address in writing. The petition shall be signed by the applicant or, if he has not drawn it up himself, by the writer. The writer of the petition shall state his profession and domicile.

If the applicant wishes to present evidence to support his application which he has not cited earlier, he must state it and also mention the facts he wishes to prove and why he did not present the evidence earlier.

**Section 9 (30.4.1987/467)**

The Supreme Water Court shall send the petition, with all appendices, to the relevant appellate court.

If, however, the matter falls within the purview of another appellate court as referred to in section 5, the appellate court where the documents have been sent shall, ex officio, refer the matter to that court for consideration.



**Section 10 (30.4.1987/467)**

When matters in accordance with this Act are considered by the Supreme Administrative Court, the proceedings shall be attended, in addition to the number of members required to pass judgement, by two senior specialist engineers appointed by the President of the Republic for three years at a time, to whom the provisions of sections 15 and 16 of chapter 15 on Supreme Water Court specialists in technology shall correspondingly apply, in addition to the quorate number of members.

**Section 11 (30.4.1987/467)**

The Supreme Water Court shall send its original decision or judgement on a water case, or a copy of it, to the water court, the National Board of Waters and the Environment, the relevant office of the water and environment district, and the relevant environmental protection committees and authorities notified of the case when it was under process.

The Supreme Administrative Court and the Supreme Court shall send their decision or judgement on a water case, or a copy of it, to the water court, the National Board of Waters and the Environment and the relevant water and environment district office.

**Section 12 (30.4.1987/467)**

Insofar as this Act does not provide otherwise, other provisions on appeal and appeal cases shall apply to consideration by the Supreme Court and the Supreme Administrative Court.

**Special Provisions (30.4.1987/467)**

**Section 13 (30.4.1987/467)**

If the petition to be submitted to a water court under section 1, paragraph 2, or to the Supreme Water Court under section 7, paragraph 2, has instead been passed to an appellate court, the relevant party shall not, as a result, forfeit his right to be heard. The petition shall be sent from the appellate court to the appropriate court without delay.

**Chapter 18  
Inspection Proceedings and Final Inspection**

**Preparatory Measures and Inspection Meeting**

**Sections 1 - 7**

- notice of inspection to National Board of Waters and the Environment
- claim investigation
- compensation rules

**Final Meeting and Closing of Inspection Proceedings (2.4.1990/308)**

**Sections 8 - 11  
Final Inspection**

**Sections 12 - 14**

**Chapter 19  
Ditching Proceedings**

**Sections 1 - 10**

- ditching plan and effects
- appeals

**Chapter 20  
Appropriate Municipal Committee**

**Sections 1 - 10**

- supervisory role
- proposals and initiatives
- supervisory authority
- extracts from and information on documents

**Chapter 21  
Special Provisions**

**Section 1**

General supervision of compliance with this Act and rules and regulations issued under it is vested in the National Board of Waters and the Environment and the water and environment districts. The Ministry of the Environment and the Ministry of Agriculture and Forestry can issue general regulations and guidelines on supervision, in their field, regarding administration subject to them. (2.4.1990/308)

The local supervisory authority shall be the appropriate municipal committee as prescribed in chapter 20, sections 3 and 8.

With respect to punishable acts, the police authority and the public prosecutor shall perform the duties generally falling within their jurisdiction.

**Section 2**

Whenever the supervisory authority referred to in section 1 of this chapter finds that provisions of this Act or rules and regulations issued under it and within its purview have not been observed, the authority shall, if public interest so demands or upon notification by the party concerned, inform the public prosecutor of the matter or otherwise take measures to rectify what has been done without legal right or neglected.

The supervisory authority shall have the right, either on its own initiative or at a water court's request, to conduct inspections of equipment and buildings and other structures and the necessary surveys within the area under its jurisdiction.

The inspections and surveys referred to in paragraph 2 above shall, if possible, be conducted in such a manner that they do not cause harm to the owner of the equipment or structure or disturbance to the operations of an enterprise and that business or professional secrets are not revealed.

**Section 3**

Whosoever initiates an enterprise or takes some other measure contrary to the provisions of this Act or rules and regulations issued under it or the regulations of a corporation issued according to this Act, or fails to perform or otherwise refuses to fulfil a duty in accordance with the Act or said rules and regulations, a water court can, following notification by an authority or application by a party whose right or interest is affected, and after the relevant party has been provided with an opportunity to provide an explanation, order that what has been done without legal right or neglected be rectified under penalty of a fine or the threat that the neglected measure will be taken at the expense of the defaulter. The supervisory authority or the interested party can be entitled to take the required measure.

A decision taken by a water court in a matter referred to in paragraph 1 shall be appealed to the Supreme Water Court

as prescribed in section 1 of chapter 17. If special cause exists, a water court can order the decision to be enforced even if it is appealed. When the appeal has been lodged, the Supreme Water Court can correspondingly determine that the decision subject to appeal must be enforced before the matter is settled. The Supreme Water Court can also order that the enforcement order issued shall become void. (5.4.1991/629)

If the measure or default referred to above may cause evident danger to another party's life, health or property or to the public interest, the provincial government or police authority is empowered to take the necessary measures to remove the danger. A decision taken by a provincial government cannot be appealed. The party against whom the measure was taken can, however, upon application have the matter considered by a water court in accordance with paragraph 1.

If the duty to maintain a structure, as referred to in section 31, paragraph 1, of chapter 2, is neglected and it is not possible without difficulty to establish the owner of the structure or the party otherwise responsible for it, a water court can, upon application, entitle the supervisory authority referred to in paragraph 1 to undertake the necessary measures to remove the harm or danger at the State's expense. What is provided on an application case shall apply to consideration of the matter, though with respect to enforcement the provisions of subparagraph 2 on executive assistance shall apply. (5.4.1991/629)

What is provided separately shall apply to police authorities' jurisdiction with respect to the prevention of crime and prosecution thereof. (1.6.1984/414)

**Section 4**

When a measure referred to in section 3 is taken by an authority, the expenses shall be paid in advance out of State funds and collected from the defaulter in the order prescribed on the execution of public receivables, unless a water court determines otherwise.

In cases referred to in section 3, paragraph 4, above, a water court can, upon application by a supervisory authority, order the expenses incurred by the State from the measure to be collected partly or in their entirety from the party failing to provide maintenance if the identity of this party has been later verified. (1.6.1984/414)

**Special Provisions**

**Sections 5 - 13**

**Chapter 22  
Transitional and Implementary Provisions**

**Sections 1 - 12**