

NB: Unofficial translation

Legally binding texts are those in Finnish and Swedish

Game Animal Damages Act (105/2009; amendments up to 157/2011 included)

Chapter 1 – **General provisions**

Section 1 – *Scope of application*

- (1) This Act lays down the provisions on the grounds and procedures to be followed when granting funds for compensating damages caused by game animals and advance prevention of damages caused by game animals from appropriations included in the State budget.

Section 2 – *Definitions*

(1) In this Act:

- 1) *a game animal* means an animal mentioned in section 5(1) of the Hunting Act (615/1993);
- 2) *a cervid* means a fallow deer, red deer, sika deer, moose, white-tailed deer and forest reindeer;
- 3) *large carnivore* means a bear, wolf, wolverine and lynx;
- 4) *assessment costs* mean the charges collected by the municipality and forestry centre for performing a field inspection and the assessment of the damages.

Chapter 2– **Damages to be compensated for and beneficiaries**

Section 3 – *Cervid damage*

(1) As caused by a cervid:

- 1) damage caused to arable land, horticulture land, nursery plantation and harvested crop is compensated for as damage to crops;
- 2) damage caused to livestock as damage to animals;
- 3) damage caused to forest and forest reproductive material as damage to forest.

Section 4 – *Large carnivore damage*

(1) As caused by a large carnivore:

- 1) damage caused to arable land, horticulture land, nursery plantation and harvested crop is compensated for as damage to crops;
- 2) damage caused to a domestic animal, farmed animal, honey crop, and fences, buildings and other similar structures used for the keeping of animals as damage to animals;
- 3) damage caused to inanimate movable property other than that referred to in paragraphs 1 and 2 as damage to movable property;
- 4) damage caused to reindeer in the reindeer herding area referred to in the Reindeer Husbandry Act (848/1990) as damage to reindeer.

Section 5 – *Damage caused by game animals other than cervids and large carnivores*

- (1) A very significant damage caused by a game animal other than a cervid or large carnivore may also be compensated for under this Act within the appropriation included annually in the State budget, if damage caused by a certain game animal is directed to the same livelihood in an

extensive area and the damage could not have been prevented in advance and the damage cannot be sufficiently prevented or reduced by hunting the game animal concerned.

- (2) Further provisions on compensating for damage caused by a certain game animal may be issued by Government Decree.

Section 6 – *Beneficiaries*

- (1) Damage cause by a cervid to crops, animals and forest may be compensated only for the part of damage caused to:
 - 1) a private farmer or private landowner;
 - 2) an estate of a deceased person or corporation comprised of parties to an estate of a deceased person of a private farmer or private landowner;
 - 3) a partnership of a jointly owner forest if at least half the shares of the partners of the jointly owned forest are owned by natural persons; or
 - 4) companies or corporations set up by private farmers or private landowners whose main purpose is to practise farming activities.
- (2) All types of beneficiaries or their assignees may be compensated for personal injury or damage to crops, animals and movable property caused by a large carnivore. A reindeer owner and cooperative may be compensated for damage to reindeer caused by a large carnivore.

Section 7 – *Subsidy for advance prevention of damage*

- (1) The Ministry of Agriculture and Forestry may grant a subsidy for preventing damage referred to in sections 3–5 within the limits of the appropriation allocated in the budget.
- (2) A subsidy may be granted for the acquisition of materials, research and development work as far as their purpose is to prevent damage.
- (3) A subsidy referred to in subsections 1 and 2 above does not remove the obligation of the beneficiaries referred to in section 8(2) to take action on their own initiative to prevent the damage or its spreading.
- (4) Provisions on the application, payment, supervision, auditing, refund and recovery of the subsidy are laid down in the Act on Discretionary Government Transfers (688/2001).

Chapter 3 – **Grounds for granting the compensation**

Section 8 – *General preconditions for granting the compensation*

- (1) Damage caused by a game animal may be compensated for within the limits of the State budget as provided below.
- (2) A precondition for receiving the compensation is that the party suffering the damage has by reasonable means available made efforts to prevent the damage or its spreading.
- (3) The compensation may be denied or reduced if the party suffering the damage has contributed to the damage or its spreading or without acceptable grounds prohibited a measure which could have prevented the damage or its spreading.

Section 9 – *Amount of compensation*

- (1) The maximum amount of the compensation may not exceed the current value of the damaged property.
- (2) If the compensation cannot be paid in full within the budget limits, the amount of compensation is reduced in the same proportion for all who are entitled to compensation. However, no reduction is made to compensations payable on the grounds of personal injury.
- (3) Damage caused by a game animal is compensated for if the total amount of damages referred to in this Act to the applicant for compensation per calendar year is more than 170 euros. However, the restriction does not apply to personal injuries caused by large carnivores.

- (4) If the damage is compensated for, compensation is also paid for reasonable assessment costs necessary for examining the damage paid by the applicant.
- (5) When calculating the amount of the compensation, any compensation for the damage received under other legislation or an insurance policy is taken into account as a deduction.

Section 10 – *Compensating for damage to crops*

- (1) The maximum amount to be compensated for as damage to crops caused by a game animal is the amount corresponding to the value of the crop lost and the amount corresponding to the current value of the damaged horticultural and nursery plants. When calculating the compensation for damage to crops the harvesting and other costs saved are taken into account as a deduction. No compensation is paid for damage to game management fields.
- (2) When calculating the amount of damage the unit prices and regional norm yields laid down in the Act on Compensating for Crop Damages (1214/2000, *Crop Damages Act*) or under it or under subsection 3 are used as the unit prices and norm yields of arable crops.
- (3) Where necessary, the Finnish Agency for Rural Affairs issues provisions on the unit prices and norm yields of horticultural and nursery crops and arable crops which have not been laid down under the Crop Damages Act. The provisions of sections 6 and 7 of the Crop Damages Act on the establishment of unit prices and norm yields of plant species to be used in the assessment of crop damages apply to the establishment of the unit price and norm yield.

Section 11 – *Compensating for damage to animals*

- (1) The maximum amount to be compensated for as damage to livestock or other animals caused by a game animal is the current value of the animal killed or put down due to the injury. The maximum amount to be compensated for in the case of an injured animal is the amount corresponding to the veterinary costs and the output lost up to the current value of the animal or honey. When calculating the amount of the compensation for damage to animals the extent to which the animal can be utilised is taken into account as a deduction.
- (2) The current values to be used in compensating for damage to animals are laid down by Decree of the Ministry of Agriculture and Forestry.

Section 12 – *Compensating for certain damages to animals*

- (1) Damage to a dog caused by a large carnivore may be compensated for only if, when the damage occurs:
 - 1) the dog was in controlled circumstances in the yard or garden of its owner or holder or other premises intended for it;
 - 2) it was used in controlled circumstances for hunting with due account for the type of hunting or for other similar task; or
 - 3) it was used in controlled circumstances for herding, guarding or other similar task.
- (2) No compensation is paid for damage caused during the hunt by a large carnivore that was the object of the hunt to a dog participating in the hunt. Compensation is also not paid for damage to a dog caused by a cervid.
- (3) No compensation is paid for damage to animals kept for a game management purpose.

Section 13 – *Compensating for damage to reindeer*

- (1) The maximum amount to be compensated for as damage to reindeer is the amount corresponding to the current value of a reindeer killed by a large carnivore or put down due to damage caused by a large carnivore referred to in section 4 multiplied by one and a half. Reindeer calves killed by large carnivores or put down due to damage caused by large carnivores between calving and the last day of November are compensated for by a procedure under section 14. Reindeer calves killed by large carnivores or out down due to damage

caused by large carnivores as from the first day of December are compensated for under this section.

- (2) The compensation to be paid for damage to reindeer is paid to the reindeer owner or, if the owner is not known, to the reindeer herding cooperative. When calculating the amount of the compensation the extent to which the reindeer can be utilised is taken into account as a deduction.
- (3) The Finnish Agency for Rural Affairs issues further provisions on the current value to be used in compensating for damage to reindeer by types of reindeer at least every five years. The current value is determined on the basis of the average weight of the type of reindeer and breeding coefficient per type of reindeer as well as the producer price for reindeer meat. The producer price for reindeer meat is calculated as the average of the producer prices of the past three reindeer herding years.

Section 14 – *Compensating for loss of calves*

- (1) Compensation determined by calculated grounds may be paid to the reindeer herding cooperative to be distributed further to the reindeer owners for reindeer calves which remain lost due to damage caused by large carnivores between calving and the last day of November (*compensation for loss of calves*).
- (2) The compensation for loss of calves is calculated according to reindeer herding cooperatives on the basis of the producer price for reindeer meat and the calving percentage estimated for the reindeer herding area as well as the number of female reindeer in the territory of the reindeer herding cooperative and calf mortality percentage due to large carnivores estimated for the territory of the reindeer herding cooperative.
- (3) The producer price for reindeer meat used in the calculation shall be determined as the average of the producer prices of the past three reindeer herding years.
- (4) Further provisions are issued by Government Decree at least every three years on:
 - 1) calving percentage estimated for the reindeer herding area;
 - 2) calf mortality percentage estimated according to reindeer herding cooperatives.
- (5) The compensation for loss of calves is paid annually upon application by the Reindeer Herders' Association by a decision of the Ministry of Agriculture and Forestry in accordance with the provisions of the Act on Discretionary Government Transfers (688/2001).

Section 15 – *Exceptionally large damage to reindeer*

- (1) Special compensation may be paid for exceptionally large damage to reindeer when the number of damages to reindeer of the reindeer herding cooperative from the past three years relative to the total number of reindeer left alive at round-ups and slaughtered reindeer exceeds the minimum number to be specified by Government Decree.
- (2) The special compensation is double the compensation under section 13.
- (3) The reindeer herding cooperatives entitled to the specific compensation are confirmed by administrative decision of the Ministry of Agriculture and Forestry.

Section 16 – *Compensating for damage to movable property*

- (1) The maximum amount to be compensated for immediate damage to the keeping of animals caused by a large carnivore is the amount corresponding to the repair costs of the damaged fences, buildings or other similar structures.
- (2) The maximum amount to be compensated for immediate damage to inanimate movable property caused by a large carnivore is the value of the movable property at the time when the damage occurred.

Section 17 – *Compensating for damage to forest*

- (1) In the case of damage to forest caused by a cervid compensation may be paid for the financial losses caused by a significant reduction in the value of the forest reproductive material and a significant reduction in the value of a seedling stand or a semi-mature stand and the necessary supplementary seeding or planting or reforestation of the damaged area.
Subsection 2 was repealed by 157/2011.

Section 18 – Compensating for forest reproductive material

- (1) The value of forest reproductive material is considered significantly reduced when because of the damage caused by a cervid it no longer fulfils the quality requirements set for the material.
- (2) The maximum amount to be compensated for as damage to forest reproductive material is the amount corresponding to the current value of the forest reproductive material deducted by the lifting, storage and other costs saved.

Section 19 – Compensating for a seedling stand and semi-mature stand

- (1) The value of a seedling stand or semi-mature stand is considered significantly reduced if in the damaged area there is one or several uniform areas at least 0.1 hectares in size with trees damaged by a cervid.
- (2) When calculating the amount of damage to a seedling stand and semi-mature stand the magnitude of damages caused by a cervid to the main trunk, side branches, needle or leaf mass or bark of individual trees is taken into account. Trees intended for growing which have been completely destroyed or whose growth or quality has been permanently reduced due to the damages are considered to have been damaged. Additional factors taken into account in determining the damage are the geographical location and surface area of the damaged area, type of forest or site, tree species, number and average height of seedlings or trees before the damage and the number of damaged seedlings or trees.
- (3) No compensation is paid if the number of undamaged seedlings of tree species fit for growing when evenly distributed exceeds the seedling densities set as the target for forest regeneration in accordance with the forest management recommendations.
- (4) Provisions on the tree species-specific damage categories to be used in calculating the compensation for damage to a seedling stand and semi-mature stand are laid down by Government Decree.

Section 20 – Determining damage to a seedling stand and semi-mature stand

- (1) The magnitude of damage to a seedling stand and semi-mature stand is determined according to the forestry centres on the basis of the calculated current values of the seedling stands and semi-mature stands and factors referred to in section 19(2).
- (2) Provisions on the calculation formulae to be used for determining the calculated current value of a seedling stand and semi-mature stand and calculating the compensations for damages are laid down by Government Decree.
- (3) When calculating the amount of compensation the compensations for a significant reduction in the value of the seedling stand or semi-mature stand paid for the same damaged area during the three years before the application for compensation are taken into account as a deduction. However, no deduction is made if:
 - 1) supplementary seeding or planting or reforestation has been done in the damaged area after the damage;
 - 2) a number of seedlings fit for growing corresponding to supplementary seeding or planting or reforestation has appeared naturally in the damaged area after the previous damage; or
 - 3) new damages mainly affect seedlings or trees which after the previous damage were undamaged.

- (4) Seedlings damaged by other causes of damage so that they are unfit for growing are not taken into account when calculating the compensation for loss in the growth potential and quality of the stand.

Section 21 – Compensating for supplementary seeding or planting or reforestation

- (1) Factors taken into account when calculating the compensation for the necessary supplementary seeding or planting or reforestation of the damaged area include the reasonable costs arising from the acquisition of the forest reproductive material and planning, supervision and execution of the work required for the seeding or planting or reforestation. The provisions issued on the financing of sustainable forestry are complied with in determining the costs.
- (2) No compensation is paid for the shelters for seedlings, grass control substances and the costs arising from their acquisition.
- (3) If supplementary seeding or planting or reforestation is done in a damaged area due to combined damages caused by cervids and other causes of damage, compensation for supplementary seeding or planting and reforestation may be paid for the part of damages caused by cervids.

Section 22 – Compensating for personal injuries

- (1) Compensation to be paid for a personal injury caused by a large carnivore is determined in compliance with the provisions of Chapter 5, section 2, 2a–2d, 3, 4, 7 and 8 and Chapter 7, section 3 of the Tort Liability Act (412/1974).

Chapter 4 – Notification and assessment of damage

Section 23 – Notification of damage

- (1) A party who intends to apply for compensation for damage caused by a game animal referred to in this Act shall make a notification of damage without delay after having noticed the damage for the verification and assessment of the damage and other measures required by the matter. In the case of damage to reindeer the notification of damage is made by the reindeer herding cooperative on the basis of notification received from the reindeer owner or other person.
- (2) The notification of damage is made:
- 1) concerning personal injury, to the police of the locality where the damage occurred;
 - 2) concerning damage to crops, animals, movable property and reindeer, to the rural business authority of the locality where the damage occurred;
 - 3) concerning damage to forest, to the forestry centre competent in the locality where the damage occurred.
- (3) Depending on the type of the matter, the following detailed information shall be given in the notification of damage:
- 1) name, address, farm and other contact information of the party suffering the damage;
 - 2) place where the damage occurred and other necessary spatial information;
 - 3) cause of damage;
 - 4) time of damage;
 - 5) plant species, surface area damaged and amount of crop damaged;
 - 6) animal species and number of animals killed or injured;
 - 7) type and amount of movable property destroyed or damaged;
 - 8) whether the party suffering the damage is entitled to compensation under an insurance policy or other grounds;
 - 9) other factors influencing the magnitude of damage.

- (4) The Finnish Agency for Rural Affairs approves the notification form and may issue further provisions on the procedure to be followed in the technical processing of the notifications of damage.

Section 24 – *Organisation of a field inspection*

- (1) The municipal rural business authority organises the field inspections of damages to crops, animals, movable property and reindeer necessary for the verification and assessment of damage referred to in section 23. Similarly, the forestry centre organises the field inspections of damages to forest.
- (2) Further provisions on the need for and organisation of field inspections of damages to reindeer and compensating for the costs are issued by Government Decree. The Finnish Agency for Rural Affairs may issue further provisions on the technical organisation of the inspections of damages to crops, animals, movable property and forest.

Section 25 – *Notification of a field inspection*

- (1) A field inspection shall be notified well in advance to the party suffering the damage and the representative of the game management association. The party suffering the damage and representative of the game management association are entitled to be present in the field inspection and to attach their own view of the damage to the assessment records drawn up on the field inspection.
- (2) In the case of damage to reindeer the representative of the relevant reindeer herding cooperative shall also be notified of the field inspection well in advance. The representative of the reindeer herding cooperative is also entitled to be present in the field inspection and to attach his or her own view of the damage to the assessment records drawn up on the field inspection.

Section 26 – *Verification and assessment of damages to crops, animals, movable property and reindeer*

- (1) Damage to crops is verified and assessed by the rural business authority of the locality where the damage occurred in compliance with the provisions on the assessment of crop damages in the Crop Damages Act.
- (2) Damage to animals, movable property and reindeer is verified and assessed by the rural business authority of the locality where the damage occurred. Where necessary, the municipal rural business authority may use a qualified expert in the verification and assessment of damage to reindeer. The assessment shall be made without delay after the municipal rural business authority has received the notification of the damage.
- (3) If the damage has occurred in a municipality other than the home municipality of the party suffering the damage, the party who performs the assessment shall send the notification of the damage and assessment records to the rural business authority of the home municipality of the party suffering the damage for making the decision on the compensation.
- (4) Provisions on public liability under criminal law apply to the qualified expert referred to in subsection 2 above when he or she performs a task of verifying or assessing damage to reindeer. Provisions on liability for damage are laid down in the Tort Liability Act.

Section 27 – *Verification and assessment of damage to forest*

- (1) Damage to forest is verified and assessed by the forestry centre competent in the locality where the damage occurred. Where necessary, the forestry centre may use a qualified expert it has approved in the verification and assessment of damage to forest. The assessment shall be made no later than within three years from the time when the damage occurred.

- (2) Provisions on public liability under criminal law apply to the staff of the forestry centre in tasks under this Act and the qualified expert referred to in subsection 1 above when he or she performs a task of verifying or assessing damage to forest. Provisions on liability for damage are laid down in the Tort Liability Act

Section 28 – *Verification and assessment of personal injury*

- (1) A personal injury is verified by the police authority of the locality where the damage occurred. The police performs a police investigation at the place where the damage occurred to establish the grounds for compensation.
- (2) A police report shall be made on the damage event, to which the personal information and address of the party suffering the damage are entered together with the course of the damage event and the injuries which appear to have been caused to the person.
- (3) The type and degree of severity of a personal injury is defined by the State Treasury on the basis of a statement issued by the doctor who treated the injured person.

Section 29 – *Assessment records*

- (1) In the case of damage to crops, animals, movable property, reindeer and forest separate assessment records shall be drawn up on the assessment of damage. The Finnish Agency for Rural Affairs approves the form for the assessment records.

Chapter 5 – **Application for and payment of compensation**

Section 30 – *Competent authority in the processing of compensations*

- (1) The competent authority in the processing of compensations for damage to crops, animals, movable property and reindeer is the rural business authority of the home municipality of the applicant.
- (2) A matter concerning compensation for damage to forest is resolved by the forestry centre competent in the locality where the damage occurred.
- (3) The competent authority in the processing of compensations for personal injury is the State Treasury.

Section 31 – *Submitting the application*

- (1) A written application for compensation shall be submitted to the competent authority or forestry centre within one month from the completion of the assessment of the damage or the date of the statement issued by the doctor who treated the injured person.
- (2) For a special reason compensation may also be applied for at a later date.

Section 32 – *Application for compensation*

- (1) The application for compensation shall contain the following information:
 - 1) name and address of the applicant for compensation and farm and other contact information;
 - 2) name and contact information of the contact person of the applicant for compensation;
 - 3) home municipality of the applicant for compensation;
 - 4) in the case of damage to reindeer the reindeer herding cooperative of the applicant for compensation and the number of the reindeer herding cooperative;
 - 5) cause of damage;
 - 6) type of damage;
 - 7) locality where the damage occurred;
 - 8) spatial information on the place where the damage occurred;

- 9) assessment costs paid by the applicant for compensation to the municipality or forestry centre;
 - 10) account of the possibility of the applicant for compensation to receive compensation under an insurance policy or on other grounds;
 - 11) amount of compensation applied for.
- (2) The application shall be accompanied by the assessment records drawn up on the damage. In the case of personal injury the application for compensation shall be accompanied by the police report as well as a statement by the doctor who treated the injured person and an account of the treatment and other costs arising from the damage.
 - (3) In connection with the processing of the application for compensation the applicant shall, upon request, give information on other issues which the competent authority under section 30 needs to resolve the application for compensation.
 - (4) The Finnish Agency for Rural Affairs approves the form for the application for compensation and may issue further provisions on the procedure to be followed in the technical processing of the applications for compensation.

Section 33 – *Decision on compensation*

- (1) A written decision shall be issued on the application for compensation, indicating clearly the following information:
 - 1) the type and amount of damage to be compensated for;
 - 2) amount of compensation and grounds for calculating the compensation;
 - 3) grounds for the possible recovery of the compensation.
- (2) Otherwise the provisions of Chapter 7 of the Administrative Procedure Act (434/2003) apply to the decision on compensation and instructions for appeal.

Section 34 – *Authorities' right of access to information*

- (1) The secrecy provisions notwithstanding, the Ministry of Agriculture and Forestry, Finnish Agency for Rural Affairs, municipal rural business authority and forestry centre have the right to obtain information on the applicant for compensation necessary for processing the matter concerning the compensation from another authority. Such information may concern the financial position or business or professional activity of the applicant for compensation or other circumstance relevant as regards the granting or recovery of the compensation.

Section 35 – *Follow-up system for compensations*

- (1) The game animal damages register functions as the information system for the granting, payment, inspection and recovery of compensations and subsidies as well as the follow-up of the functioning and impacts of the compensation scheme.
- (2) Developing the register is the responsibility of the Ministry of Agriculture and Forestry and Finnish Agency for Rural Affairs. In addition to the aforementioned, the municipal rural business authorities, forestry centres and State Treasury jointly are responsible for the upkeep of the register and function as the controller referred to in the Personal Data Act (523/1999).
- (3) The following information may be entered to the register:
 - 1) name and contact information of the applicant as well as personal identity code or business identity code;
 - 2) name and contact information of the contact person of the applicant;
 - 3) information contained in the application concerning the damage to be compensated for or subsidy to be granted;
 - 4) information on the payment of the compensation or subsidy;
 - 5) information on the compensations or subsidies to be recovered;

- 6) other information necessary for the compilation of statistics, follow-up of and research on damages caused by game animals or reports given to the Commission of the European Communities and related control.

Section 36 – *Publicity and conveyance of information*

- (1) The secrecy provisions notwithstanding, the Ministry of Agriculture and Forestry, Finnish Agency for Rural Affairs, municipal rural business authority and forestry centre have the right to convey to another authority or institution of the European Community information concerning the beneficiary of the compensation obtained when managing a task under this Act which is necessary for performing an inspection task laid down for the authority or institution or for controlling that the European Community law has been complied with.
- (2) The secrecy provisions notwithstanding, information concerning the home municipality of the applicant for compensation, cause of damage, type of damage, locality where the damage occurred, spatial information on the place where the damage occurred, assessment costs and amount of compensation applied for and paid may also be conveyed for research purposes relating to game animal populations, damages caused by them and advance prevention of damages as well as for decision-making concerning the adjustment and targeting of the hunting of game animal populations.
- (3) Information obtained under subsections 1 and 2 above may not be used for purposes other than they were requested for.
- (4) Otherwise provisions on the publicity of information are laid down in the Act on the Openness of Government Activities (621/1999).

Section 37 – *Storage of information and data subject's right of access*

- (1) Information contained in the game animal damages register is stored for ten years from the payment of the last instalment of the compensation. If the compensation has been ordered recovered information is stored, in addition to the ten years laid down above, for one year after the execution of the recovery.
- (2) The provisions of the Personal Data Act apply to the right of the data subject to access data on himself or herself contained in the game animal damage register, rectify erroneous or incomplete data and erase obsolete and unnecessary data.

Section 38 – *Summaries of damages*

- (1) The Finnish Agency for Rural Affairs shall provide annually by the end of February a summary of the damages to crops, animals, movable property and reindeer assessed in the previous calendar year to the Ministry of Agriculture and Forestry for the allocation of funds.
- (2) The forestry centre shall provide annually by the end of February a summary of the damages to forest assessed in its area of operation in the previous calendar year as well as forest damages to be compensated for which are pending on the basis of earlier decisions on compensations to the Ministry of Agriculture and Forestry for the allocation of funds.
- (3) The State Treasury shall provide annually by the end of February a summary of the personal injuries assessed in the previous calendar year as well as personal injuries to be compensated for which are pending on the basis of earlier decisions on compensations to the Ministry of Agriculture and Forestry for the allocation of funds.
- (4) Further provisions on the content of the summaries of damages may be issued by Decree of the Ministry of Agriculture and Forestry.

Section 39 – *Summaries of payments*

- (1) The Finnish Agency for Rural Affairs, forestry centre and State Treasury shall provide summaries of the damages compensated for to the Ministry of Agriculture and Forestry annually by the end of November.
- (2) Further provisions on the content of the summaries of payments may be issued by Decree of the Ministry of Agriculture and Forestry.

Chapter 6 – **Repayment and recovery of compensation**

Section 40 – *Repayment of compensation*

- (1) The beneficiary of the compensation shall repay without delay any compensation or part thereof paid erroneously, in excess or manifestly without justification to the granter. If the amount to be repaid is no more than 10 euros, the repayment may be waived.

Section 41 – *Recovery of compensation*

- (1) The authority which granted or paid the compensation and, in the case of damages to forest upon proposal by the forestry centre, the Finnish Agency for Rural Affairs shall by its decision order the payment discontinued and the compensation already paid recovered if:
 - 1) the beneficiary of the compensation has failed to repay compensation or part thereof to be repaid under section 40;
 - 2) the beneficiary of the compensation has given erroneous or misleading information to the granter or payer of the compensation on a matter which has had essential impact on the granting or amount of the compensation, or concealed such a matter;
 - 3) the compensation has for other reason been granted without justification; or
 - 4) this is required by the European Community law.
- (2) The recovery may be executed as laid down for the recovery of debt by enforcement. The recovery may also be executed so that the compensation granted later to the beneficiary of the compensation by the same authority or forestry centre under this Act is deducted by the amount to be recovered.

Section 42 – *Interest*

- (1) The beneficiary of the compensation shall pay annual interest under section 3(2) of the Interest Act (633/1982) raised by three percentage units on the amount to be repaid or recovered from the date of payment of the compensation to the date of repayment or recovery.

Section 43 – *Interest for late payment*

- (1) If the amount to be recovered is not paid by the due date given in the decision on recovery, an annual interest for late payment shall be paid on it according to the interest rate referred to in section 4(1) of the Interest Act.

Section 44 – *Modification*

- (1) In a case referred to in section 41 the municipal rural business authority, State Treasury and Finnish Agency for Rural Affairs may decide that part of the amount to be repaid or recovered, interest calculated on it or interest for late payment is waived if a full repayment or recovery is unreasonable as regards the financial position and circumstances of the beneficiary of the compensation or a change in the circumstances.
- (2) For a particularly weighty reason the municipal rural business authority, State Treasury or Finnish Agency for Rural Affairs may decide to completely waive the amount to be repaid or recovered, interest calculated on it or interest for late payment.

Section 45 – *Time limit for recovery*

Recovery of the compensation may not be executed when ten years have lapsed from the payment of the compensation or its last instalment.

Chapter 7 – Miscellaneous provisions

Section 46 – *Charges for performing a field inspection and assessment of damage*

- (1) A municipality may collect a charge amounting to no more than the absorption cost from the party suffering damage to crops, animals or movable property for performing a field inspection of the damage and assessment of damage.
- (2) Further provisions on performing a field inspection of damage in the case of damage to reindeer and the charge collected on this are laid down by Government Decree.
- (3) The forestry centre may collect a charge for performing a field inspection and assessment of damage to forest from the party suffering the damage. Further provisions on charges collected on services by the forestry centre are issued by Decree of the Ministry of Agriculture and Forestry.

Section 47 – *Appeal*

- (1) A decision made by the municipal rural business authority under this Act may not be appealed. Amendment to a decision by the municipal rural business authority may be requested by filing a written claim for rectification to the Employment and Economic Development Centre within 30 days from the receipt of notice of the decision. The competent Employment and Economic Development Centre is the one in whose territory the municipality concerned is located.
- (2) A decision made by the Employment and Economic Development Centre, forestry centre and Finnish Agency for Rural Affairs may be appealed to the Appeals Board for Rural Industries as laid down in the Administrative Judicial Procedure Act (586/1996).
- (3) A decision of the Appeals Board for Rural Industries concerning the recovery of compensation may be appealed as laid down in the Administrative Judicial Procedure Act. Otherwise a decision issued by the Appeals Board for Rural Industries under this Act may be appealed to the Supreme Administrative Court if the Supreme Administrative Court grants permission to appeal.
- (4) A decision made by the State Treasury under this Act may be appealed to the Administrative Court as laid down in the Administrative Judicial Procedure Act. A decision issued by the Administrative Court under this Act may be appealed to the Supreme Administrative Court if the Supreme Administrative Court grants permission to appeal. Rectification to a State aid decision made by the Ministry of Agriculture and Forestry may be requested from the Ministry of Agriculture and Forestry as laid down in the Act on Discretionary Government Transfers.
- (5) Otherwise the provisions of the Administrative Judicial Procedure Act apply to appeal.

Section 48 – *Enforcement of a decision*

- (1) A decision on compensation referred to in this Act may be enforced in spite of appeal.
- (2) A decision on the recovery of compensation may be enforced as laid down for the recovery of debt by enforcement.

Section 49 – *Control task of the Ministry of Agriculture and Forestry*

- (1) It is the task of the Ministry of Agriculture and Forestry to control the activity of the municipal rural business authorities, forestry centres and Finnish Agency for Rural Affairs when they manage tasks laid down in this Act. The Ministry of Agriculture and Forestry has the right to obtain general use and follow-up information relating to the control task from the municipal rural business authorities, forestry centres and Finnish Agency for Rural Affairs and perform inspections necessary for controlling the compliance with this Act. The provisions of section

16 and 17 of the Act on Discretionary Government Transfers apply to the inspection right of the Ministry of Agriculture and Forestry and performance of inspections.

- (2) The secrecy provisions notwithstanding, the Ministry of Agriculture and Forestry has the right to obtain from the municipal rural business authorities, forestry centres and Finnish Agency for Rural Affairs information necessary for managing its task on matters concerning the applicant and beneficiary of the aid which is of essential significance for ensuring the compliance with this Act in the granting and payment of the aid and controlling its use.

Section 50 – Control task of the Finnish Agency for Rural Affairs
(1510/2009)

- (1) It is the task of the Finnish Agency for Rural Affairs to perform inspections of the municipal rural business authorities and forestry centres necessary for controlling the compliance with this Act. Further provisions on the implementation of the inspections may be issued by Decree of the Ministry of Agriculture and Forestry. The provisions of section 49 on the control task of the Ministry of Agriculture and Forestry apply, as appropriate, to the control task of the Finnish Agency for Rural Affairs.
- (2) Where necessary, the Finnish Agency for Rural Affairs may use the assistance of the Centres for Economic Development, Transport and the Environment for performing the control task.

Section 51 – Entry into force

- (1) This Act enters into force on 1 December 2009. However, sections 35 and 37 will enter into force at a date to be laid down by Government Decree.
- (2) Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

Section 52 – Transitional provision

- (1) The restriction concerning the ownership referred to in paragraph 3 of section 6(1) does not apply if the partnership of a jointly owner forest was established before 1 November 2003.