

Forest Damages Prevention Act (1087/2013)

Section 1 – *Scope*

- (1) The purpose of this Act is to maintain a good health status of forests and prevent forest damages.
- (2) This Act applies to forest damages occurring in forests, terminal and industrial storage sites as well as timber felling and intermediate storage sites independent of the location of the site.
- (3) In addition to the provisions laid down in this Act, the provisions of the Plant Health Protection Act (702/2003) apply to preventing dangerous plant pests in forest trees and their spreading.

Section 2 – *Definitions*

- (1) In this Act:
 - 1) *forest* means an area to which the Forest Act (1093/1996) applies;
 - 2) *forest damage* means diseases and deterioration of tree growth or quality caused by invertebrates, fungi, bacteria or viruses to trees growing in forest which cause economic damage;
 - 3) *timber* means roundwood with bark and with a basal diameter of more than 10 centimetres prepared as roundwood assortments independent of the purpose of use of the timber;
 - 4) *pine timber with rough outer bark* means pine timber where at least one quarter of its length is covered with non-flaking rough bark;
 - 5) *damaged tree* means a damaged pine or spruce tree from which insects causing forest damage may spread;
 - 6) *seedling-stage stand* means a stand where the average height of trees with growth potential is no more than 1.3 metres when the height of the tree is measured from the point of origin or soil surface level to the tip of the crown, or a stand where the trees have been planted or sown in that year;
 - 7) *basal or butt diameter* means the diameter measured from the bark surface perpendicularly to the longitudinal axis of the tree at the butt or the root collar of a standing tree;
 - 8) *biological plant protection product* means a product produced from organisms isolated from nature which are used for the treatment of plants or vegetation to prevent plant diseases, pests or weeds or as growth regulators;
 - 9) *forest stand* means a mainly uniform part of a forest as regards the growing site and tree stand;
 - 10) *intermediate storage site* means a place where timber is stored temporarily in connection with wood harvesting for long-distance transportation;
 - 11) *terminal storage site* means a place of a permanent nature along the long-distance transportation route where timber is stored;
 - 12) *industrial storage site* means a site at the end of the long-distance transportation stage connected to a production plant where timber is stored;
 - 13) *professional operator* means the owner of timber or holder of felling right who practises timber harvesting and who acquires timber or felling rights on a professional basis for processing or dealing; however, not partners to a jointly-owned forest or partners to a

jointly-owned area referred to in the Act on Jointly-owned Areas (758/1989) where at least half of the shares are owned by natural persons.

Section 3 – *Removal of timber from a felling and intermediate storage*

- (1) The country is divided into areas A, B and C on the basis of the occurrence of insects causing forest damage and the temperature sum.
- (2) The owner of timber shall see that:
 - 1) spruce timber felled between 1 September of the preceding year and 31 May of the current year is transported away from the felling and intermediate storage site not later than 15 July in area A, 24 July in area B and 15 August in area C;
 - 2) pine timber with rough outer bark felled between 1 September of the preceding year and 31 May of the current year is transported away from the felling and intermediate storage site not later than 1 July in areas A and B and 15 July in area C; and
 - 3) spruce timber felled between 1 June and 31 August of the current year is transported away from the felling and intermediate storage site within 30 days from the time of felling.
- (3) The provisions in subsection 2, paragraph 2 shall not apply to an individual pile of timber or energy wood placed in the felling or intermediate storage site which is pine and whose volume is not more than 20 solid cubic metres. A pile is considered as an individual one if it is placed at least 200 metres away from other similar piles.
- (4) The provisions in subsection 2 shall not apply to a pile of timber where no more than half of the volume is pine or spruce timber with a butt diameter of more than 10 centimetres.
- (5) Provisions on areas A, B and C are laid down by Government Decree.

Section 4 – *Alternatives to the removal of timber*

- (1) If the owner of timber does not remove the timber as laid down in section 3(2), the owner shall:
 - 1) cover the timber;
 - 2) sprinkle the timber with water;
 - 3) transport the surface layer of the timber pile away from the site;
 - 4) debark the timber;
 - 5) treat the timber with an approved plant protection product intended against being struck by insects;
 - 6) place pine timber at a sufficient distance from a forest stand of the same species;
 - 7) cover the surface layer of a pine timber pile with a layer of deciduous trees;
 - 8) cover the surface layer of a spruce timber pile with a layer of deciduous trees or pine trees with a butt diameter of less than 10 centimetres and with no rough outer bark; or
 - 9) otherwise see that there is no significant spread of insects causing forest damage from the timber.
- (2) Further provisions on the measures referred to in subsection 1 may be issued by Decree of the Ministry of Agriculture and Forestry.

Section 5 – *Removal of parts of trunk and stumps of pine and spruce from a forest stand and intermediate storage site*

- (1) If in a forest stand there are more than 10 solid cubic metres per hectare of parts of spruce trunks with a butt diameter of more than 10 centimetres left from fellings carried out during the time referred to in paragraph 1 or 3 of section 3(2), the owner shall see that the share exceeding 10 solid cubic metres is transported away from the forest stand and intermediate storage site within the time periods laid down in paragraphs 1 and 3 of section 3(2).

- (2) If in a forest stand there are more than 20 solid cubic metres per hectare of parts of pine trunks with rough outer bark and a butt diameter of more than 10 centimetres left from fellings carried out during the time referred to in paragraph 2 of section 3(2), the owner shall see that the share exceeding 20 solid cubic metres is transported away from the forest stand and intermediate storage site within the time period laid down in paragraph 2 of section 3(2).
- (3) If the owner of the timber does not transport the parts of trunks away from the site as laid down in subsections 1 and 2, the owner shall act as laid down in section 4.
- (4) If more than 10 solid cubic metres of pine or spruce stumps are stored in the felling or intermediate storage site they shall be transported away from the site:
 - 1) within two years from being lifted if this was done before 1 August;
 - 2) within two years and six months from being lifted if this was done in August or later.

Section 6 – Removal of damaged trees from a forest stand and intermediate storage site

- (1) If in a forest stand that has passed the seedling stage there are more than 10 solid cubic metres per hectare of damaged spruce trees with a butt diameter of more than 10 centimetres, the owner of the trees is obliged to remove the share of the damaged trees exceeding 10 solid cubic metres from the forest stand and intermediate storage site no later than the time laid down in paragraphs 1 and 3 of section 3(2).
- (2) If in a forest stand that has passed the seedling stage there are more than 20 solid cubic metres per hectare of damaged pine trees with rough outer bark and a butt diameter of more than 10 centimetres, the owner of the trees is obliged to remove the share of the damaged trees exceeding 20 solid cubic metres from the forest stand and intermediate storage site no later than the time laid down in paragraph 2 of section 3(2).
- (3) In forest stands with a size of less than one hectare the limits as solid cubic metres laid down in subsections 1 and 2 apply independent of the surface area of the forest stand.
- (4) If the forest owner has assigned the felling right concerning the forest stand to another party, the holder of the felling right shall be notified of the removal of damaged trees in advance.
- (5) If the owner of the trees does not transport the damaged trees away from the forest stand and intermediate storage site as laid down in subsections 1 and 2, the owner shall act as laid down in section 4.
- (6) By derogation from subsections 1–3, in a habitat of special importance referred to in section 10 of the Forest Act and area included in the Natura 2000 network falling within the scope of the Forest Act where leaving decaying wood may be appropriate the landowner may leave more damaged trees to the area than what is allowed under the relevant provisions. The landowner shall notify the Finnish Forest Centre of not having removed damaged trees. The Finnish Forest Centre shall monitor habitats and areas where damaged trees are left, the amount of decaying wood in these and any forest damages that may spread from the area.

Section 7 – Force majeure, highly exceptional circumstances and unreasonable economic situation

- 1) The landowner and owner of timber do not have the obligations referred to in sections 3–6 if their implementation is not possible due to force majeure. The landowner and owner of timber also do not have the obligation concerning the removal of timber, parts of trunks, stumps and damaged trees if highly exceptional circumstances prevent the organisation of the harvesting and transport of timber.
- 2) The landowner does not have the obligation referred to in sections 4 and 6 if undertaking the alternative measures or removing damaged trees may be considered as economically unreasonable.

Section 8 – Storage of timber in a terminal and industrial storage site

- (1) When storing pine or spruce timber in a terminal or industrial storage site the owner of the timber is obliged to undertake reasonable measures referred to in section 4(1) above and based on material cycle management in timber storage to prevent significant spread of insects causing forest damage from the timber in storage.

Section 9 – *Preventing extensive forest damages*

- (1) If forest damages occur to an exceptional extent in a forest or there is a risk that extensive forest damage may spread or occur, the Ministry of Agriculture and Forestry may in order to prevent forest damage from spreading or occurring order the landowners of the area at risk to remove the necessary number of trees from the forest or undertake other necessary actions. At the same time the Ministry may provide for the time of removing the trees and treatment of the trees to be removed. The Ministry may also order the Finnish Forest Centre to undertake prevention that calls for rapid actions. Priority shall be given to biological and mechanical means of prevention. The Finnish Forest Centre may also undertake biological and mechanical prevention action without hearing the landowner if the hearing cannot be performed without unreasonable delay.
- (2) Should a risk referred to in subsection 1 arise, the Finnish Forest Centre shall submit a proposal to the Ministry which shall contain the following information:
 - 1) area damaged or at risk;
 - 2) measures necessary for preventing the spreading or occurrence of forest damage in each holding in the area and the time when these are to be taken as well as contact information of landowners in whose holdings the measures are proposed to be taken;
 - 3) estimate of the costs arising from the measures and the extent to which the costs would be compensated for by the State; and
 - 4) if biological or mechanical means of prevention cannot be used, the grounds for this.
- (3) The Finnish Forest Centre shall hear the landowners concerning a proposal referred to in subsection 2. The landowner shall give his or her account within 14 days from having received service of the proposal of the Finnish Forest Centre. The service concerning the proposal shall be effected on the landowner as specified in section 59 of the Administrative Procedure Act (434/2003). The Finnish Forest Centre shall send the documents concerning the hearing and any remarks concerning it to the Ministry of Agriculture and Forestry at the same time with the proposal.
- (4) The Ministry of Agriculture and Forestry may assign the task of effecting the service concerning the decision to the Finnish Forest Centre.

Section 10 – *Compensating for costs and damages arising from preventing extensive forest damages*

- (1) The landowner or holder of a land lease right, right of use under a will, right of possession of a surviving spouse, pension right or other similar right or felling right shall be compensated for the costs arising from complying with a decision referred to in section 9(1) above and loss of increment of a stand which has passed the seedling stage from State funds to the extent as these exceed the costs arising from regular forest management or usual timber harvesting. In case of a seedling-stage stand damaged due to prevention action the regeneration costs are compensated for. However, no compensation is paid or it is reduced if the party entitled to the compensation has intentionally or through negligence failed to comply with this Act or with provisions or decisions by authorities issued under this Act or the party entitled to the compensation has neglected the performance of measures ordered to the party and another

party had to be commissioned to undertake these as specified in section 24. The decision on the compensation is made by the Ministry of Agriculture and Forestry.

- (2) The compensation shall be applied for by an application addressed to the Ministry of Agriculture and Forestry which shall be submitted to the Finnish Forest Centre within 90 days of the time when the measures required in the decision have been completed. The application shall give a sufficient account of the costs and damages. The Finnish Forest Centre shall deliver the application documents to the Ministry of Agriculture and Forestry, supplemented by a statement concerning the amount of the compensation and conditions for granting it.
- (3) The provisions in subsections 1 and 2 do not apply to the State as a landowner.

Section 11 – *Special provision concerning aerial spreading of a biological plant protection product*

- (1) If the Ministry of Agriculture and Forestry does not order measures to be undertaken under section 9, it may, notwithstanding, authorise the landowner or landowners to carry out the aerial spreading of a biological plant protection product at their own cost in a way approved by the Ministry.
- (2) The decision referred to in subsection 1 above is subject to the condition that:
 - 1) there is a risk of considerable losses of increment or other considerable economic losses if prevention is not carried out;
 - 2) the landowner or landowners commit to assuming the costs arising from the prevention;
 - 3) the measures comply in other respects with the legislation concerning the management and use of forests as well as plant protection products and their aerial spreading; and
 - 4) forest damages cannot be otherwise prevented in a reasonable manner.
- (3) The Ministry of Agriculture and Forestry makes the decision referred to in subsection 1 based on a proposal of the Finnish Forest Centre. The Finnish Forest Centre makes its proposal on the basis of the application by the landowner or landowners.
- (4) In addition to the information under subsection 2 that is a condition for the decision the proposal of the Finnish Forest Centre shall contain the following information:
 - 1) area damaged or at risk;
 - 2) measures necessary for preventing the spreading or occurrence of forest damage in each holding in the area and the time when these are to be taken as well as contact information of landowners in whose holdings the measures are proposed to be taken;
 - 3) estimate of the costs arising from the measures.
- (5) Further provisions on the content of the proposal of the Finnish Forest Centre and application by the landowner may be issued by Decree of the Ministry of Agriculture and Forestry.

Section 12 – *Monitoring of forest damages*

- (1) The Finnish Forest Research Institute, assisted by the Finnish Forest Centre, is tasked with monitoring and anticipating the occurrence and spreading of plant diseases and pests causing forest damages and studying the cause-effect relationships of damages and their economic significance.
- (2) If in connection with the monitoring something comes out that would require undertaking measures under section 9, the Finnish Forest Research Institute shall notify the Finnish Forest Centre of this without delay.
- (3) If in connection with the monitoring dangerous pests referred to in the Plant Health Protection Act or statutes issued under it are found, the Finnish Forest Research Institute shall notify the Finnish Food Safety Authority of this without delay.
- (4) The Finnish Forest Research Institute shall submit a report on the results of the monitoring to the Ministry of Agriculture and Forestry on an annual basis.

Section 13 – *Control*

- (1) The general steering and control of the enforcement of this Act rests with the Ministry of Agriculture and Forestry.
- (2) The Finnish Forest Centre is responsible for the enforcement of this Act and control of the compliance with the provisions issued under it and organisation of the control.
- (3) Further provisions on the performance of the tasks that rest with the Finnish Forest Centre under this Act may be issued by Decree of the Ministry of Agriculture and Forestry.

Section 14 – *General principles of organising the control*

- (1) The removal of timber from the felling and intermediate storage site shall be controlled in a fair and equal manner and on a regular basis. The control shall be intensified if it is to be suspected that the activity of an operator does not fulfil the requirements of this Act or provisions issued under it. The control measures shall be appropriate and, taking account of the risk of forest damages, they must be appropriately targeted to the stages in the removal and intermediate storage of timber.
- (2) The removal of damaged trees, parts of trunks and stumps shall be controlled in a fair and equal manner and on a regular basis.
- (3) Further provisions on the organisation of the control may be issued by Decree of the Ministry of Agriculture and Forestry.

Section 15 – *Inspection right*

- (1) The Finnish Forest Centre has the right to carry out inspections without advance notice in forests, felling sites, intermediate, terminal and industrial storage sites and other permanent wood processing and storage sites. In addition, the Finnish Forest Centre has the right to inspect bookkeeping on the storage of timber. However, an inspection may not be carried out in premises intended for residential use of a permanent nature.
- (2) The object of the control and inspection shall, upon request of the Finnish Forest Centre, provide the information and documents necessary for appropriate performance of the inspection and implementation of control.

Section 16 – *Right of access to information*

- (1) The Finnish Forest Centre has the right to obtain any information and documents necessary for inspection and control referred to in this Act from the object of inspection and control free of charge.

Section 17 – *Control plan of the Finnish Forest Centre*

- (1) For the purpose of organising the control referred to in this Act the Finnish Forest Centre shall prepare and Ministry of Agriculture and Forestry approve a forest damages control plan (*control plan of the Finnish Forest Centre*) in order that the control is effective, cost-efficient and, in terms of forest damages, preventive.
- (2) The control plan shall contain at least the following information:
 - 1) assessment of risks;
 - 2) specification of the content of inspections;
 - 3) inspection frequency of the objects of control;
 - 4) assessment of the implementation of the control plan.
- (3) The control plan shall be reviewed on an annual basis.

- (4) Further provisions on the content of the control plan, inspections under the control plan, inspection frequency of the objects of control, sampling, reporting and assessment of the implementation of the control plan may be issued by Government Decree.

Section 18 – *Self-checking obligation*

- (1) A professional operator shall be aware of the obligations relating to the removal of timber, damaged trees, parts of trunks and stumps of pine and spruce and storage of timber laid down in this Act and control the compliance with the time limits for transporting timber away from the site referred to in section 3, implementation of alternative measures referred to in section 4, removal of parts of trunks and stumps of pine and spruce referred to in section 5 and storage of timber referred to in section 8 (*self-checking*).
- (2) A professional operator shall designate a person responsible for self-checking who sees to the implementation of self-checking.

Section 19 – *Notification obligation of a professional operator*

- (1) A professional operator shall notify the Finnish Forest Centre without undue delay of any situations and circumstances referred to in section 7 due to which complying with the obligations laid down in sections 3–6 may be prevented (*self-checking notification*).
- (2) Where necessary, further provisions on the more detailed content of the self-checking notification of a professional operator are laid down by Decree of the Ministry of Agriculture and Forestry.

Section 20 – *Liability for damages*

- (1) If the owner of timber or landowner neglects an obligation laid down in section 3–6 or based on a decision issued under section 9 and, as a result of this, more than 20 solid cubic metres per hectare of the tree stand in the forest of another landowner dies or the growth of the stand decreases by more than 10 solid cubic metres per hectare during no more than five years, the owner of timber or landowner is obliged to compensate the other landowner in full for the damage thus caused.
- (2) If the landowner leaves damaged trees as referred to in section 6(6) more than allowed under subsections 1–3 of section 6 in a habitat of special importance referred to in section 10 of the Forest Act or an area included in the Natura 2000 network falling within the scope of the Forest Act, the landowner is obliged to compensate the other landowner for any forest damage which has spread to his or her forest.
- (3) The owner of timber in storage is obliged to compensate the landowner for any forest damage which has spread to his or her forest from terminal or industrial storage.
- (4) Otherwise the provisions laid down in the Tort Liability Act (412/1974) apply to compensating for damages.

Section 21 – *State's liability for damages*

- (1) Forest damages which are likely to have spread from a nature reserve under section 10, area of a natural monument protected under section 23, area covered by a temporary protection order under section 25, area under section 29 covered by a decision made under section 30, habitat of species covered by strict protection under section 47 and area on which prohibition to undertake measures has been issued under section 55 of the Nature Conservation Act (1096/1996), area acquired to the State for nature conservation purpose and other area owned by the State that is managed in accordance with a protection decision of Metsähallitus or

authority administering State lands are compensated for from State funds as laid down below. In assessing the likelihood of the cause-effect relationship attention shall be given, among other things, to the type of damage and any other causes for the damage.

- (2) Compensation may be denied or it may be reduced if the party suffering the damage has contributed to the spreading of the damage referred to in the application for compensation or without acceptable grounds prohibited the performance of a measure which could have prevented the damage from spreading.
- (3) The landowner shall apply for the compensation referred to in subsection 1 by an application addressed to the Ministry of the Environment which shall be submitted to the regional unit of the Finnish Forest Centre competent in the area where the damage has occurred. The regional unit of the Finnish Forest Centre shall deliver the application documents to the Ministry of the Environment, supplemented by a statement concerning the amount of the compensation and conditions for granting it.
- (4) Otherwise the provisions laid down in the Tort Liability Act (412/1974) apply to compensating for damages.

Section 22 – Amount of compensation to be paid from State funds

- (1) Compensation paid from State funds under section 21 covers the forestry value of the tree stand affected by forest damage. The landowner is compensated for the loss of increment of a stand which has passed the seedling stage to the extent as the damage exceeds the costs arising from regular forest management or usual timber harvesting. In case of a seedling-stage stand the regeneration costs are compensated for.
- (2) If the damage is compensated for, compensation is also paid for reasonable costs of assessing the damage necessary for examining the damage paid by the party applying for the compensation.
- (3) In calculating the amount of compensation any compensation for the damage event payable under an insurance policy shall be taken into account as a deduction.

Section 23 – Special provision concerning felling

- 1) Felling under a decision issued by virtue of section 9 above may be carried out by way of derogation from section 5, 5 a and 5 b of the Forest Act and provisions issued under them. However, the obligation under the Forest Act to establish a new tree stand shall be fulfilled.
- 2) For weighty reasons relating to forest research the Finnish Forest Centre may approve research arrangements to be implemented on State lands which derogate from the provisions in section 3, 5 or 6.

Section 24 – Notice of a conditional fine and notice of enforced compliance

- (1) The Finnish Forest Centre may by its decision oblige anyone who neglects an obligation laid down in section 3–6 or based on a decision issued under section 9 to undertake the necessary measures. The Finnish Agency for Rural Affairs may, upon a proposal of the Finnish Forest Centre, give a notice of a conditional fine or notice of enforced compliance at the defaulter's expense to intensify the decision of the Finnish Forest Centre. The Finnish Agency for Rural Affairs, upon a proposal of the Finnish Forest Centre, shall be responsible for the recovery of the costs of enforced compliance to the State.
- (2) Otherwise the provisions on notice of a conditional fine and notice of enforced compliance are laid down in the Notice of a Conditional Fine Act (1113/1990).

Section 25 – Violating the provisions of the Forest Damages Prevention Act

- (1) Anyone who intentionally or through gross negligence neglects an obligation laid down in section 3–6 or based on a decision issued under section 9 shall be sentenced, unless a more severe punishment for the deed is laid down elsewhere in the law, *to a fine for violating the provisions of the Forest Damages Prevention Act.*

Section 26 – *Collection of State receivables*

- (1) State receivables referred to in this Act are subject to direct execution. Provisions on their collection are laid down in the Act on the Enforcement of Taxes and Charges (706/2007).
- (2) If State receivables or part of these are not repaid by the set time limit, interest for late payment according to the interest rate referred to in section 4 of the Interest Act shall be collected on the capital to be paid as from the due date for each instalment.
- (3) Receivables referred to in this Act are collected by the Finnish Agency for Rural Affairs.

Section 27 – *Appeal*

- (1) A decision of the Finnish Forest Centre issued under section 24(1) may be appealed to the administrative court. The competent administrative court is the administrative court in whose jurisdiction most of the area in question is located. Provisions on appeal are laid down in the Administrative Judicial Procedure Act (586/1996). If the performance of the measures ordered by the Finnish Forest Centre cannot be postponed, the Finnish Forest Centre may order that the decisions subject to appeal shall be complied with in spite of appeal, unless otherwise provided by the appellate authority.
- (2) In a decision of the Ministry of Agriculture and Forestry made under section 9(1) it may be provided that the decision shall be complied with in spite of appeal, unless otherwise provided by the appellate authority.
- (3) In addition to the provisions on appeal laid down separately, the Finnish Forest Centre has the right to appeal a decision made under this Act by the Finnish Agency for Rural Affairs and administrative court if the decision of the Finnish Agency for Rural Affairs differs from the proposal of the Finnish Forest Centre or if the administrative court has changed or repealed a decision of the Finnish Forest Centre or Finnish Agency for Rural Affairs.

Section 28 – *Entry into force*

- (1) This Act enters into force on 1 January 2014. However, section 10 of the Act enters into force on a date to be laid down by Government Decree. .
- (2) This Act repeals the Act on the Prevention of Insect and Fungi Damages (263/1991). Section 7 of the repealed Act shall apply until section 10 of this Act enters into force.
- (3) Section 8 of the Act applies to a storage site where storage has been started before 1 July 1991 only if the storage changes in an essential way as regards its nature or extent upon the entry into force of this Act.
- (4) The provisions in force upon the entry into force of this Act apply to parts of trunks, felled pine or spruce timber, damaged trees and lifted stumps left from fellings done before the entry into force of this Act.
- (5) The provisions in force upon the entry into force of this Act apply to compensation for damages which have arisen before the entry into force of this Act other than those to be compensated for from State funds.