

NB: Unofficial translation

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Act on Metsähallitus (1378/2004)

Section 1 - Administrative position

- (1) Metsähallitus is a State enterprise operating in the administrative sector of the Ministry of Agriculture and Forestry. In matters relating to nature conservation Metsähallitus is guided by the Ministry of the Environment.
- (2) The State Enterprise Act (1185/2002) applies to Metsähallitus unless otherwise provided in this Act.

Section 2 - Tasks

- (1) Metsähallitus manages, uses and protects natural resources and other property governed by it. The activity of Metsähallitus shall be sustainable and profitable.
- (2) Metsähallitus practises business within the framework of the obligations to the society laid down in this Act and manages public administration duties.

Section 3 - Sector of business

- (1) Metsähallitus practises business in the forestry and natural resources sectors, including the products and services related to these.

Section 4 - General social obligations

- (1) As an essential part of the sustainable management and use of natural resources Metsähallitus shall sufficiently take into account the protection and appropriate increase of biological diversity together with the other objectives set for the management, use and protection of natural resources. In addition to these, Metsähallitus shall take account of the requirements of the recreational use of the nature and promoting employment.
- (2) The management, use and protection of natural resources governed by Metsähallitus in the Sami Homeland referred to in the Act on the Sami Parliament (974/1995) shall be adjusted to ensuring the conditions of the Sami people to practice their culture, and in the reindeer herding area referred to in the Reindeer Husbandry Act (848/1990) they shall be adjusted to fulfilling the obligations laid down in the Reindeer Husbandry Act.
- (3) Metsähallitus is also prepared to manage its tasks in exceptional circumstances as ordered by the Ministry of Agriculture and Forestry, or the Ministry of Defence for the part of real estates related to defence. For the part of real estates related to defence and services to these facilities the Ministry of Agriculture and Forestry follows the safety orders of the Ministry of Defence.
- (4) Metsähallitus yields expert assistance to the rescue authorities in combating forest fires and prepares on its own initiative to prevent and combat forest fires on State lands it governs in cooperation with the rescue authorities.

Section 5 - Other social obligations

- (1) The land use needs of research, teaching, the Defence Forces and Frontier Guard are taken into account in the activity of Metsähallitus.

Section 6 - *Public administration duties*

- (1) The public administration duties of Metsähallitus are
 - 1) nature conservation duties laid down in the Nature Conservation Act (1096/1996) and in acts concerning nature conservation areas established by virtue of the Nature Conservation Act (1096/10996 or 71/1923) as well as the acquisition of nature conservation areas;
 - 2) duties laid down in the Wilderness Act (62/1991), Fishing Act (286/1982), Skolt Act (253/1995), Off-Road Traffic Act (670/1991), Hunting Act (615/1993), Act on Right to Public Waters (204/1966), Rescue Act (468/2003), Reindeer Husbandry Act, Act on the Financing of Reindeer Husbandry and Natural Economy Industries (45/2000) and Outdoor Recreation Act (606/1973);
 - 3) production of nature, hiking and camping services;
 - 4) implementation of game husbandry and fishery projects;
 - 5) control of fishing and hunting;
 - 6) duties relating to the acquisition and security storage of forest tree seeds; and
 - 7) duties laid down in the Waters Act (264/1961) and other tasks relating to log floating.

Section 7 - *Financing of public administration duties*

- (1) The management of the public administration duties of Metsähallitus are financed by means of an appropriation allocated separately in the State budget.

Section 8 - *Organisation of public administration duties*

- (1) Metsähallitus has a separate Unit for Public Administration Duties, headed by the Director for Natural Heritage Services, which manages the public administration duties referred to in section 6 above. Provisions on the appointment of the Director for Natural Heritage Services are laid down by Government Decree.
- (2) The Director for Natural Heritage Services manages the tasks relating to the public administration duties which under section 10 of this Act do not belong to the Board of Directors or the Managing Director. The Director for Natural Heritage Services approves and signs the separate final accounts referred to in section 13(1), in addition to Board of Directors.
- (3) Public administration duties relating to hunting and fishing (game and fisheries) which under subsection 2 do not belong to the Board of Directors or the Managing Director are carried out by the Game and Fisheries Manager in the Unit for Public Administration Duties. Provisions on the appointment of the Game and Fisheries Manager are laid down by Government Decree.

Section 9 - *Power of decision in public administration duties*

- (1) The Director for Natural Heritage Services decides administrative issues relating to public administration duties referred to in section 6 and public authority issues concerning the Unit for Public Administration Duties except for licences relating to fishing and hunting, which are decided by the Game and Fisheries Manager.
- (2) Regional quotas may be set for licences or decisions referred to in section 4 of the Off-Road Traffic Act, section 5 of the Fishing Act and section 6 of the Hunting Act concerning the use of land governed by Metsähallitus for purposes referred to in the said acts.
- (3) Within the quotas referred to in subsection 2 above, the Director for Natural Heritage Services may delegate the making of an individual decision referred to in section 4 of the Off-Road Traffic

Act and the Game and Fisheries Director a decision referred to in section 5 of the Fishing Act or section 6 of the Hunting Act to an official of Metsähallitus or a person employed by Metsähallitus or a corporation outside Metsähallitus who on the basis of independence, reliability, expertise and other factors to be taken into account in assessing the matter may be considered suitable to carry out this task. In such cases the provisions laid down in the Administrative Procedure Act (434/2003), Act on the Openness of Government Activities (621/1999), Language Act (423/2003) and Sami Language Act (1086/2003) as well as provisions on civil servant liability under criminal law laid down in the Penal Code (39/1889) apply to the activity of Metsähallitus or other corporation granting the licences.

- (4) An individual licence concerning matters referred to in subsection 3 above may also be issued by machine or the decision may be made without presentation.
- (5) Except for the issue of regulations for a nature conservation or hiking areas and setting of quotas referred to in subsection 2, the Director for Natural Heritage Services and Game and Fisheries Manager, after hearing the Director for Natural Heritage Services, may delegate the power of decision which under this section belongs to them to another official in the Unit for Public Administration Duties.
- (6) Service of a decision on the setting of regional quotas shall be effected as service by public notice as provided in the Administrative Procedure Act.

Section 10 - *Steering and supervision of public administration duties*

- (1) By derogation from the provisions laid down in section 8 of the State Enterprise Act, the Ministry of Agriculture and Forestry and Ministry of the Environment steer and supervise the management of public administration duties for the part of their own sectors as provided separately on the steering and supervision of the activity of agencies and institutes.
- (2) Under the steering and supervision by the ministries referred to in subsection 1 above the Board of Directors of Metsähallitus:
 - 1) takes care of the general steering and supervision of the management of public administration duties;
 - 2) ensures that the duties are managed in accordance with the decisions of the Parliament and other authorities and that the accounting and control of finances are appropriately organised; and
 - 3) after receiving a proposal from the Unit for Public Administration Duties decides issues provided in section 10(2)(1, 2 and 7) of the State Enterprise Act.
- (3) Under the steering and supervision of the ministries referred to in subsection 1 above and the Government, the Managing Director of Metsähallitus is responsible for general steering and development of the public administration duties of Metsähallitus and ensures, for his or her own part, that the separate accounting referred to in section 13(1) of the State Enterprise Act conforms with the law and that the management of finances concerning the public administration duties is organised in a reliable way.

Section 11 - *Supervision of hunting and fishing*

- (1) Provisions on the supervision of hunting and fishing are laid down by a separate act.

Section 12 - *Responsibility in the management of public administration duties*

- (1) The provisions laid down separately on the compensation for damages caused under official accountability apply to the compensation of damage caused in the management of public administration duties of Metsähallitus.

Section 13 - *Appeal*

- (1) A decision by Metsähallitus by virtue of the Nature Conservation Act may be appealed to the competent Administrative Court as provided in the Nature Conservation Act.
- (2) A decision concerning quotas referred to in section 9(2) above may be appealed to the competent Administrative Court as provided in the Administrative Judicial Procedure Act (586/1996).
- (3) Rectification of an individual decision referred to in section 9(3) above may be claimed from Metsähallitus. The claim for rectification shall be filed within 30 days from the date of notification of the decision. A decision concerning a claim for rectification of Metsähallitus may be appealed to the competent Administrative Court as provided in the Administrative Judicial Procedure Act.
- (4) A decision concerning quotas referred to in section 9(2) above and a decision of Metsähallitus on individual permit referred to in section 9(3) may be enforced despite the appeal. The appellate authority may, however, prohibit the enforcement of the decision.
- (5) Other decision of Metsähallitus referred to in this Act may be appealed to the Appeals Board for Rural Industries as provided in the Administrative Judicial Procedure Act.

Section 14 - *Property of public administration duties*

- (1) For the public administration duties the Metsähallitus administrates conservation areas and wilderness areas, other areas allocated or acquired for conservation purposes and other property necessary for the management of the public administration duties. The property of public administration duties is included in the other own capital of Metsähallitus.

Section 15 - *Pricing*

- (1) The products and services of the business activity of Metsähallitus are priced according to the commercial principles.
- (2) By derogation from subsection 1 above:
 - 1) Residents of the towns of Kemi, Rovaniemi and Tornio have the right to hunt on lands indicated by Metsähallitus subject to a fee which corresponds to the own cost value if this is lower than the commercial price; and
 - 2) local residents have the right to use area administrated by Metsähallitus in their home region for off-road traffic referred to in the Off-Road Traffic Act free of charge.
- (3) The provisions laid down in the Act on Criteria for Charges Payable to the State (150/1992) apply to the determination of the prices for products and services related to the public administration duties of Metsähallitus. The provisions laid down in section 11b of the Act on Criteria for Charges Payable to the State apply to the appeal concerning the payment for a product or service related to a public administration duty.

Section 16 - *Decision-making concerning real estate assets*

- (1) By derogation from provisions laid down in section 14(2) of the State Enterprise Act concerning the Government's power of decision upon transfer of real estate assets to a State enterprise or from a State enterprise to the State's budget economy, a decision on the transfer of a single real estate asset or real estate assets as a whole whose total value does not exceed five million euros to Metsähallitus is made by the Ministry of Agriculture and Forestry or, if the real estate assets to be transferred are related to nature conservation, by the Ministry of the Environment. The transfer is entered as addition to or deduction from the other own capital of the State enterprise or as issued subject to loan terms.

- (2) The provisions laid down in the Act on the Right to Transfer State Real Estate Assets (973/2002) apply to the transfer of real estate assets between Metsähallitus and another State enterprise.
- (3) By derogation from provisions laid down in section 10(2)(10), the Board of Directors of Metsähallitus decides on the organisation of the power of decision concerning the acquisition of real estate assets and, as provided in the Act on the Right to Transfer State Real Estate Assets, conveying and leasing of real estate assets in Metsähallitus.
- (4) Fixed assets governed by Metsähallitus whose right of use belongs to the Finnish Defence Forces may not be conveyed by a decision of the Ministry of Agriculture and Forestry or Metsähallitus without the consent of the Ministry of Defence, unless the Government decides otherwise in an individual case.

Section 17 - *Securities*

- (1) Metsähallitus has the right to use a security to be issued to a third party in its business activity, provided that the need to issue the security is founded on the law and commonly accepted principles to be followed in a competition situation. The Finnish Parliament decides the maximum amounts of the securities when working on the State budget.
- (2) If necessary, further provisions on the use and type of the securities are issued by Government Decree.
- (3) By derogation from the provisions on the responsibility of the State laid down in section 6 of the State Enterprise Act, only Metsähallitus shall be responsible for the obligations relating securities referred to in subsection 1.

Section 18 - *Personnel*

- (1) The employment relationship of personnel employed at Metsähallitus is based on a contract. However, the employment relationship of persons managing tasks which involve public authority is a service relationship, unless otherwise provided by act or Government decree.
- (2) The provisions on State service relationship and conditions of the collective bargaining agreement concerning offices of Metsähallitus apply to the civil servants, offices and service relationships of Metsähallitus.

Section 19 - *Appointment of the Managing Director*

- (1) By derogation from the provisions laid down in section 10(2)(3) of the State Enterprise Act on the authority of the Board of Directors to appoint and dismiss the Managing Director, the Managing Director of Metsähallitus is appointed and dismissed by the Government on the presentation of the Ministry of Agriculture and Forestry. A statement from the Ministry of the Environment shall be requested before considering the matter.

Section 20 - *Advisory Committees*

- (1) Provincial or regional Advisory Committees assist Metsähallitus in decision-making concerning State areas governed by Metsähallitus to take the position of the local residents into account and promote the harmonisation of activities.
- (2) Further provisions on the tasks, composition and appointment of the Advisory Committees are issued by Government Decree.

Section 21 - *Further provisions*

- (1) Further provisions on the composition, tasks, power of decision and qualifications of the members of the Board of Directors as well as remuneration of the members of the Board of Directors and auditors and the implementation of this Act may be issued by Government Decree.

Section 21 - Entry into force

- (1) This Act enters into force on 1 January 2005. It repeals the Act of Metsähallitus of 17 December 1993 (1169/1993) with subsequent amendments.
- (2) Measures necessary for the implementation of this Act may be undertaken before its entry into force.

Section 22 - Transitional provisions

- (1) Tasks given to Metsähallitus by act or decree or by virtue of these as well as the rights and obligations of Metsähallitus are transferred to Metsähallitus under this Act.
- (2) The Board of Directors of Metsähallitus appointed under the repealed act continues as Board of Directors of Metsähallitus under the State Enterprise Act until the end of its term.
- (3) The offices of the Managing Director of Metsähallitus and directors of Nature Conservation Unit and Unit for Public Authority Issues are abolished without giving notice when this Act enters into force. When this Act enters into force the Managing Director of Metsähallitus becomes the Managing Director of Metsähallitus under the State Enterprise Act and the director of the Nature Conservation Unit becomes the Director for Natural Heritage Services under this Act.
- (4) The offices of Metsähallitus and persons who have employment or service contracts with Metsähallitus are transferred to Metsähallitus under this Act and the personnel retain the rights and obligations relating to the conditions of their service relationship. No consent of the civil servants is required for the transfer.