

# Everyman's rights and the code of conduct on private land

Existing legislation and suggestions for best practices

**Pekka Tuunanen**  
**Markus Tarasti**  
**Anne Rautiainen (ed.)**

NATURE





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Helsinki 2015

MINISTRY OF THE ENVIRONMENT



Ympäristöministeriö  
Miljöministeriet  
Ministry of the Environment

The Finnish Environment 5en | 2015  
Ministry of the Environment  
Department of the Natural Environment

Layout: Government Administration Department / Marianne Laune  
Cover photo: Environmental Administration Image Bank / Tapio Heikkilä  
Drawings: Juha Sihto

The publication is available only on the internet:  
[www.ym.fi/julkaisut](http://www.ym.fi/julkaisut)

Helsinki 2015

ISBN 978-952-11-4456-1 (PDF)  
ISSN 1796-1637 (online)

## FOREWORD

Without everyman's rights and other possibilities for activity in another's area, human activity and movement would be restricted to public areas, roads and one's own property. Everyman's rights are especially important when moving about in nature outside population centres. Everyman's rights have a particular significance for the recreational use of nature, natural means of livelihood and nature tourism.

With its extensive forests and waters, our sparsely populated country has the prerequisites for extensive use of everyman's rights. The general framework and conditions for everyman's rights and other activities on another's land are based on legislation. In fact, this publication discusses everyman's rights and activities in nature primarily in regard to legislation. For this reason, the publication includes the most important legal provisions that apply to everyman's rights. However, legislation usually stipulates only what activities are permitted or punishable, which means that activities on another's land cannot always be based on the requirements of law alone. Therefore, this publication also presents good practices that help to avoid conflicts.

Many questions related to everyman's rights and activities on another's land cannot be answered unambiguously due to the lack of legislation and/or the scarcity of legal practice. **This means that the legality of an individual action cannot be evaluated case-by-case based on this publication.** The most interesting of the known legal cases have been selected for the publication.

This publication is intended especially for use by the authorities, different associations and companies, but it also serves anyone who needs in-depth information on the content of everyman's rights. The publication discusses everyman's rights from the points of view of their users and landowners and regarding land use.

The Ministry of the Environment is responsible for the contents of the publication. The guide has been prepared in cooperation with authorities, experts, Metsähallitus (state-owned enterprise operating under the Ministry of Agriculture and Forestry), the Central Union of Agricultural Producers and Forest Owners (MTK) and the Ulkoilufoorumi network for the promotion of outdoor recreation. Key participants in the preparation of the publication include Senior Government Adviser Hannu Karjalainen, Senior Environmental Adviser Pekka Tuunanen and Senior Adviser Markus Tarasti, from the Ministry of the Environment, and Markku Tornberg, Head of Environmental Affairs, the Central Union of Agricultural Producers and Forest Owners (MTK). The publication has been edited by Anne Rautiainen, MSc (Agr. & For.), Suomen Latu ry – the Outdoor Association of Finland.

Comments on the draft version of the publication were requested between 2 March and 15 April 2011. The parties from whom comments were requested are listed in Appendix 3. As a basis for the work, the Ministry of the Environment prepared the report *Jokamiehenoikeuksien toimivuus* (Functionality of everyman's rights) (Reports of the Ministry of the Environment 19/2007).

The Ministry of the Environment wishes to thank all parties that participated in the editing of the publication.

Ministry of the Environment



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## Key concepts



Photo: Environmental Administration Image Bank/Marita Björkström.

**Everyman's rights** are traditionally understood as the right to move about, stay and temporarily camp on another's land and utilise certain natural products there without the consent of the landowner. In a wider sense, activities based on everyman's rights are connected to all activities on another's land that do not require the landowner's consent or a permit issued by an authority and that are not otherwise forbidden. Everyman's rights have not been defined by law as a right as such, excluding certain exceptions. In the Criminal Code, everyman's rights are mentioned in connection with gathering certain natural products. The Water Act includes the right of public access to water areas, which is a right related to everyman's rights. The Nature Conservation Act prohibits the placing of signs that restrict everyman's rights without a legal basis.

This publication collects information on various rights and possibilities for activity in another's area in light of the current legislation. **Therefore, this publication does not affect everyman's rights or the content of the concept.**

**Bouldering.**

Photo: Heikki Toivanen.

There are a variety of concepts in use related to everyman's right. For the sake of consistency, the concepts below are used in this publication as follows:

**Permit** means an appealable permit granted by an authority or other type of permit defined in legislation, such as a specific permit provided in the Water Act and the Off-road Traffic Act, granted to the other party by the landowner or the owner of the waters. For example, driving a motorised vehicle off-road in a land area requires the permission of the landowner.

**Consent** refers to other types of consent from the landowner, based on the landowner's right of ownership and possession, for example. The consent of the landowner is required for activities such as gathering moss on another's land. In colloquial language, permission is often used instead of consent. In this publication, a permit only refers to permits issued by authorities or other types of permit provided by law.

**Agreement** often refers to a larger set of issues, consent, and coming to an agreement on the issue with the landowner. Agreements are based on the general freedom of contract. An agreement may include rights and obligations that apply to both parties. Even an oral agreement is legally valid, but it is good if the agreement can be verified in case of conflicts.



In a forest, people can usually take part in activities according to everyman's rights.

Photo: Outdoor Association of Finland.



Construction and designating areas for other types of special use restricts everyman's rights or prevents their use completely. Photo: Antti Lehtonen.

**Area designated for special use** means an area where everyman's rights are restricted or they do not exist due to the nature of land use. Areas designated for special use include yards and areas used for cultivation or production, among other places. Certain regulations related to nature conservation, road traffic and national defence also restrict everyman's rights. The restrictions regarding everyman's rights in areas designated for special use may also vary depending on the seasons, for example, in fields and nature reserves.

**Landowner** in this publication means the owner or holder of the land area. The owner of the water area refers to the owner or the holder of the right of use of the water area.

### Everyman's rights in different languages:

Swedish:	<i>allmansrätt</i>
Saami:	<i>juohkeolbmo vuoigatvuohta</i>
Estonian:	<i>igameheõigus</i>
English:	<i>common access or everyman's right</i>
French:	<i>droit d'accès à la nature</i>
German:	<i>jedermannsrecht</i>
Russian:	<i>Право каждого человека на природу в Финляндии</i>



# General principles of everyman's rights

Everyman's rights refer to the possibility to move about and act in an area that the landowner has not designated for a special use that overrides everyman's rights, such as cultivation or the yard or garden of a dwelling. Landowners do not have the right to prohibit or restrict legal activities on their land. With the exception of lure fishing, the use of everyman's rights is free of charge, and consent or a permit is not required for their use.

Everyman's rights are an important part of the ways Finnish waters and land areas are used. Only a small part of the territory of Finland has been designated for special use that overrides everyman's rights.



## Everyman's rights allow people to:

- move about on foot, ski and bicycle in nature, such as in forests, natural meadows and water bodies,
- ride horses,
- stay in and temporarily stay overnight in areas where movement is also permitted,
- pick wild berries, mushrooms and unprotected plants,
- angle and ice fish, and
- boat, swim and wash themselves in waters and move about on ice.

## Everyman's rights do not allow people to:

- disturb the use of land by the landowner,
- move about in yards, cultivated areas or cultivated fields,
- cut down or harm growing trees,
- take dry or fallen wood,
- take moss or lichen,
- light an open fire on another's land,
- disturb domestic premises, for example, by camping too close to dwellings or making noise,
- drop litter in the environment,
- drive a motorised vehicle off-road,
- disturb or damage birds' nests or chicks,
- disturb animals, or
- hunt or fish without the appropriate permits.

### Best practice:

#### Making agreements

When it is not clear whether it is possible to engage in activities in an area under everyman's rights or not, an agreement should be made with the landowner in advance to avoid possible conflicts.

### What is permissible under everyman's rights



The areas can be used under everyman's rights, and the activity does not cause harm or inconvenience to the landowner.

It is not clear if the activity causes more than a minor inconvenience, or whether the risk of inconvenience has increased. An agreement with the landowner is often necessary.

The activity under everyman's rights is not possible. The activity is illegal or causes real harm to the landowner.

Whether an activity is allowed under everyman's rights depends on the effects of the activity and the prevailing conditions.

Everyman's rights are only affected by the actual use of the water or land area, not issues such as the rental of or easement agreements on the land.

Activities under everyman's rights may not cause more than a minor inconvenience to the landowner, the use of land or nature. Everyman's rights include a right to utilise certain natural products. The legislation lays down the conditions for everyman's rights, but the lines between permissible, unacceptable and prohibited activity are often unclear, and local conditions have a significant effect on how they are assessed.

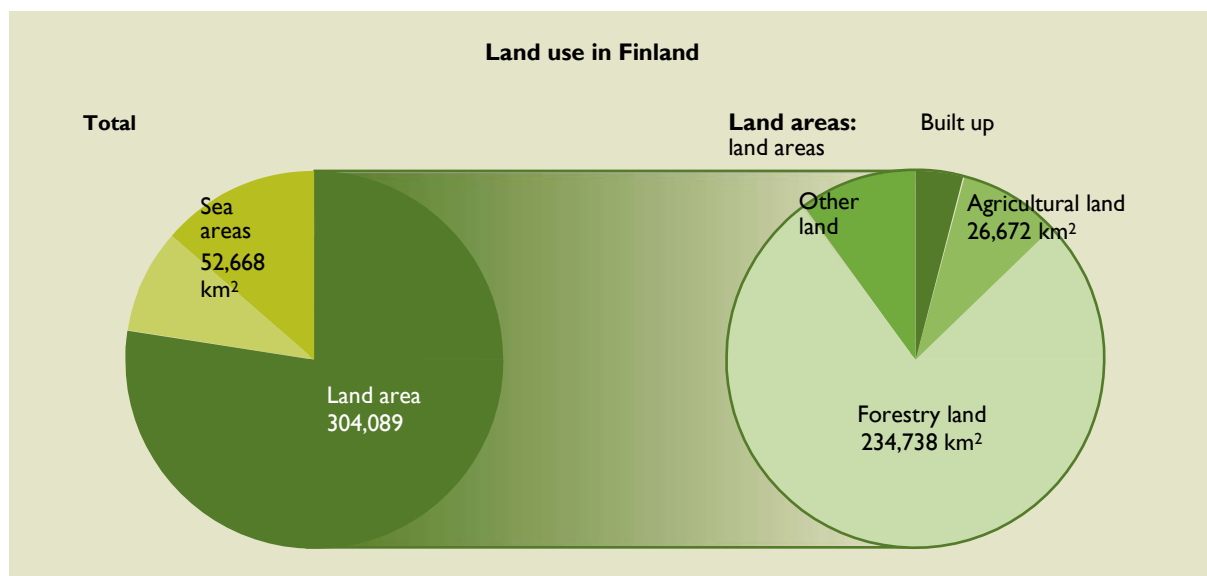
Everyman's rights are public, and every person residing in Finland enjoys them regardless of their citizenship. Everyman's rights are independent of the user of the right, the purpose of use or the owner of the land or water area. When engaging in activities under everyman's rights, it is not necessary to state the reason for the movement or stay to outsiders. Only the police and certain other authorities have the legal right to verify the identity of a person engaged in an activity under everyman's rights.

### Information on owners of real property

Information on the owners of real property (cadastral registry information) can be found in the title and mortgage register, which is a part of the Land Information System. Extracts from the Land Information System are available, for example, at the National Land Survey service points.

Read more: [www.maanmittauslaitos.fi/en](http://www.maanmittauslaitos.fi/en)

Permanent activities cannot be carried out on another's land under everyman's rights. In other words, a permanent right of use cannot be established based on everyman's rights, and even a temporary right of use is not protected. The Assembly Act applies to organised events.



Most of the land areas in Finland can be used based on everyman's rights.

Source: Land use in Finland, Statistics Finland (the SLICES project).

The use of everyman's rights cannot be denied without cause. For example, the sign *Passage through the forest prohibited* at an ordinary forest road does not restrict everyman's rights, unless there is a real reason for the prohibition. The restrictions on everyman's rights due to land use must be based on fact. Such restrictions include restrictions on the right of passage in nature reserves, gardens and shooting ranges, for example. Landowners may fence in their areas, but they may not prevent an activity under everyman's rights.

The use of structures such as cooking shelters or campfire sites does not fall under everyman's rights, even if they are meant for public use. The right to use structures is based on their owner or holder allocating the facilities for public use, or the fact that their use has not been specifically limited. The owner of a structure has the right to decide how the structure is used.

If the use of everyman's rights is prevented or restricted, such as when the land use changes, the users of everyman's rights do not have the right to receive compensation due to the restriction of their rights.

In Finland, the legal decisions on issues related to everyman's rights have been based on written legislation, not custom or customary law. Based on the study commissioned by the Ministry of the Environment it can be stated that everyman's rights work well in Finland, and from the point of view of authorities, landowners and users of the rights, there are hardly any problems related to them (Viljanen et al. 2007).

Considering how extensively everyman's rights are used, there is not much legal practice on the issue.

### Land use and everyman's rights in Finland

Approximately 96% of Finland's land areas are accessible under everyman's rights. In the remaining areas, everyman's rights are not available, or they are restricted due to issues such as construction, nature conservation or national defence. Water areas can be used according to both the right of public access laid down in the Water Act and everyman's rights.

## Key statutes

Direct quotations from acts and Government proposals have been *marked with italics*. The references to the acts quoted can be found in Appendix 1 at the end of the publication.

There is extensive legislation behind everyman's rights, even though the concept itself is only mentioned in a few acts. Everyman's rights are mentioned in the Criminal Code (Chapter 28, section 14), which regulates the gathering of natural products, and the Nature Conservation Act (Chapter 5, section 36), which regulates the erection of prohibition notices.

Instead of the concept of everyman's rights, the Water Act (Chapter 2, sections 3 and 4) uses the phrasing '*everyone has the right*'. Among other things, everyone has the right to move in a water body and take water for personal use.

The key principles of using everyman's rights derive from the Finnish Constitution. Such principles include specifically the basic rights concerning freedom of movement, equality and the principle of legality. The Constitution also ensures the protection of property, which is a central restriction of everyman's rights. The conditions for using everyman's rights and the restrictions on their use are defined in more detail in other legislation.

### Democracy and the rule of law

*(...). The exercise of public powers shall be based on an Act. In all public activity, the law shall be strictly observed.*

The Constitution of Finland, Chapter 1, section 2

### Equality

*Everyone is equal before the law.*

*No one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person. (...).*

The Constitution of Finland, Chapter 2, section 6

### The principle of legality in criminal cases

*No one shall be found guilty of a criminal offence or be sentenced to a punishment on the basis of a deed, which has not been determined punishable by an Act at the time of its commission. (...).*

The Constitution of Finland, Chapter 2, section 8

### Freedom of movement

*Finnish citizens and foreigners legally resident in Finland have the right to freely move within the country and to choose their place of residence. (...).*

The Constitution of Finland, Chapter 2, section 9

### The right to privacy

*Everyone's private life, honour and the sanctity of the home are guaranteed. (...).*

The Constitution of Finland, Chapter 2, section 10

### Freedom of assembly and freedom of association

*Everyone has the right to arrange meetings and demonstrations without a permit, as well as the right to participate in them. (...).*

The Constitution of Finland, chapter 2, section 13

### Protection of property

*The property of everyone is protected. (...).*

The Constitution of Finland, Chapter 2, section 15



## **Criminal trespass**

*A person who without authorisation*

- 1) takes possession of, moves or hides movable property in the possession of another,*
- 2) takes his or her way across the yard of another or uses the land in the possession of another through construction, excavation or another similar manner, or*
- 3) takes possession of land or a building or a part thereof that is in the possession of another, shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for criminal trespass to a fine or to imprisonment for at most three months.*

*However, an act causing only minor inconvenience is not deemed to constitute criminal trespass.*

Criminal Code, Chapter 28, section 11

## **Invasion of domestic premises**

*A person who unlawfully*

- 1) enters domestic premises by force, stealth or deception, or hides or stays in such premises,*
- 2) disturbs the domestic privacy of another by making noise, throwing objects or in another comparable manner, or (...)*

Criminal Code, Chapter 24, section 1

## **Invasion of public premises**

*A person who unlawfully*

- 1) by force, stealth or deception, enters a public office, business premises, office, production installation, meeting place, other similar premises or another similar building, or the fenced yard of such a building, a barracks area or another area in the use of the armed forces or the border guard, where movement is restricted by the decision of the competent authority, or*
- 2) hides or stays in premises referred to in subparagraph (1) shall be sentenced for invasion of public premises to a fine or to imprisonment for at most six months.*

*However, an act that has caused only a minor disturbance does not constitute an invasion of public premises.*

Criminal Code, Chapter 24, section 3

## **Public access rights**

*The provisions in this chapter do not apply to the gathering, on the land of another, of dry twigs from the ground, cones or nuts that have fallen to the ground or wild berries, mushrooms, flowers or other similar natural products, with the exception of lichen and moss.*

Criminal Code, Chapter 28, section 14

## **Game offence**

*A person who without authorisation hunts in the hunting area of another or fishes or otherwise seeks catch in the fishing waters of another or exceeds the hunting or fishing rights that he or she has on the basis of law, permit, agreement or decision shall be sentenced for a game offence to a fine.*

*Also a person who intentionally and unjustifiably traps or kills an unprotected animal in an area where he or she does not have the right or permit to do so shall be sentenced for a game offence.*

Criminal Code, Chapter 28, section 10

## **Criminal damage**

*A person who unlawfully destroys or damages the property of another shall be sentenced for criminal damage to a fine or to imprisonment for at most one year. Also a person who, in order to cause damage to another, unlawfully destroys, defaces, conceals or hides data recorded on an information device or other recording shall be sentenced for criminal damage.*

*An attempt of the criminal damage referred to above in subsection 2 is punishable.*

Criminal Code, Chapter 35, section 1

## **Prohibition notices**

*No sign prohibiting trespassing, mooring and landing or otherwise restricting free public access is to be erected on land or in water in so far as there are no legal grounds for doing so.*

Nature Conservation Act, Chapter 5, section 36

## **Right to move in a water area**

*Concerning the right to move in a water area, the provisions of Chapter 2, section 3, of the Water Act (587/2011) are in force, unless it has been decreed otherwise in this Act.*

Water Traffic Act, Chapter 1, section 4

## General obligations of a person using waterways

Every person operating a vessel on waterways must take the care and caution required by the conditions and act in such a way that he or she does not hinder or disturb the passage of other people on waterways or cause danger or damage to others, or cause danger or significant or unnecessary damage or disturbance to nature or the overall environment, fishing, the general recreational use of natural areas, or other public or private interests. The person operating a vessel shall observe the traffic regulations and rules of waterborne transport and the regulations, prohibitions and restrictions indicated by water traffic signs or signal lights. (...).

Water Traffic Act, Chapter 2, section 5

## Passage in a water body

Unless otherwise provided by law, everyone has the right, without inflicting unnecessary damage, harm or disturbance, to:

- 1) move in a water body and on its ice-covered surface;
- 2) anchor in the water body on a temporary basis;
- 3) float timber in the water body;
- 4) swim in the water body; and
- 5) temporarily move traps and other movable objects in a main channel or public channel that hinder passage or timber floating, as well as such movable objects outside the channel that unreasonably hinder passage or prevent timber floating. (...).

Water Act, Chapter 2, section 3

## Right to move off-road

It is forbidden to travel in a motorised vehicle or stop or park it off-road in a land area without the permission of the owner or holder of the land. (...).

Off-road Traffic Act, Chapter 2, section 4

## Liability of the person causing injury or damage

A person who deliberately or negligently causes injury or damage to another shall be liable for damages, unless otherwise follows from the provisions of this Act. (...).

Tort Liability Act, Chapter 2, section 1

## Other uses of roads and the temporary use of other areas as roads

The permission of the holders of a right of way or the private road cooperative is required for the use of a road, if the road is used:

- 1) for an activity arranged by a party other than a holder of a right of way that significantly increases the road maintenance costs; or
- 2) temporary transport carried out for the benefit of a holder of a right of way, with the exception of agricultural and forestry transport with a workhorse.

The permission for temporary use of the road referred to in subsection 1 above can be given by a holder of a right of way, or if the holders form a private road cooperative, a trustee or the administrative board. The holders of a right of way or the general meeting of the private road cooperative gives permission for regular activity. The organiser of the transport or activity can be charged a fee for the use of the road in accordance with section 26. (...).

The holders of a right of way or the private road cooperative can generally prohibit all or some use of the road by motorised or horse-drawn vehicles or the transport of working machines for those without a right of way. The prohibition referred to in this subsection does not prevent access to the property of a holder of a right of way on permissible business and it does not prevent a holder of a right of way or, if the holders form a private road cooperative, a trustee or the administrative board from giving permission as described above for the temporary use of the road, if there is substantial reason for it. However, for roads that have received state or municipal aid, the provisions issued in section 96 are in force. (...).

Private Road Act, Chapter 10, section 80

## Public meeting places

A public meeting may be arranged outdoors in a public square, opening, street, and in another similar public place that is suitable for meetings, without the permission of the owner or holder. The owner or holder may restrict the use of such a place for meeting purposes, if it is to be anticipated that the arrangement of the meeting will cause unreasonable inconvenience to the owner or holder or unreasonable damage to the environment.

Assembly Act, Chapter 2, section 9

## Consent of the owner or holder

The arranger of a public event shall obtain the consent of the owner or holder of the place of the event for it being used for this purpose. (...).

Assembly Act, Chapter 3, section 13

## Open fire

Campfires or other open fires may not be lit if, because of drought, wind or other reasons, the conditions are such that there is a manifest risk of a forest fire, grass fire or other fire.

Open fires may not be made on someone else's land without the landowner's permission. Regional rescue authorities may, on reasonable grounds, prohibit the making of open fires in their rescue service regions or parts of them for a specific period of time. Information on the decision shall be provided to the extent necessary.

Rescue Act, Chapter 2, section 6

## Fishing rights

The right to engage in fishing and issue orders related to it belongs to the owner of the waters, unless this right has been assigned to another party and unless otherwise provided in this Act. (...).

Fishing Act, Chapter 2, section 5

## General fishing rights

Further to what is provided in section 6(1) and section 7(1) on fishing in public waters, each inhabitant shall have the right to engage in angling, ice fishing and lure fishing with one rod, reel and lure in other waters as well; and also trolling with one weighted lure or dividing sinker, but not in rapids and currents in waters that contain salmon and powan nor in those waters in which fishing is prohibited on the basis of some other provision. Also the permission of the owner of the fishing rights shall be obtained for fishing, ice fishing and lure fishing competitions as well as for other similar arranged occasions. (...).

Fishing Act, Chapter 2, section 8

## Hunting right of the owner of the area

Unless otherwise provided below, the owner of the area is entitled to engage in hunting and make decisions on hunting.

Hunting Act, Chapter 2, section 6

## Prospecting work

In order to find mining minerals, everyone has the right, even on another's land, to conduct geological measurements and make observations and to take minor samples, provided that this does not cause any damage or more than minor inconvenience or disturbance (prospecting work). (...).

Mining Act, Chapter 2, section 7

## Cordoning off a place or an area

Police officers have the right to cordon off, close or clear a place or area in public use, or to prohibit or restrict movement there, if this is necessary to maintain public order and security, to secure an investigation, or to protect measures taken at the scene of an accident, the privacy of persons subjected to measures and any endangered property. (...).

Police Act, Chapter 2, section 18

## Establishing identity

To carry out an individual duty, police officers have the right to obtain from anyone information on their name, personal identity code, or, if this does not exist, date of birth and nationality, and the place where they can be reached. Police officers have the right to apprehend anyone who refuses to give the information referred to in subsection 1 or gives what is likely to be false information on the matters referred to therein. Persons so apprehended shall be released as soon as the necessary information has been obtained, but no later than 24 hours after being apprehended.

Police Act, Chapter 2, section 10

## Preventing an offence or disturbance

Police officers have the right to remove a person if, on the basis of the person's threats or general behaviour, it can be concluded that he or she would be likely to commit an offence against life, health, liberty, domestic peace or property.

A person may also be removed from a place if his or her behaviour is causing or if, on the basis of the threats expressed by him or her or his or her general behaviour and previous behaviour in similar situations, he or she is likely to cause considerable disturbance or immediate danger to public order and security.

If it is apparent that the person's removal from a place is an inadequate measure and the disturbance or danger cannot otherwise be eliminated, the person may be apprehended. The apprehended person may be kept in custody for as long as it is likely that he or she would commit an offence referred to in subsection 1 or cause disturbance or danger, but the period may not exceed 24 hours from the time of apprehension.

Police Act, Chapter 2, section 20









## **EVERYMAN'S RIGHTS IN PRACTICE**

Concerning activities in another's area, land and water areas can be divided into areas that can be used according to everyman's rights and areas designated for special use. In areas designated for special use, everyman's rights either do not exist or they are restricted.

Photo: Outdoor Association of Finland.

# 1 Protection of domestic and public premises

***The provisions of the Criminal Code protect domestic and public premises against unauthorized entry and cover those places where people live, reside or work to protect their privacy and peace.***



Private yards are considered to be domestic premises. Photo: Environmental Administration Image Bank / Tapio Heikkilä.

## Protection of domestic premises

The privacy of domestic premises is guaranteed under the Constitution. Intentional invasion of domestic premises is punishable under the Criminal Code. Domestic premises include homes, holiday homes, tents, caravans and vessels with sleeping capacity, as well as the private yards of the residents and their immediate outbuildings.

Entry by force into domestic premises that are protected is punishable. In the Government proposal (HE 184/1999) on amending the Criminal Code, the protection of domestic premises was described as follows: *The concept of entry by force involves passing or breaching an obstacle of some kind. (...). The obstacle may be physical in nature, but it may also be*



only a verbal prohibition, for example. Therefore, entry by force referred to in the legal statute can consist of climbing over a fence, pushing a door open, or entering a yard despite a prohibition against it.

The entry is 'secret' when it is not known by anyone enjoying the protection of domestic premises. The entry is not secret as described in the legal statute simply because no one notices the entry. The entry is secret when the party tries to avoid being noticed. (...).

A person who hides or remains within the scope of domestic premises has usually had the right to enter the domestic premise or has the right to be stay there. The act only becomes punishable when outsiders have been instructed to leave the area, or if it is otherwise possible to deduce based on the circumstances that all outsiders should already have left the area.

In general, any occupier of a place has the right to strongly give an order to leave. At the request of the occupier of domestic premises or his or her representative, police officers have the right, in accordance with section 14(1) of the Police Act, to remove anyone who neglects an order to leave the domestic or similar premises.

A domestic premise can be entered with good intentions, such as people asking for directions or children following the custom of going from house to house collecting sweets in exchange for traditional Easter blessings, as a part of normal social interaction. As a rule, only a person subject to liability for acts in office such as police officers and certain other authorities may intervene in domestic premises. If the disturbance of domestic premises occurs for a short period of time for an acceptable reason, the act is not punishable.

The Constitution of Finland, Chapter 2, section 10

### The right to privacy

Everyone's private life, honour and the sanctity of the home are guaranteed. (...).

Criminal Code, chapter 24, section 1

### Invasion of domestic premises

A person who unlawfully

- 1) enters domestic premises by force, stealth or deception, or hides or stays in such premises,
- 2) disturbs the domestic peace of another by making noise, throwing objects, making telephone calls or in another comparable manner, or (...), shall be sentenced for invasion of domestic premises to a fine or to imprisonment for at most six months.

Criminal Code, Chapter 24, section 11

### Definition

Domestic premises refers to homes, holiday homes and other premises intended for residential use, such as hotel rooms, tents, caravans and vessels with sleeping capacity, as well as the stairwells and corridors of residential buildings and the private yards of the residents and their immediate outbuildings.

### Domestic premises include yards



The extent of domestic premises varies on a case-by-case basis. The yard is limited to the immediate vicinity of the residential building. For domestic premises, the essential characteristic is that the building or space is intended as residential. This means that a holiday home and its yard fall under the protection of domestic premises year round.

No separate provisions have been issued concerning the extent of domestic premises. At the very least the location of the dwelling and outbuildings, the status of land ownership, fences, established passage routes and other local conditions affect the scope of domestic premises.

The area of a yard has not been defined in metres. However, domestic premises do cover a larger area in addition to the residential building alone.



Yards are often fenced in so that the borders of the yard are clear. Photo: Environmental Administration Image Bank / Tapio Heikkilä.

The Government proposal (HE 184/1999) defines the extent of the yard. Immediate protection would be given to the private yards of the residents, as well as the related buildings. The plots of detached houses typically constitute such areas. In relatively small limited liability housing companies, the yards owned by the company may also have been divided into private areas for the inhabitants of different dwellings either in the company's articles of association or by agreement. Such yards of the different dwellings of a terraced house or a low-rise apartment building would also enjoy the protection of domestic premises in relation to the other persons living on the company's premises.

For clarity, the legal statute also mentions the buildings that are immediately connected to the private yards of the residents. Whether a building intended for purposes other than residential is considered a domestic premise is determined not by its quality, but by its location in a yard that is within the scope of domestic premises. For example, buildings would be considered a part of the yard if the yard consists of the space between them and the residential building. Usually, such buildings include barns, garages, saunas and storage buildings, for example. (...).

Domestic premises cannot be expanded to a size larger than defined here in a way that is binding on others by restricting everyman's rights by fencing in the area or erecting 'No Entry' signs, for example. Generally, entering a yard of a domestic premises should not be considered unlawful, if the purpose is to meet a person residing within the domestic premises for an acceptable reason, even if the visitor would need to pass a sign saying 'No Entry'. However, it is possible to prohibit,

for example, the entry of a door-to-door salesperson into the yard of a detached house by a specific, visible expression of intent. (...) if the disturbance of the privacy of domestic premises for a short period of time occurs for an acceptable reason, this does not constitute invasion of domestic premises. If the invasion of domestic premises is unintentional, this would not constitute invasion of domestic premises either.

### Illicit observation

Persons occupying domestic premises may not be unlawfully observed or recorded. The regulations concerning illicit observation in the Criminal Code must also be taken into account when observing nature. For example, when using binoculars near inhabited areas, the privacy of people must not be violated.

Criminal Code, chapter 24, section 6

### Illicit observation

A person who unlawfully watches or monitors with a technical device

- 1) a person in domestic premises, a toilet, a dressing room or another comparable place, or
- 2) a person in a building, apartment or fenced yard that is closed to the public, as referred to in section 3, where this violates the person's privacy, shall be sentenced for illicit observation to a fine or to imprisonment for at most one year.

An attempt is punishable.



## **Legal case**

VaaHO:2003:4

### **Scope of domestic premises**

*In its decision, Vaasa Court of Appeal considered that A and the co-party of A had enjoyed the protection of domestic premises, and that no one had the right to arrive or remain at the location against their will.*

*A had rented two buildings at a municipal leisure centre for an evening event, one of which was intended for the evening event and the other for an overnight stay. The buildings were domestic premises, because it was possible to reside and stay there overnight. However, this did not require the actual use of the opportunity to stay overnight, because the occupant of the premises also enjoys the protection of domestic premises while spending his or her leisure time there.*

*When assessing the decision of the Court of Appeal, it must be taken into account that the location in question was a municipal leisure centre, which is available for public use by the residents of the municipality in principle, and therefore it is within the scope of everyman's rights of movement in and staying at a location. When the municipality rented two buildings in the area to A, this part of the area became an area in private use. In this case, the yard connected to the buildings in question and their immediate surroundings also enjoyed the protection of domestic premises. The buildings became residential, or at least reserved for residential use.*

## **Legal case**

Rovaniemi Court of Appeal, 17 June 1980, R 79/354

### **Domestic premises and an open wilderness hut**

*The Rovaniemi Court of Appeal ruled that because everyone has the right to enter an open wilderness hut owned by Metsähallitus, a person staying there overnight does not enjoy the protection of domestic premises. Therefore, other people may also enter the hut.*

## **Legal case**

Turku Court of Appeal, 14 August 2007, no. 1560

### **Illicit observation, scope of domestic premises**

*In its decision, Turku Court of Appeal considered that at the time stated in the charges, A and B had photographed the property, the pier and the buildings owned by the husband of C from a boat, and that they had at the same time photographed C, who had spent time in the sauna near the shore and in its surroundings.*

*B and A have stated that they did not intend to photograph C, but to take photographs of the property for the building committee. The claim is supported by the fact that the images have mainly represented the shore of the property, the buildings close to the shore and the pier, and that the figure proven to be C has only been visible as a small dot in a few of the images.*

*By continuing to photograph the shore area (at a distance of approximately 70 metres) and by continuing to focus the camera in the direction of the sauna, A and B must have noticed that the person at the shore had also been photographed. B and A have been aware that they were photographing an area within the scope of C's domestic premises, and even by B's own report, C was visible in approximately six images. Taking the large number of photographs into account, the actions of B and A cannot be considered unintentional.*

*The fact that C cannot be recognised in the photographs does not, in this case, have any significance in assessing the intentionality of the act. Therefore, B and A have illicitly used a camera in the way described in Chapter 24, section 6, of the Criminal Code in order to photograph C in a location that falls under the protection of domestic premises.*



Passage through a narrow section of a water body is allowed even when it is impossible to avoid passing close to the shore and inhabited areas on the shore. Photo: Outdoor Association of Finland.

## Disturbance of domestic premises from a water area



Disturbing domestic premises from a water area, by observation or making noise, for example, is also prohibited. The protection of domestic premises defined in the Criminal Code applies to the yard of a residence located near the shore, generally on a land area. *The provisions issued in Chapter 24 of the Criminal Code on domestic premises may, in some cases, extend the scope of the protection of domestic premises to a water area that is located in the immediate vicinity of a residence or a holiday home and that could be compared to a yard* (HE 277/2009).

It is also possible to disturb domestic premises from outside the yard.

The provisions of the Water Act are followed in water areas. The Water Act and the Water Traffic Act require water activities to be carried out in a way that does not cause unnecessary damage, inconvenience or disturbance. Passage in the usual manner in a water area, even close to the shore, does not constitute entry by force into another's domestic premises. Passage through narrow sections of a water body is allowed even when the route unavoidably passes close to the shore.

In accordance with the Fishing Act (Chapter 6, section 39), *in pursuance of fishing, all such actions shall be avoided that may cause undue difficulties or disturbance to the owner or the holder of the shore.*

In accordance with the provisions of the Water Act (Chapter 16, section 3) concerning violations, a person preventing passage in a water body intentionally or through negligence can be sentenced to a fine. Similarly, passage in a water body in violation of the limits of the right of public access is punishable.

### Best practice:

#### Fishing and the use of water areas near the shore

The right of public access guaranteed under the Water Act must not cause a disturbance to the people on the shore or other people using the water area. In practice, people who are fishing should stay at a distance from the shore that is far enough to allow the people in the yard or on the pier of a cottage to have a discussion, go to sauna and swim in peace, for example.

### Legal case

KHO:2002:23

#### Scope of domestic premises and fishing rights

*A submitted an application to the Employment and Economic Centre in accordance with section 11 of the Fishing Act, requesting that lure fishing in the water area owned by A should be restricted. The reason given was that A had to constantly request the executive assistance of the fishing supervisor, because the lure fishers came to fish right at the shore of the residence and did not leave the yard area despite being ordered to do so. The boats of the lure fishers had been repeatedly moored to the piers belonging to A's yard, as well as to the bridge, and fishing occurred even from the yard of the appellant. Lure fishing in the area was disturbing the domestic privacy.*

*In its ruling, the Supreme Administrative Court considered that the undue disturbance referred to in section 11 of the Fishing Act may also apply to domestic premises. If it is not possible to fish in the location in question without using fishing methods that are an invasion of domestic premises, the resulting disturbance must be considered excessive. A ban on lure fishing was issued for the area, because there was no other way to constrain the fishing that caused the disturbance.*

Water Act, Chapter 2, section 3

#### Passage in a water body

Unless otherwise provided by law, everyone has the right, without inflicting unnecessary damage, harm or disturbance, to:

- 1) move in a water body and on its ice-covered surface;
- 2) anchor in the water body on a temporary basis;
- 3) float timber in the water body;
- 4) swim in the water body; and
- 5) temporarily move traps and other movable objects in a main channel or public channel that hinder passage or timber floating, as well as such movable objects outside the channel that unreasonably hinder passage or prevent timber floating. (...).

Water Act, Chapter 16, section 3

#### Violation of the Water Act

A person who, intentionally or through negligence (...).

- 3) without a legal right prevents passage in a water body, timber floating or any other use of a water or land area under this Act or on the grounds of a permit or right issued under this Act, (...).
- 6) travels on a water body, abstracts water from or places a structure in the water area of another party, or undertakes a measure referred to in Chapter 2, section 6, contrary to Chapter 2, sections 3–8 or (...) shall be sentenced to a fine for violation of the Water Act, unless a more severe punishment is provided for elsewhere in law.

Water Traffic Act, Chapter 2, section 5

#### General obligations of a person using waters

Any person operating a vessel on water shall take the care and precaution required by the conditions and act in such a way that he or she does not hinder or disturb the passage of other people on the water or cause risk or damage to others, or cause risk or significant or unnecessary damage or disturbance to nature or the overall environment, fishing, the general recreational use of nature, or other public or private interests.

The person operating a vessel shall observe the traffic regulations and rules of waterborne transport and the regulations, prohibitions and restrictions indicated by water traffic signs or signal lights. (...).





A road intended for public use may pass through the middle of a farm. Photo: Environmental Administration Image Bank / Riku Lumiaro

## Road passing through the yard of domestic premises

All people with a right of way to the road passing through a yard are allowed to use it. The right to use a road passing through a yard depends on the nature and ownership of the road. If there are no others with a right of way to the road on the property, the owner of the property can determine how the road is used. Travel on a road passing through a yard is not allowed under everyman's rights.

If the road passing through a yard is an easement road, people other than the owner of the yard also have the right to use it. The passage of those with the right to use the road cannot be restricted. The passage through the yard area must not cause unnecessary inconvenience, and intentional disturbance while using the road is punishable.

In practice, it is often difficult to identify the type of the road and the right to use it. Getting lost and accidentally ending up in a yard and turning the car around, for example, are not intentional actions that constitute invasion of domestic premises or criminal trespass. (Regarding private roads, see p. 45.)

## Protection of public premises

Public premises include public offices, business premises, offices, production installations and meeting places (Criminal Code, Chapter 24, section 3). It is unlawful, for example, to enter public premises by force, stealth or deception or to hide in public premises.

Industrial and agricultural production buildings, such as buildings for domestic animals, dryers, silos, machine sheds, fur farm buildings and other comparable buildings and their fenced yards are within the scope of the protection of public premises (HE 184/1999).

### **Invasion of public premises**

A person who unlawfully

- 1) by force, stealth or deception, enters a public office, business premises, office, production installation, meeting place, other similar premises or another similar building, or the fenced yard of such a building, a barracks area or another area in the use of the armed forces or the frontier guard, where movement is restricted by the decision of the competent authority, or
- 2) hides or stays in premises referred to in subparagraph (1) shall be sentenced for invasion of public premises to a fine or to imprisonment for at most six months. However, an act that has caused only a minor disturbance does not constitute an invasion of public premises.

### **Legal case**

I-SHO:2004:16

### **Invasion of domestic premises**

Several times during 2003, V piled wood without authorisation on the cottage road used by H and A to prevent passage. H and A had the right of way to use the road, and the activity caused them inconvenience that was not inconsiderable. The Court of Appeal found that V's actions were comparable to taking possession of another's land, and that V was guilty of criminal trespass.

In addition to this, V had repeatedly entered the yard of the summer cottage used by H and A by force, without the right to do so and against a specific prohibition issued to V, and attached notes with different threats and demands to the trees in the yard. V had attached the notes to the trees growing on V's side so that they were at a distance of approximately 10 metres from the cottage and could be easily seen from its windows. The Court of Appeal considered that V had not entered domestic premises by force and without right, but because the notes had been threatening and disturbing, V's intention had been to disturb the domestic privacy of H and A. V was found guilty of an invasion of domestic premises in a manner comparable to making noise, throwing objects or similar actions.

## 2 Forests and forestry sites

***It is usually possible to move about and carry out activities in forests under everyman's rights. It is forbidden to disturb a forestry site intentionally.***



It is forbidden to disturb a forestry site intentionally. However, a forestry site does not prevent, for example, the picking of mushrooms outside the danger zone. Photo: Janne Oldenburg.

### Forest areas

It is usually possible to move about and carry out activities in forests under everyman's rights. Any possible restrictions arise, for example, because the area is in the border zone, belongs to the Defence Forces, or is protected for nature conservation purposes. However, forests include seeding stands and other areas sensitive to wear, where passage can cause damage. The user of everyman's rights is responsible for ensuring that no more than a minor inconvenience is caused.

### Forestry sites

A forestry site is an area designated for special use during felling, and movement in the area may be dangerous. However, movement nearby a forestry site is allowed. The Government Decree on the safety of timber harvesting states, among other things, that the safety distance in felling wood with a chainsaw is twice the length of the tree to be felled, and the danger zone of a harvester is usually 70 metres.

It is forbidden to intentionally disturb forest felling so that the work is prevented. Moving around nearby or picking berries does not constitute a disturbance, when there is no intention to disturb the work and the movement does not actually disturb it.

Under the Forest Act, a person can be sentenced to a fine for disturbing forest felling. The regulations of the Criminal Code on criminal trespass may also be applicable to disturbing forestry work, if forestry work is disturbed by taking possession of a forestry machine or other movable property related to the work.

*Government Decree on the safety of timber harvesting, section 2*

*(...).A forestry site bordering on a public route must be clearly and visibly marked to warn the people moving in the area. (...).*

*Forest Act, section 18a*

### **Preventing forest felling**

*One who with the intent of disturbing forest felling carried out in accordance with this Act is unlawfully present within the immediate surroundings of a felling site when the felling is under way so that the felling is prevented shall be sentenced to a fine for preventing forest felling, unless a more severe punishment is laid down in other law.*

### **Legal case**

KO:2009:47

### **Preventing forest felling**

*Environmental activists opposing forest felling had been present at the felling site and in its vicinity while the felling was in progress. The question was whether they had by their actions been guilty of preventing forest felling, which is punishable under section 18a of the Forest Act.*

*One of the participants in the occasion was sentenced for preventing forest felling. The person had demonstrably been present within the felling area so that the work had to be stopped. In addition to this, the person's express purpose had been to disturb and prevent the felling.*

*In contrast, in the case of the other activists it was not possible to prove that they had been within the secured area for felling, which had not been marked off clearly. According to the Court, possibly straying momentarily into the secured area while legally observing felling does not mean preventing felling by physically being in its way.*



### 3 Water bodies and natural ice

***According to the right of public access, people can move around and stay in water areas both under their own power and in motorised vessels.***



The right of public access to waters has a great deal of significance for recreational use.

Photo: Outdoor Association of Finland.

*The right of public access to water areas refers to everyone's right to move in a water area and use the water area in the ways laid down in the law without the consent of the owner of the water area (HE 277/2009). The general principle of the Water Act is that water bodies are free for passage, and water areas may only rarely be closed off from passage. People can travel on waters both under their own power and in motorised vessels. The public right of access has a great deal of significance from the point of view of recreational use of water bodies and transport in particular.*

The starting point of the right of public access to water areas is that it may not cause more than minor inconvenience to the owner of the water area or holder of rights to the water area or other parties.

*In accordance with the Government proposal (HE 277/2009), travel on water must therefore be considered such an important method of using a water body that the minor inconvenience caused by its appropriate use to the owners of a water area and holders of rights to a water area and other forms of water use must be considered acceptable. If the limitations laid down in law on the right of public access are exceeded, this may be addressed*



*by means of monitoring after the fact and by means of criminal law as a last resort. (...) the right of public access must be enjoyed in ways that cause as little inconvenience to the different parties as possible. The harm caused to the aquatic environment, the owners of the water area, the owners of the shore and other people using the water body must be taken into account.*

The provisions under Chapter 24 of the Criminal Code on domestic premises may, in some cases, extend the scope of domestic premises to a water area that is located in the immediate vicinity of a dwelling or a holiday home and that can be compared to a yard. Activities in a water body in the immediate vicinity of a shore in residential use that inflict unnecessary damage, harm or disturbance are prohibited (Water Act, Chapter 2, section 3).

The right of public access does not override the requirements of other legislation. Public access is limited by restrictions connected to nature conservation and national defence and by provisions on the protection of domestic premises, among other things. In addition to passage, water bodies can

also be used for temporary anchorage (regarding anchoring and landing, see p. 74–75). Provisions on punishable activities that exceed the restrictions on the rights of use and on preventing legal passage in water bodies are included in the Water Act.

The regional Centre for Economic Development, Transport and the Environment can restrict the movement of vessels in waters or prohibit it completely in a certain area under the Off-road Traffic Act or the Water Traffic Act. The Off-road Traffic Act regulates driving on the ice-covered surface of a water area. A permit issued by the municipal environmental protection authority is required for arranging competitions and training exercises with motorised vehicles repeatedly or permanently in the same water area (Water Traffic Act, Chapter 5, section 21; Off-road Traffic Act, Chapter 5, section 30). Separate provisions are issued on traffic in shipping lanes and canals and on ice roads.

### Skating track on natural ice



Skating track on natural ice. Photo: Environmental Administration Image Bank / Tarja Hoikkala.



No separate provisions have been issued regarding establishing and maintaining a skating track or rink, and skating tracks and rinks do not have the same special legal status and protection as an official ice road or a snowmobile route on ice. According to the right of public access laid down in the Water Act, a skating rink or track can be established on ice. Causing unnecessary damage to the rink or track is not allowed. On the other hand, an ice rink or track opened on ice may be at risk from legal activity by the owner of the water area, such as fishing, or other types of public access.

The Assembly Act applies to any public events that may be held at the rink or track. In that case, the area of the event must be marked off, and the consent of the owner of the area is required for the activity. Private events can be arranged under everyman's rights.

## 4 Cultivated areas and pastures

***As a rule, movement on a cultivated field without the landowner's consent is prohibited during the growing season. When it is certain that the passage will not cause harm, movement on the field is possible under everyman's rights.***



As a rule, movement on a cultivated field is prohibited during the growing season.

Photo: Environmental Administration Image Bank / Tapio Heikkilä.

### Cultivated fields

As a rule, movement on a cultivated field without the landowner's consent is prohibited during the growing season. When it is certain that the passage will not cause harm, movement on the field is possible under everyman's rights. However, people moving about in an area under everyman's rights must be aware of the effects of their activities.

There are many different cultivation methods used to cultivate fields, and it is often difficult for outsiders to assess whether a field is cultivated or not.

It is possible to travel on cultivated land when the land is frozen or covered by snow, provided that the movement will not have an impact on the cultivation during summer.





Outside of the growing season, movement on fields is usually possible under everyman's rights.  
Photo: Antti Lehtonen.

The landowner can fence in the cultivated area. However, a fence may be crossed, if the crossing does not damage the fence. A fence often indicates that there is damageable property on the other side.

## Fallow fields, protective strips and buffer zones

No separate provisions have been issued regarding walking, cycling, riding or other movement on fallow fields under everyman's rights.

A field where no crops have been sown in the year in question is called a fallow field. A fallow field is a managed, uncultivated field, which is left as green fallow, stubble fallow or full fallow. The purpose of leaving a field fallow is to allow it to rest and to improve the soil fertility. A fallow field is a stage in the rotation of crops in fields.

The field boundary strips, protective strips and buffer zones are parts of the fields. No separate provisions have been issued on the use of these areas or movement in them, but in the Government Decree (366/2007) on compensation for disadvantaged areas and agri-environmental support during 2007–2013, it is stipulated that the grass cover of buffer zones must remain intact. In practice, this means that activities such as horse riding on protective strips and in buffer zones are not possible. It is possible to move about on protective strips and in buffer zones under everyman's rights, as long as the grass cover is not damaged.

### Best practice:

#### Movement on fields

If it is not certain whether passage on a field is possible or not, it is a good idea to ask the landowner.



The grass cover of the buffer zone must remain intact. Photo: Outdoor Association of Finland.



As a rule, it is not possible to move about in pastures during the pasture season under everyman's rights.

Photo: Environmental Administration Image Bank / Tapio Heikkilä.

## Pastures

Pastures are areas designated for special use during the pasture season, and as a rule, movement in them is not possible under everyman's rights. Very large pastures that often consist of forest and meadow areas are an exception. It is possible to move about in them on foot, if the animals are far away or if they cannot be observed. Horse riding in pastures may cause harm.

### Best practice:

#### Moving about in pastures

During the pasture season, crossing the fence of a cow pasture, for example, may cause more than a minor inconvenience, and therefore it must be avoided. Outside the pasture season, there are no comparable risks in crossing the fence of a pasture. It is good to be aware that some pastures are in use year round. Any possible gates must be closed.

## 5 Nature reserves

***Staying in and moving about within nature reserves is allowed under everyman's rights, unless these activities have been separately restricted.***



National parks have been established as natural attractions. Photo: Antti Lehtonen.

A nature reserve must be clearly marked in the terrain. Any possible restrictions on movement are determined in the decisions on establishing the areas and in the byelaws.

The regulations on the protection of reserves that have been established under earlier versions of the Nature Conservation Act may differ from the regulations on protection issued under the Nature Conservation Act currently in force.

Movement within nature reserves can be restricted, if needed to protect the fauna or flora of the

area. Camping can also be restricted, or it can be completely prohibited

As a rule, a permit is required for gathering plants or parts of plants, as well as catching insects; such a permit may only be granted for scientific research or teaching purposes.

**In national parks** it is usually possible to move about within the park under everyman's rights, with the exception of restricted areas. The restricted areas are usually small and the restrictions apply to a certain time of the year.





Rådkila Nature Reserve, Inkoo. Photo: Environmental Administration Image Bank / Ilkka Heikkinen.

The most important purpose of **strict nature reserves** is related to conservation and research, and movement within them is restricted. As a rule, it is only possible to move about within these areas with a permit from Metsähallitus or along certain routes, from which it is prohibited to stray. There are reserve-specific differences in movement within a reserve. Picking berries and mushrooms and reindeer husbandry, among other things, are allowed in certain strict nature reserves.

**Other nature reserves** include nature reserves established on state land by Government decree (over 100 hectares) or by decree of the Ministry of the Environment (a maximum of 100 hectares), and they may have restrictions on everyman's rights under the Nature Conservation Act.

There are no particular restrictions on everyman's rights in the **wilderness areas** established in Lapland.

A **private reserve** may have regulations on protection that restrict everyman's rights, if it is necessary to protect flora or fauna. Any possible restrictions should be posted in the area. The most common areas with restrictions are important nesting areas for waterfowl.

If an area is part of the **Natura 2000 network**, this does not automatically mean that there are restrictions on everyman's rights, but the areas may have restrictions under, among others, the Nature Conservation Act.



Moving about within a national park is usually possible under everyman's rights, unless restrictions on movement are separately provided. Photo: Teemu Laine.

Nature Conservation Act, Chapter 3, section 13

### **Protection provisions**

Any action altering the natural surroundings is prohibited in a national park or strict nature reserve. The following is thus prohibited in these areas: (...).

- 4) the removal or destruction of fungi, trees, bushes and other plants or parts thereof;
- 5) the capture, killing and disturbance of wild vertebrates, and the destruction of their nests and burrows, and the capture and collection of invertebrates; and
- 6) any other action which may have a detrimental impact on the natural conditions and the landscape, or on the preservation of fauna and flora.

Conditions for prohibiting or restricting passage, camping, mooring and landing, and the keeping of vehicles in a nature reserve are set forth in section 18.

Nature Conservation Act, Chapter 3, section 14

### **Derogations from protection provisions**

Without prejudice to the provisions of section 13, any action necessary for the appropriate maintenance and use of a nature reserve is permissible in a national park or strict nature reserve, provided this does not jeopardise the purpose for which it was established. The following is thus permissible:

- 1) the construction, restoration and repair of any buildings, fixed installations and paths necessary for the management of the site, surveillance, research, public orientation, and hiking, or of other visitors' facilities;
- 2) the upkeep and restoration of natural habitats and natural heritage types, and steps taken to restore the natural ecological balance;
- 3) the building of roads necessary for public orientation;
- 4) the picking of berries and mushrooms used for human consumption and other practical purposes;
- 5) angling and ice fishing;
- 6) reindeer farming as specified in the Reindeer Husbandry Act (848/90); (...).

Nature Conservation Act, Chapter 3, section 15

### **Derogations subject to special permit**

- 1) the killing and capture of animals, the collection of mushrooms and plants or parts thereof, and of nests of animals and minerals for research or other scientific or educational purposes;
- 2) the control of populations of non-native species or of other plant or animal species that have increased detrimentally or otherwise constitute a nuisance;
- 3) the removal of individuals of such game species subject to a hunting licence that, when outside a nature reserve, they pose a clear risk to the safety of people or they may cause significant financial loss or damage to property;
- 4) the removal of a dead game animal from the area;
- 5) the catching of fish by means other than angling or ice fishing;
- 6) the construction of buildings or other fixed installations for the purpose of reindeer farming;
- 7) geological surveys and prospecting;
- 8) the landing of an aircraft; and
- 9) the restoration and repair of buildings and fixed installations other than those referred to in section 14, subsection 1, subparagraph (1).

Nature Conservation Act, Chapter 3, section 18

### **Restriction of access in a nature reserve**

Passage off marked trails, paths and other designated areas in a strict nature reserve is allowed only with special permission from the authority or agency in charge of the site.

The decision on establishing a national park or other nature reserve, or the regulations for use of said national park or nature reserve, can prohibit or restrict passage, camping, mooring and landing, and keeping a boat, ship or any other form of transport in the area. A prohibition or restriction on free passage, mooring and landing shall apply only if deemed necessary for the conservation of flora and fauna in the area.

What is prescribed in subsection 1 shall not apply to passage during tasks necessary for reindeer farming.

## 6 Recreational areas

***Parks and outdoor and wilderness recreation areas are intended for public recreation, and there usually are no restrictions on the use of these areas under everyman's rights***



There are many outdoor recreation routes and campfire sites in the Luukki outdoor recreation area. The services are intended for public use. Photo: Rea Nyström.

Recreational areas are usually owned by municipalities or the state, but companies may also have recreational areas for the use of their own staff or their customers. Public recreational areas are public areas referred to in the Public Order Act, and their use is regulated by the Public Order Act and the Assembly Act, among other legal instruments.

The possible byelaws of the areas control how they are used (regarding byelaws, see p. 121). Recreational areas often have infrastructure that serve their users, such as outdoor recreation routes and rest areas.



## Municipal recreational areas

Municipalities hold the main responsibility for ensuring that their residents have opportunities for recreation. For this reason, most of the recreational areas are maintained by the municipalities, open for everyone and free of charge. The use of structures such as cooking shelters in recreational areas does not fall under everyman's rights, and the municipality determines how they should be used. The services for the recreational use of natural areas are not statutory services. Their use is based on agreements, and the fees are governed by private law. Municipalities usually have a price list for the services, with the aim of ensuring that the residents of the municipality are treated equally. Typical recreational services subject to a fee include exercise areas and berths for boats.

## State recreational areas

There are areas reserved for public recreational use on state land. Use of the areas is free of charge. The Act on Criteria for Charges Payable to the State is applied to the services provided by the state, which usually means Metsähallitus in practice.

National hiking areas are recreational areas established for public recreational use by Government decree under the Outdoor Recreation Act. There are seven national hiking areas in Finland, established under the Outdoor Recreation Act: Evo, Hossa, Iso-Syöte, Kylmäluoma, Oulujärvi, Ruunaa and Teijo. Other wilderness recreation areas with similar services include Inari and Arctic Circle.

### *Outdoor Recreation Act, Chapter 2, section 16*

*A hiking area can be established on State land of major public importance for outdoor recreation purposes. In such an area, the practice of silviculture, hunting and fishing, and other uses of land and water areas must be arranged in such a way that the needs of outdoor recreation activities are taken adequately into account. In reindeer herding areas, particular attention must be devoted to ensuring that reindeer husbandry is not caused any major inconvenience. (...).*

### *Outdoor Recreation Act, Chapter 2, section 17*

*The establishment of a wilderness recreation area and the principles according to which it is to be used shall be decided by the Government. (...). More detailed regulations concerning the use of a wilderness recreation area shall be issued in bye-laws. (...).*

*However, regulations issued in bye-laws must not cause inconvenience to the livelihood of permanent local residents.*

*Said bye-laws shall be issued by the authority in charge of the area concerned.*



In recreational areas, open fires are often allowed only in specific allocated locations. Photo: Rea Nyström.

## 7 Outdoor recreation routes

***Outdoor recreation routes are usually created for public use, and people can use them under everyman's rights. When a route is established, its purpose and the resulting restrictions on use are often specified.***

Outdoor recreation routes have several names, such as nature paths, neighbourhood trails, hiking or trekking trails, or exercise or outdoor recreation paths. Outdoor recreation routes can be established for walking, cycling, horse riding, cross-country skiing or dog sledding, for example. Usually, outdoor recreation routes are established on municipal or state land. It is also possible to establish outdoor recreation routes on private land, based on an agreement on the rights of use or by official proceedings in accordance with the Outdoor Recreation Act, for example.

A constructed route is an area designated for special use, and it may have restrictions due to the purpose of use of the route. The route may not be damaged, and no more than a minor inconvenience may be caused by using the route. Possible inconveniences and damages can be prevented by restricting the use. Such restrictions may concern horse riding or cycling, for example. The restrictions must be based on reasons such as the purpose of use of the route. If the restrictions on using the route are clearly marked, the person potentially causing inconvenience or damages cannot plead ignorance.

The use of pedestrian and cycling routes is regulated by the Road Traffic Act, and the allowed purpose of use is indicated with traffic signs.



Outdoor recreation routes make it easier to move about in natural areas. Photo: Outdoor Association of Finland.

### Public outdoor recreation routes

Public outdoor recreation routes are usually established on municipal or state land. Routes can also be established by agreement or by official proceedings in accordance with the Outdoor Recreation Act. Most of the outdoor recreation routes have been established by agreement with the landowner.

The official proceedings to establish an outdoor recreation route create a permanent right of use to the land, which ensures that the route remains in place even if the landowner changes.

Routes established by official proceedings can be designated for a specific use, such as cross-country skiing or cycling. The Outdoor Recreation Act does not include any separate provisions regarding the rights or obligations of the manager of the route concerning a route established under official proceedings. The municipality can issue orders and instructions on using the outdoor recreation route. Outdoor recreation routes established by official proceedings are very rare. The method of establishing the route does not normally affect the use of the route.

## Private outdoor recreation routes

Private outdoor recreation routes are often routes constructed by tourism companies or centres for their customers. It is not possible to prohibit or limit the use of private routes in areas where people can move about under everyman's rights. However, the purpose of use of the route may restrict the other forms of its use, in the same way as for routes reserved for public use.

If a private outdoor recreation route is located in an enclosed area or if it has been otherwise clearly marked off by fencing, for example, it is possible to restrict the use of the route or charge a fee for its use.

## Paths

There are paths in nature as a result of the passage of people and animals. The paths have not been specifically established, and no one is responsible for them. Paths do not affect the use of everyman's rights. Paths may be located in places that are problematic for the landowner, especially if the use of the path increases significantly or if the use of the land around it changes. In such cases, it may be appropriate to direct visitors towards a more suitable area, or establish either an outdoor recreation route or a pedestrian and cycling route. Directing outdoor recreation for general recreational purposes is mainly the responsibility of the municipality.

*Outdoor Recreation Act, Chapter 1, section 1*

### Outdoor recreation routes

*If, for purposes of general outdoor recreation pursuits, it is important to allow persons engaged in said pursuits passage through a property, and this does not cause major inconvenience to the property, an area of said property shall be assigned for use as an outdoor recreation route.*

*Areas required for rest and recreation purposes by persons engaging in outdoor pursuits shall be considered to be adjunct areas forming part of outdoor recreation routes.*

*What is provided in subsection 1 shall likewise apply to the assignment of an area of land for use as a rest and recreation place by persons travelling on water. (...).*



There are paths in nature as a result of the passage of people and animals. Photo: Outdoor Association of Finland.





Taking a dog on a ski track maintained for public use is prohibited, unless it has been separately permitted.

Photo: Outdoor Association of Finland.

## Ski trails and man-made snow tracks

No separate provisions have been issued on establishing and maintaining a ski trail. A ski trail intended for public or private use, established on an outdoor recreation route, must not be destroyed or its use disturbed.

Usually, ski trails are maintained using a snow groomer or a snowmobile. Using them in a land area requires the landowner's permission. Driving a motorised vehicle on an ice-covered water body and making a ski trail does not require a special permit.

Ski associations and certain other parties maintaining ski trails have funded the maintenance of the trails by charging voluntary fees. Voluntary fees do not affect the right to use the route. Whoever maintains the trail cannot affect the right to use the trail, with the exception of events such as skiing competitions organised in the area. The right of public access laid down in the Water Act makes it possible to establish a ski track on ice. Causing unnecessary damage to a ski track constructed on an ice-covered water body or disturbing its use is prohibited (Water Act, Chapter 16, section 3). On the other hand, a ski track opened on ice may be at risk from legal activities such as fishing or other general use by the owner of the water area.

As a rule, people move about on ice at their own risk. However, the user of a route usually assumes that a ski trail or skating route marked on ice is safe and fit for use. For this reason, whoever maintains the route should monitor the condition of the ice and its safety and if it becomes necessary, close the route.



Ski trails are often wide and made with snow groomers, and the use of these trails requires the permission of the landowner. Photo: Outdoor Association of Finland.



The first ski tracks made of snow are especially important before natural snow makes it possible to ski elsewhere. Photo: Outdoor Association of Finland.

Making a hole in the ice is allowed, but the hole must be clearly marked to ensure the safety of cross-country skiers and other people moving about on ice. Anyone who makes an unmarked hole in the ice may be held responsible for imperilment (Criminal Code, Chapter 44, section 14). No provisions have been issued regarding the distance between a ski trail and a hole in the ice.

Ski trails are made for skiing, but it is also possible to move about on them in other ways, provided that the movement does not damage the tracks.

## Man-made snow tracks

A ski track with snow that has been, for example, made with a snow cannon, which has been stored since the previous winter, or transported there from an ice stadium, is called a man-made snow track. There may also be cooling pipes running under a man-made snow track. The greatest importance of man-made snow tracks to enthusiasts may be in the autumn before it snows naturally.

As a rule, a man-made snow track is a normal ski track. If the track is located in an area that has been marked off and designated for special use, it is possible to charge a fee for using the area or service. The line between the special use and everyman's use of the routes is unclear. In practice, it is not possible to close off a ski area from free use under everyman's rights, if the area cannot be separated from the rest of the terrain.

### Water Act, Chapter 16, section 3

#### Violation of the Water Act

*Anyone who intentionally or through negligence (...)*

- 3) *without a legal right prevents passage in a water body, timber floating or any other use of a water or land area under this Act or on the grounds of a permit or right issued under this Act; (...)*
- 6) *travels on a water body, abstracts water from or places a structure in the water area of another party, or undertakes a measure referred to in Chapter 2, section 6, contrary to Chapter 2, sections 3–8; or (...)* shall be sentenced to a fine for violation of the Water Act, unless a more severe punishment is provided for elsewhere in law.

### Criminal Code, Chapter 44, section 14

#### Danger marking violation

*A person who (...)*

- 3) *when responsible for a well, pit or hole in the ice in a place used for general traffic, intentionally or through gross negligence neglects property to mark a danger to life or health or otherwise to give a warning thereof, shall be sentenced for a danger marking violation to a fine or to imprisonment for at most three months.*

*Also a person who unlawfully, intentionally or through gross negligence, removes a marking referred to in subsection 1 of danger to life or health shall be sentenced for a danger marking violation.*



## Organised event along an outdoor recreation route

A skiing competition or other event organised at a specific time and place can be held along an outdoor recreation route. It may be necessary to close off the route from other use for the duration of the event. The organiser must usually take care of the notifications and possible permits related to public events as provided under the Assembly Act.

The event may not be disturbed by unauthorised passage in the area reserved for it.

## Rights and obligations concerning route maintenance

No separate provisions have been issued on the rights and obligations concerning route maintenance. As a rule, movement on routes falls under everyman's rights and occurs at one's own risk. However, route maintenance includes responsibility for the safety of structures along the route, and if necessary, instructions must be provided to ensure the safety of the route through means such as guidance and communication (Consumer Safety Act 920/2011, Chapter 2, section 5). As such, failing to comply with the instructions on using the route is not punishable. The route users cannot plead ignorance of the consequences of their actions that cause risk, damage or harm, if they fail to comply with the instructions on using the route.

The use of the route can be restricted based on reasonable grounds. Restrictions on the use can be set to ensure the safety of the route users and to protect the structures along the route. The restrictions on using the route must not prevent legal use under everyman's rights.



Route maintenance includes responsibility for the safety of the structures. Photo: Environmental Administration Image Bank / Maria Uotinen.



Instructions can be given on using a route. Photo: Outdoor Association of Finland.

### Legal case

Rovaniemi Court of Appeal R 01/655

#### Ski trail subject to a fee

*A had skied on a ski trail in Saariselkä that was subject to a fee. B had removed A from the trail in a way that caused A's shoulder to be dislocated. B was charged with assault. The District Court of Lapland stated that A has the right to freely move within the country in accordance with section 9 of the Constitution, and that under everyman's rights, A can also move on land and within the territory of the republic, unless A causes damage. The alleged safety issues do not prevent skiing. The District Court also considered that steward activities or prohibition signs had no bearing on the issue either.*

*The case proceeded to the Court of Appeal, which only considered the assault and found B guilty of the act. The Court of Appeal did not state whether B had the right to remove A from the ski trail that was subject to a fee or not.*

## 8 Private roads

***A private road can be used under everyman's rights on foot, by skiing, cycling and horse riding, among other ways.***



Private roads are important for the use of everyman's rights. Photo: Rea Nyström.

A private road can be used under everyman's rights on foot, by skiing, cycling and horse riding, among other ways. Driving motorised or horse-drawn vehicles on a private road or other land area is not within the scope of everyman's rights. A horse-drawn vehicle refers to a cart or a sleigh drawn by a horse.

The holders of a right of way or the private road cooperative can prohibit the use of all or some motorised and horse-drawn vehicles. Temporary restrictions on use by motorised or horse-drawn vehicles must be posted next to the road. State or municipal funding for the road affects the right of the party responsible for the road to put restrictions on using the road, so that it is not possible to

prohibit others from using the road for a period of ten years. Usually, driving cars or other motorised vehicles on private roads temporarily is allowed.

Activities that clearly increase the costs of road maintenance require the permission of the party responsible for the road, and a fee for the use may be charged (Private Road Act, Chapter 10, section 80). Road maintenance costs include dragging, ploughing and sanding. Walking and cycling rarely increase road maintenance costs, which is why it is usually not possible or even necessary to interfere with these activities. In the Government proposal (HE 163/2002), the contents of the provision have been described as follows: *Occasional walking and*





This traffic sign is without legal basis. The sign 'No vehicles' would prohibit cycling. The prohibition is not possible on a private road. Photo: Outdoor Association of Finland.

*cycling by outsiders on private roads would still be allowed. In contrast, organised activities, usually carried out for financial benefit and causing additional costs and other inconvenience to road maintenance, would remain outside everyman's rights and require permission from the holders of a right of way or the private road cooperative. This means that the use of private roads usually occurring nearby riding stables or in connection with sports events would require a permit.*

No barriers that prevent travel by outsiders or other traffic control devices can be placed on a road that has received state funding, without the consent of the municipality for a period of ten years from the time the funding was given. The private road cooperative makes a decision on placing a barrier on a road that has not received state or municipal funding.

A barrier on the road expresses the owner's wishes on the use of the road and prevents vehicle traffic, but it does not affect movement under everyman's rights.

## Traffic signs on private roads

If there are restrictions on the use of a road, this must be shown by the use of traffic signs or prohibition signs (Private Road Act, Chapter 14, section 100). Traffic signs are traffic control devices, and permanent signs require the consent of the municipality. Before giving consent, the authority must verify that the traffic sign is legal and necessary.

Municipal consent is not required to set temporary traffic signs that are needed due to the condition of the road or work done on the road or next to it.



Under the Road Traffic Decree, traffic signs can be used to direct or restrict the use of a private road. Photo: Outdoor Association of Finland.



This traffic sign is without legal basis. The sign indicating 'No entry' does not have additional panels. Municipal consent is required for a traffic sign set on a private road. Photo: Outdoor Association of Finland.

*Private Road Act, Chapter 1, section 4*

*This Act does not cause any changes to the valid provisions on accessing the land of another or passage there.*

*Private Road Act, Chapter 10, section 80*

*The permission of the holders of a right of way or the private road cooperative is required for the use of a road, if the road is used:*

- 1) for an activity arranged by a party other than a holder of a right of way that significantly increases the road maintenance costs; or*
- 2) temporary transport carried out for the benefit of a holder of a right of way, with the exception of agricultural and forestry transport with a workhorse.*

*The permission for temporary use of the road referred to in subsection 1 above can be given by a holder of a right of way, or if the holders form a private road cooperative, a trustee or the administrative board. The holders of a right of way or the general meeting of the private road cooperative give permission for regular activity. The organiser of the transport or activity can be charged a fee for the use of the road in accordance with section 26.*

*The holders of a right of way or the private road cooperative can generally prohibit the use of the road by all or some motorised or horse-drawn vehicles or the transport of machinery for those without a right of way. The prohibition referred to in this subsection does not prevent the passage to the property of a holder of a right of way on permissible business and neither does it prevent a holder of a right of way or, if the holders form a private road cooperative, a trustee or the administrative board from giving the permission referred to above for temporary use of the road, if there are substantial reasons for it.*

*However, for the roads that have received state or municipal funding, the provisions issued in section 96 shall be in force. If a person without a right to the road uses it in violation of subsections 1 or 3, that person is obliged to pay upon demand the usage fee in accordance with section 26 for the use of the road and, if the road has been damaged, to compensate for the damage.*

*If the road has been used in violation of subsection 1 or 3 and a claim for punishment is made, the demand concerning compensation must also be presented at a general court of law.*

*Road Traffic Act, Chapter 3, section 51*

**Placing a traffic control device**

*The road maintenance authority places traffic control devices on a highway. The municipality places traffic control devices on streets, roads marked in the building plan, marketplaces and other comparable traffic areas. Before a permanent traffic control device is placed, the municipality must give the police an opportunity to give its opinion on the issue, unless it has been otherwise stipulated in a decree. On roads other than ones referred to in subsection 1, the traffic control device is placed by the road keeper after receiving the consent of the municipality; however, the consent may not be denied without a valid reason. (...).*

*Fishing Decree, Chapter 2, section 9*

*An ice road referred to in section 39 of the Fishing Act shall be a road ploughed on ice or an otherwise clearly marked route on ice intended for motorised traffic.*

*Cutting a hole in the ice closer than fifty metres to an ice road referred to in subsection 1 shall be prohibited without the permission of the party responsible for the maintenance of the ice road. (...).*

*Off-road Traffic Act, Chapter 3, section 24*

**Driving on a forest road**

*Driving a snowmobile on a forest road is allowed during snow cover, if the keeper of the road has closed off the road from traffic by motorised vehicles other than snowmobiles. A forest road may be closed off without section 96 of the Private Road Act preventing it. If state or municipal funding has been received for establishing or maintaining the forest road in accordance with the abovementioned Act, the forest road can only be closed off if the municipality has approved it.*

*A snowmobile route can be established on a closed forest road.*

The traffic sign 'No vehicles' prohibits the driving of any type of vehicle within the area covered by the sign. Because a bicycle is defined as a vehicle, the sign also applies to bicycles. However, cycling is within the scope of everyman's rights, and as a rule, it cannot be prohibited without a justifiable reason. If the intention is to restrict motorised vehicle traffic, it should usually be done by using the sign 'No motorised vehicles'.

It is also possible to prohibit horse riding on a private road with a traffic sign with the consent of the municipality, if traffic safety requires it or if it clearly increases the costs of road maintenance.

Unjustifiable signs do not impose an obligation on the user of the road. In contrast, a legal traffic sign is valid even if it is handmade.

Domestic premises and roads that pass through a yard have specific conditions (regarding domestic premises and roads passing through yards, see p. 26).

**Forest roads** are roads in accordance with the Private Road Act, intended mainly for forestry

transport (Private Road Act, Chapter 1, section 5). Forest roads can be used under everyman's rights. A forest road can be closed off from all traffic other than the traffic by the holders of a right of way using motorised or horse-drawn vehicles, if the road has not received state or municipal funding for construction, improvement or maintenance.

### Winter roads and ice roads

A road established on ice based on the Highways Act is a public road, and the traffic rules in the Road Traffic Act must be followed on it.

Based on the right of public access laid down in the Water Act, other routes intended for vehicle traffic can also be ploughed on ice. Roads opened on ice can be used under everyman's rights.

It is forbidden to make a hole in the ice closer than 50 metres from an ice road without permission from the maintainer of the ice road (Fishing Decree, Chapter 2, section 9 and Fishing Act, Chapter 6, section 39).

### Legal case

KKO:1991:30

#### Closing off a forest road with a barrier

*The X forest road cooperative had made a unanimous decision to close off the forest road with a barrier. Pursuant to the decision, a barrier had been constructed on the road and keys to it had been distributed to the holders of the right of way. A traffic sign indicating no entry and a panel showing the opening times of the barrier had been attached to the barrier. A traffic sign indicating that no vehicles were allowed had been set next to the barrier. A member of the private road cooperative requested the technical board of the municipality to order the barrier to be removed.*

*The construction of the X forest road had been funded via farm-specific loans and subsidies granted from forest improvement funds, based on factors related to forestry. The private road cooperative had not received municipal or state funding in accordance with Chapter 13 of the Private Road Act for the construction and maintenance of the road.*

*The Supreme Court stated that the interested parties at the meeting of the private road cooperative had understood that they were making a decision to place a barrier on the road and to prohibit the use of the road from parties other than the cooperative members, and that the farm-specific funding granted from the forest improvement funds did not prevent the closing off of the road.*

*The Supreme Court stated that the private road cooperative had had the right to restrict the use of the road and that the private road cooperative had had an important reason in accordance with section 18 of the Private Road Act to keep the barrier on the road to implement the prohibition.*



## 9 Reindeer herding area

***The reindeer herding area is defined in the Reindeer Husbandry Act. The reindeer herding area does not affect***



The free grazing of reindeer is a right ensured in the reindeer husbandry area regardless of the ownership of the land. Photo: Outdoor Association of Finland.

The reindeer herding area covers 36% of the area of Finland and includes almost the whole of the region of Lapland and parts of the Northern Ostrobothnia and Kainuu regions. As regards state-owned land, the 20 northernmost reindeer herding cooperatives form a special reindeer husbandry area, and the 13 northernmost reindeer herding cooperatives of these are located in the Sámi homeland laid down in the Act on the Sámi Parliament.



The reindeer herding area covers one third of the area of Finland. Photo: Outdoor Association of Finland.

The free grazing of reindeer is a right ensured in the reindeer herding area irrespective of land ownership (Reindeer Husbandry Act, Chapter 1, section 3).

It is possible to move about within the reindeer herding area under everyman's rights. However, reindeer husbandry must be taken into account in activities in the area. Reindeer must not be frightened, and causing unnecessary disturbance to the animals must be avoided in general. The gates in fenced pastures in pasture rotation must always be closed, because leaving them open may cause damage.

Particular care must be taken when engaging in activities with dogs in the reindeer herding area. Under certain conditions, a reindeer herder is allowed to put down a stray dog (Reindeer Husbandry Act, Chapter 7, section 42).



There are various structures related to reindeer husbandry. Do not forget to close the gates after passing through them. Photo: Olli Miettunen, Lapin Kansa newspaper.

*Reindeer Husbandry Act, Chapter 7, section 42*

### **Preventing the frightening of reindeer**

*Reindeer must not be frightened. Compensation must be paid for any damage or inconvenience caused to the reindeer owner and the reindeer herding co-operative as a result of frightening.*

*Driving off reindeer with the purpose of preventing damage is not regarded as frightening reindeer.*

*The authority responsible for supervising compliance with the Hunting Act and a reindeer owner and a reindeer herder may in the territory of their reindeer herding co-operative put down a stray dog that during the period when dogs must be kept on a leash is found chasing reindeer in their pasture or that at any other time is found mutilating a reindeer it has chased.*

*However, the dog may not be put down if it is caught or if the damage can otherwise be prevented.*

*The police must be notified immediately of a dog that has been caught or put down.*

*Logging must be carried out so that it does not cause any damage to reindeer. The holder of logging rights must provide the reindeer owner with compensation for any damage caused wilfully or through negligence.*

*Otherwise the compensation for damage referred to in this section comes under the Tort Liability Act.*

## 10 Defence Forces' Areas

***The Defence Forces may restrict everyman's rights or prohibit them completely in the areas in its use for reasons of defence and security.***

### Areas in permanent use

There are approximately 100 areas in permanent use by the Defence Forces, covering a total of 280,000 hectares of land. The State of Finland owns approximately 90% of the areas. The areas are used for firing practice and training exercises and storage, and they also include, among other things, garrisons and restricted areas.

The largest firing ranges and training areas are Rovajärvi, 106,000 hectares (in Kemijärvi and Rovaniemi), Vuosanka, 14,000 hectares (in Kuusamo), Pohjankangas, 10,000 hectares (in Kankaanpää), Kyläjärvi, 8,000 hectares (in Sodankylä) and Sotinpuro, 7,000 hectares (in Nurmes). The Pokka detonation area (in Kittilä) is 28,000 hectares.

Areas under the use of the Defence Forces where movement is prohibited or restricted must be marked (Act on the Defence Forces, Chapter 2, section 15). Violating the prohibition is punishable. The requirement for penalties is that the Defence Forces' local or regional administrative authority has prohibited movement in the area and the restriction has been announced in an appropriate manner. The land areas in permanent use by the Defence Forces are marked with signs that prohibit access to the area (Ministry of Defence Decree on residence permits and visitors' permits, prohibition notices, the training of officials carrying out guard and on-call duties, and on the basic skills and condition of professional soldiers). The pro-



The Defence Forces may restrict or completely prohibit movement in its areas. Photo: Rea Nyström.

hibition notices and signs are located along the official and assumed unofficial routes, such as on the sides of the roads and paths coming into the military area.

Other methods of marking areas used by the Defence Forces, such as white-blue-white stripes painted on trees, indicate the borders of areas used and controlled by the Defence Forces. However, as such they do not restrict movement in the area under everyman's rights.



## Areas in temporary use

In areas designated temporarily for the use of the Defence Forces, everyman's rights can be restricted or they can be completely prohibited. The Defence Forces can temporarily use properties other than those in its permanent use for military exercises (Act on the Defence Forces, Chapter 2, section 14). The Defence Forces' local or regional administrative authority or the leader of the military exercise makes the decision on using the property. If necessary, everyman's rights can be restricted in areas designated for temporary use.

No separate provisions have been issued on marking the areas reserved for temporary use. A soldier on guard duty may prevent access or restrictions on access may be indicated, among other ways, by means of prohibition notices and signs, barrier gates or barrier tape.

*Act on the Defence Forces, Chapter 2, section 15*

### **Prohibitions and restrictions on movement**

*If military reasons or the protection of outsiders from harm so requires, a Defence Forces' local or regional administrative authority may prohibit unauthorized persons from accessing an area or property being used by the Defence Forces or may restrict movement there. The penalties for violating such prohibitions or restrictions are provided for in the Criminal Code.*

*The leader of a military exercise may impose a prohibition or restriction as referred to in subsection 1 on an area or property temporarily being used by the Defence Forces for an exercise for the purpose of materials storage, troop mustering or other activity which may cause danger to outsiders.*

*Permission to access or visit such an area or property will be granted if the applicant has a justified reason for accessing or visiting an area being used by the Defence Forces: work-related duties, having a home in the area or similar reason. (...).*

*Act on the Defence Forces, Chapter 2, section 19*

### **Verifying identity, ejecting persons and right of apprehension**

*An official who is a guard officer or a duty officer has the authority to eject a person from an area permanently used by the Defence Forces and*

*from the area referred to in section 15 if it is obvious that the person in question is not entitled to access the area and if the official has requested the person to leave. An official is also entitled to eject from such an area a person who has a permit to access the area if that person is behaving in a disruptive manner or is endangering his or her own safety or that of others.*

*Moreover, an official discharging the aforementioned duties is entitled to question a person present in or moving in the area in order to establish that person's name, personal identity number or date of birth, nationality and passport information. (...).*

### **Restrictions in a restricted area**

*Without permission, the following activities are not allowed in a restricted area:*

- 1) scuba diving or other underwater activity which does not normally form part of navigation;*
- 2) fishing with fishing tackle dragged along the bottom or heavy tackle anchored at the bottom, such as a seine, trawl or large bow net;*
- 3) anchoring a vessel other than a pleasure craft outside an anchorage marked on Finnish sea charts, unless this is necessary for reasons of navigational safety, force majeure or an emergency;*
- 4) movement in a public water area outside a public fairway within 100 metres of land areas which are used by the Defence Forces and where landing is marked as forbidden by law. (...).*

## **Restricted areas on the coast of Finland**

In the Defence Forces' restricted areas in Finnish territorial waters, certain activities are only allowed with a permit granted by a military authority. The restrictions apply to diving, anchoring and movement in the vicinity of areas belonging to the Defence Forces, among other things.

The restrictions on movement in the restricted areas are based on the Territorial Surveillance Act and the government decrees on territorial surveillance and restricted areas. The restrictions apply to scuba diving, fishing with fishing tackle dragged along the bottom, anchoring a vessel other than a pleasure craft outside an anchorage marked on Finnish sea charts, and passage in a public water area within 100 metres of land areas used by the Defence Forces where landing is marked as prohibited by law. The provision also applies to movement on ice. The restrictions do not apply to movement in a private water area or in a public fairway. The regulations concerning restricted areas apply to everyone regardless of their nationality. There are no restrictions on angling, ice fishing, lure fishing or fishing with a fish trap, a pot, a net or a regular fyke net in restricted areas. The territorial surveillance authorities, which include military,

border guard, police and customs authorities, as well as the Finnish Transport Agency, monitor that the regulations are complied with. When acting in a restricted area, a person must carry a permit granted by a territorial surveillance authority and an identity document. Activity that violates the regulations may be punished as a territorial offence.

# 11 Border zone

***A permit is required for access to the border zone and for activities there.***

## Land border

In order to ensure border security and maintain order, a border zone has been established along the border between Russia and Finland. On the land border, the border zone extends to a maximum distance of three kilometres from the state border.

Access to the border zone and activities there require a permit and do not fall under everyman's rights. Application for a border zone permit can be submitted to the border guard district headquarters, the coordination centre of the border guard district, or to a border guard station. Acceptable grounds for a permit include, for example, right of ownership to a property located in the border zone, working in the border zone or visiting a person living there. The border zone permit is personalised, and it must be carried while moving within the border zone.

The border zone includes lakes and rivers, or border waters. If the width of the water area is less than 100 metres calculated from the border, the whole water area in question is border waters. If the water area extends far inland, the border waters are marked at a width of 100 metres in the water area using, for example, spar buoys, buoys and branches of evergreen trees on ice in inland waters during the winter. A border zone permit that only allows access does not give the right to move in border waters. Separate reasons must be given for movement in border waters when applying for a border zone permit. Movement in border waters during the time between sunset and sunrise is prohibited (Border Guard Act, Chapter 7, section 51).



The border zone can also be indicated on trees.  
Photo: Pertti Turunen, Lapland Border Guard District.





Sea charts show the outer border of internal border waters, the border zone and the border of Russian border waters. Photo: Finnish Maritime Administration.

## Sea border

On the sea border with Russia in Southeast Finland, there is a border zone that extends to the south of Haapasaari. The state border in the sea area has been marked with black buoys. The water area connected to the state border is a part of the border zone. The same regulations apply to movement in this area as for the border zone on land. In addition, there is a small water area in Virolahti that is a part of the border waters. The border zone in the sea area is marked on sea charts.



Activity in the border zone requires a permit.  
Photo: Pertti Turunen, Lapland Border Guard District.

*Border Guard Act, Chapter 7, section 51*

### Prohibitions relating to the border zone

*Unless otherwise provided in this Act, the following are prohibited in the border zone: (...).*

- 2) moving between sunset and sunrise in such parts of rivers and narrow straits of lakes along which the border line runs, and closer than 100 meters to the border line in all rivers crossed by the border line and in lakes and bays along which the border line runs (border waters);
- 3) herding reindeer and domestic animals without supervision where there is no fence to prevent them from crossing the border line.

*Border Guard Act, Chapter 7, section 52*

### Border zone permit

*Unless otherwise provided in this or any other Act, the following activities are subject to a permit in the border zone:*

- 1) staying in the border zone;
- 2) moving in border waters in daytime and moving in the border strip; (...).

*A permit (border zone permit) is issued if it is acceptable for reasons of residence, work, profession, livelihood, business, hobby or otherwise, and if the exercise of the right granted in the permit is not likely to cause danger to maintaining order along the border or ensuring effective border management.*









## ACTIVITIES IN THE AREA OF ANOTHER PARTY

Everyman's rights refer to the possibility of activity and movement in an area that the landowner has not designated for special use that would override everyman's rights, such as cultivation or a yard. Other parties' water areas can be used under the right of public access laid down in the Water Act.

Photo: Antti Lehtonen



**The most important provision on activity concerning everyman's rights is the section of the Criminal Code regarding criminal trespass. According to this section, the activity may not cause more than a minor inconvenience.** The section on criminal trespass does not specify the actor, the activity being carried out, the purpose of the activity, its regularity, whether it is repeated, or on whose area the activity occurs. Therefore, the permission to act under everyman's rights cannot be assessed based on the factors mentioned above, but instead the harmfulness of the activity must be assessed.

In the Government proposal 66/1988, grounds for criminal trespass have been proposed:

*(...). In subparagraph 2 of the proposed subsection 1, the object of the offence is another's yard used as a passage, or land in another's possession used without authorisation for construction or excavation or in some other similar manner. In fact, the act concerns unauthorised use of real property, but as a type of injustice, it can be compared to other acts proposed to be included in the section in question. This concerns the use of a yard as a passage, which is in the nature of an invasion of domestic premises, or the use of land in a way that temporarily or permanently changes it outwardly from its original form to another. For clarity, it is stated that appropriating soil would be punishable as theft or embezzlement. The use of a yard as a passage must be repeated in order to be punishable. The use of another's yard as a passage could also be punishable as an invasion of domestic premises, in which case criminal trespass would be supplanted as secondary. On the other hand, the use of a field, a meadow or a cultivated area as a passage would constitute damage to property by rule, if it causes damage.*

The proposed subparagraph 2 only involves taking possession of land that is in the possession of another. Relevant cases are mainly ones where the holder is in fact prevented from using the property, for example, by camping or otherwise staying in another's area long term without permission. However, the intention of the provision is not to affect everyman's rights in accordance with the law in force. Therefore, camping for a few days on another's land, among other things, would still be

*permitted if it can be done without causing damage or violating domestic peace. The proposed subparagraph 3 also mentions a building or a part thereof as an object, regardless of whether it is considered as movable or real property. For the actions referred to in subparagraphs 2 and 3 of the subsection, the sentence would be currently imposed under sections 5 and 11 of chapter 33, in which taking possession of a building has nevertheless not been decreed as punishable. As it has been stated in the reasoning provided in the chapter, the intention of this proposal is not as such to change the attitude towards activities such as taking over a building.*

The harmfulness of an activity can often be only assessed after the fact, based on its actual effects. The effects of the activity depend on the nature of the activity, the time of year, the local conditions and the operating environment, among other things. However, people carrying out activities under everyman's rights should be able to assess the effects of their activities beforehand in order to avoid causing harm.

#### Criminal Code, Chapter 28, section 11

### Criminal trespass

#### A person who without authorisation

- 1) takes possession of, moves or hides movable property in the possession of another,
  - 2) takes his or her way across the yard of another or uses the land in the possession of another through construction, excavation or another similar manner, or
  - 3) takes possession of land or a building or a part thereof that is in the possession of another,
- shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for criminal trespass to a fine or to imprisonment for at most three months. However, an act causing only minor inconvenience is not deemed to constitute criminal trespass.

## 12 Use of structures

***The use of structures does not fall under everyman's rights. The owner of a structure has the right to determine its use.***



Recreational areas have various service structures, and the use of these is not included under everyman's rights. They can still be used, if they have been allocated for public use. Photo: Rea Nyström.

The use of structures is not included under everyman's rights. The owner of a structure has the right to determine its use. The owner can set various limitations or conditions on the use of structures, and a fee can be charged for their use.

Structures located in recreational areas and nature reserves, such as cooking shelters, campfire sites, lean-tos, outhouses or toilets and other services are available for everyone's use, if they have been allocated for public use. The basis for payment for the chargeable services of Metsähallitus is laid down in the Ministry of the Environment and the Ministry of Agriculture and Forestry decrees on criteria for charges payable, based on the Act on Criteria for Charges Payable to the State. Up-to-date information

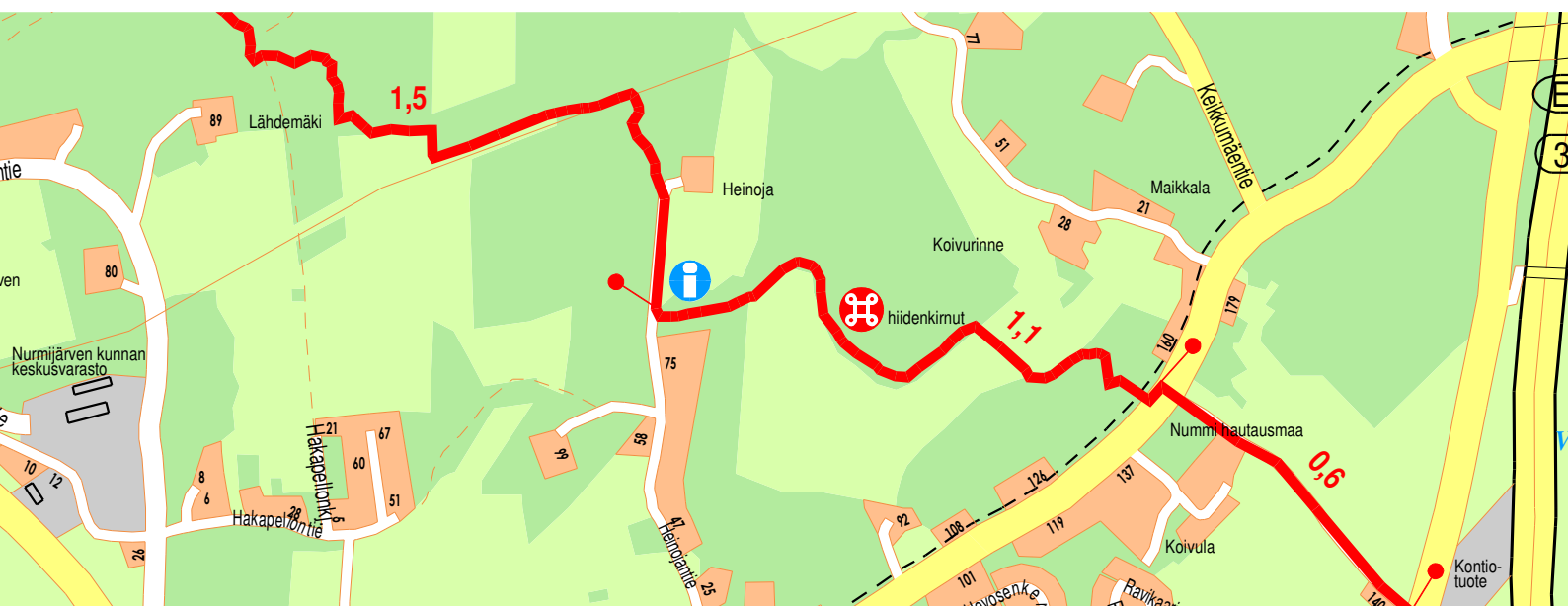
on the service facilities in state areas can be found at the [www.outdoors.fi](http://www.outdoors.fi) website of Metsähallitus.

### Use of private structures

In areas where access is allowed under everyman's rights, there may be structures intended for private use, such as benches, campfire places, lean-tos, piers and bird towers. The owner of the structures can determine their use. Structures located in areas accessed under everyman's rights can usually be used, unless their use has been separately prohibited. In addition to this, the owner of the structures can intervene in the use of them at any time.

## 13 Providing information about natural attractions

***Information about natural attractions can be provided in maps and brochures.***



The Seven Brothers hiking trail passes next to potholes. Map: Municipality of Nurmijärvi. The department of real estate and surveying services and the department of sports services.

In order to promote tourism and recreation in natural areas, in particular, providing information on paths and natural attractions on another's land via maps and brochures is sometimes needed. The compiler of the map or brochure is not responsible for issues such as hikers getting lost, making a fire illegally, littering, or wear on the terrain. Such things are the responsibility of the person who is active in natural areas.

In certain situations, maps and brochures can concentrate use and possible damage can be done to another's land as a result of the frequent use. There are no court decisions on who is responsible for causing the problem in such cases. When there is a need to direct general recreational use to avoid damage and improve safety, among other things, the municipality can establish a recreational area or an outdoor recreation route in the target area (Outdoor Recreation Act, Land Use and Building Act).



## 14 Camping and exercise as hobbies

***Moving about on land on foot, by bicycle, by skiing, with a kicksled, by horse riding, by snowshoeing, by Nordic skating or in another similar manner is allowed under everyman's rights in areas where movement is otherwise allowed.***



As a rule, camping is allowed in areas where movement in general is allowed under everyman's rights.

Photo: Outdoor Association of Finland.

### Camping

As a rule, camping is allowed in areas where movement is allowed under everyman's rights. The prevalent use of the land, such as a yard being nearby, can nevertheless prevent camping even if movement in the area would otherwise be allowed. No provisions have been issued on camping based on everyman's rights, or on its duration or purpose.

### Camping in a tent or another kind of shelter

Camping refers to temporarily staying in a place or staying overnight in a tent or some other kind of shelter. Staying overnight in a vehicle, such as a car or a boat, can also be comparable to camping. According to everyman's rights, camping temporarily is allowed regardless of the purpose

or method of camping. Excavating the soil, felling trees or otherwise violating the landowner's right of possession in connection with camping is not allowed. Lighting campfires is only allowed with the consent of the landowner. If a rescue authority has forbidden open campfires, lighting a fire is completely prohibited. In that case, proper care should be exercised even when using a portable stove (regarding the lighting of fires, see p. 102).

A person camping according to everyman's rights is responsible for assessing when the risk of harm or disturbance grows so high that an agreement must be made with the landowner. Restrictions on camping cannot be set in advance, but the risk of damage increases the longer the camping goes on. In practice, the characteristics of the environment, such as wilderness or being close to dwellings, affect the issue.

Earlier, municipalities had the option of restricting camping in their area with municipality-specific byelaws. In 2003, the Public Order Act replaced the individual municipal byelaws. The municipalities no longer have the option of setting municipal restrictions on camping or staying overnight in an area. Therefore, prohibitions on camping issued by the municipality throughout its area or during a specific event are no longer in accordance with the law.

The police can intervene in camping (Police Act, Chapter 2, sections 14 and 20), if, based on the behaviour of the camper or for other reasons, it is likely that the camper will cause significant damage or disturbance or immediate risk to public order and security.

The police do not have the right to intervene in camping, if criminal trespass has not occurred or if camping or accessing the area is not prohibited under another provision.

The placement of the shelter must not interfere with the use of the land by the landowner. Camping in yards, cultivated areas and other areas designated for special use is prohibited. There are also restrictions on camping in several nature reserves.

A tent and a caravan enjoy the protection of domestic premises, which means that it is forbidden to interfere with them or enter them by force (regarding the protection of domestic premises, see p. 20).

Items that may have been forgotten at a location after camping or other type of stay may either be lost property of low value (value less than €20) or other types of lost property. If the finder takes possession of lost property, the owner must be



If camping causes more than a minor inconvenience or if the risk of harm increases, an agreement on camping must always be made with the landowner.

Photo: Susanna Oksanen.

notified or the item must be delivered to the police (Lost Property Act, Chapter 1 section 3 and Chapter 2 sections 4–6). Littering in natural areas is forbidden.

Sometimes, specific camping sites or areas are allocated at recreational areas, with the aim of directing camping there.

## Staying overnight at a camping site

The provisions on camping in the Outdoor Recreation Act control the establishment and maintenance of camping sites. Camping sites are areas designated for special use, and staying in them overnight is not within the scope of everyman's rights. A fee is usually charged for staying at a camping site. Parties managing camping sites are considered to be providers of accommodation services, and they have the right to select their customers and, if necessary, prevent a person from accessing the area (Act on Accommodation and Food Service Operations, section 10, and Outdoor Recreation Act, Chapter 3,

section 22). A camping site may be intended for the members of an organisation, for example, or only for campers or caravanners. However, no one may be discriminated against in the selection of customers (Finnish Constitution, Chapter 2, section 6).

The party managing a camping site is considered to be a provider of accommodation services. The provider of accommodation services is responsible for ensuring visitors fill in a registration card. In connection with accommodation services, the provider of such services must verify the identity of visitors and keep a visitor register that includes their information.

### Spending the night in caravans and vehicles

Spending the night in caravans and vehicles is allowed in locations where they can be parked during the time in question. Staying overnight at a public rest stop and remaining there is allowed, if parking for the duration of the stay is allowed. The use of a parking area for parking is not within the scope of everyman's rights, but instead the party responsible for the parking area can determine the use of the area and the duration of parking based on the right of possession.

Under the Off-road Traffic Act, parking and therefore also staying overnight in an area in the immediate vicinity of a road is possible. In other areas, the use of a motorised vehicle and parking require the permission of the landowner (Off-road Traffic Act, Chapter 2, section 4).

If a caravan is kept at one place for activities that are not linked to ordinary camping, it requires an action permit in accordance with the Land Use and Building Decree (Chapter 11, section 62).

### Intervening in camping

The use of land by the landowner affects the opportunities to camp in an area. In an area designated for special use, the camping opportunities may be limited or they may not exist (regarding areas designated for special use, see p. 10).

The landowner's possibilities of intervening in camping are affected, in particular, by the fact that a tent and other kinds of shelter are considered domestic premises and thus are protected (regarding the protection of domestic premises, see p. 20). It is forbidden to interfere with them unlawfully, even if there are no people in the tent or in its immediate vicinity.

### *Outdoor Recreation Act, Chapter 3, section 18*

*For the purposes of this Act, 'camping site' shall be taken to mean an area intended for temporary, usually recreational accommodation in a holiday cabin, tent, caravan or recreational vehicle, which holds a combined number of at least 25 cabins or places reserved for tents, caravans or recreational vehicles. The above notwithstanding, an area with at least 10 holiday cabins shall without exception be regarded as a camping site. (...).*

### *Outdoor Recreation Act, Chapter 3, section 22 (...).*

*If the maintenance of order or appropriate use of the camping site so demands, the site's manager and staff may deny access to a person attempting to enter it or, as necessary, remove said person from the site.*

### *Act on Accommodation and Food Service Operations, section 6*

#### **Registration card and information on visitors**

*The provider of accommodation services is responsible for filing a registration card for visitors (registration card). A single registration card can be filed for visitors travelling as a group. (...).*

### *Land Use and Building Decree, section 62*

*Subject to preconditions and restrictions laid down in the Land Use and Building Act and below in this Decree, an action permit is required to erect or locate a structure or installation that cannot be considered a building, or to alter the outward appearance or layout of a building, as follows:*

*(...).*

- 3) to store a caravan, houseboat or corresponding structure for a purpose that is not related to ordinary camping or boating (movable equipment); (...).*



In the Government proposal (184/1999), domestic premises are described as follows: *The requirement that spaces used for habitation must be intended as residences in the manner approved by law would mean that a party camping on another's land could be removed from the area without the protection of domestic premises preventing it, if the duration of the camping without permission would exceed that which is considered acceptable under everyman's rights.*

It is possible to intervene in the case of a tent that is in an unsuitable location or that seems to be uninhabited by attaching an order on the tent to remove it. If the tent is not removed despite the order, police can be contacted regarding the issue. If the land is used without agreement or in an otherwise unlawful manner, such as placing a caravan on it long-term, the owner of the area can ask the police for assistance to correct the situation.

Temporary camping sites are defined in the Outdoor Recreation Act (Chapter 3, section 25). According to the Act, *an area intended for accommodating more than 100 persons in tents, caravans or other recreational vehicles, which are to remain on the site for not more than 14 days, shall be considered a temporary camping site. The provisions of sections 19 and 24 concerning camping sites shall correspondingly apply to temporary camping sites.*



Walking rarely causes real harm, which is why there is normally no reason to restrict it. The traffic sign in this picture is illegal. Photo: Pekka Borg.

## Legal case

### Authority of the fishing supervisor and camping

Decision of the Deputy Chancellor of Justice (29 January 2008) Dn158/1/06

*Campers were staying overnight at the Storträsk shore in Sipoo, when the fishing supervisor ordered them to leave the area and stop camping. The campers complained to the police about the issue, who considered that the fishing supervisor had acted correctly and that the campers had violated the municipal byelaws.*

*According to the Deputy Chancellor of Justice, the police had made an incorrect decision. The campers had the right to stay overnight in the area under everyman's rights. In addition to this, the Deputy Chancellor of Justice stated the same as the Ministry of Agriculture and Forestry in its own opinion that a fishing supervisor does not have the right to evict campers based on municipal byelaws; instead, it is an unfounded restriction of everyman's rights. Therefore, the actions of the fishing supervisor were inappropriate, and the fishing supervisor had no authority to interfere with the camping.*

## Moving about on foot, by skiing and cycling

Moving about on foot, by skiing and cycling are within the scope of everyman's rights. Movement on foot rarely causes real harm to the landowner, and therefore there is usually no reason to restrict it.

Prohibitions based on law and decisions by the authorities can be used to restrict movement in places such as nature reserves, areas of the Defence Forces and border zones.

In road areas, movement on foot on motorways and trunk roads is prohibited under the Road Traffic Decree. It is not possible to prohibit movement on foot, by skiing or cycling on a private road, because, in practice, these activities do not increase the maintenance costs of the road (regarding private roads, see p. 45).

### Cross-country cycling

The wear on the terrain caused by cycling depends on the weather conditions, time of the year and the soil, among other things. Cross-country cycling is allowed without the landowner's permission, but it must not cause more than a minor inconvenience or damage to the use of the land. Routes can be used to direct cross-country cycling and prevent the potential wear on the terrain caused by cycling.

### Skiing

Modern skis are usually used for skiing on machine-made ski tracks intended for classic style and skate skiing. This means that the placement of ski tracks can affect the choice of areas that are used for skiing. Skiing can only be limited for special reasons, such as in areas designated for special use. In certain cases, a ski trail can be private or a fee can be charged for skiing on it (regarding ski trail, see p. 42).

If it does not damage the track, it is also possible to use the ski trail for movement other than skiing under everyman's rights. This means that it is usually possible to walk or snowshoe on the side of the trail. A person who damages a ski trail intended for public use may be guilty of damage to property. Taking a dog on a ski trail intended for public use is forbidden (Public Order Act, Chapter 4, section 14).



Cross-country cycling is within the scope of everyman's rights. Photo: Outdoor Association of Finland.

#### Best practice:

##### Cross-country cycling in areas sensitive to wear

If the same areas are used extensively for cross-country cycling, an agreement should be made with the landowners.

## Hobbies with dogs



Dogs may not be allowed to run loose on other people's land without the landowner's permission.

Photo: Antti Lehtonen.

### Walking a dog

Walking a dog on a leash in another's area is allowed. According to the Public Order Act, dogs must be kept on a leash in a built up area (Public Order Act, Chapter 4, section 14). In a built up area, dogs can be allowed to run loose in an enclosed yard, a dog training area or a specifically designated fenced-in exercise area. However, even in these areas the dog must be under the supervision of its owner or keeper.

Outside built up areas, a dog must be kept on a leash or under control so that it can be immediately put on a leash during the period when dogs must be kept on a leash between

1 March and 19 August. This applies everywhere, except for one's own yard, garden, or a fenced area reserved for the keeping of a dog (Hunting Act, chapter 8, section 51).

A dog may not be allowed to run loose on someone else's land without the permission of the landowner or the holder of the hunting right (Hunting Act, Chapter 8, section 53). Exceptionally, a dog may be allowed to run loose in situations specified in sections 51–55 of the Hunting Act. A dog can be allowed to run loose on one's own land during times other than the period laid down in the Hunting Act when dogs must be kept on a leash.

It is forbidden to let a dog loose on an exercise track or a similar running track, and it must be ensured that the dog has no access whatsoever to

a public beach, a children's playground, a market place during trading hours, or a ski track maintained for public use or a sports field, unless this is specifically allowed. The person walking the dog must also ensure that the dog's faeces are not left on the ground in a maintained section of a built up area. Maintained sections include areas with a maintained lawn and cultivated areas, or areas where roads are surfaced. (Public Order Act, Chapter 4, section 14)

Persons acting in violation of the control of dogs can be sentenced to a fine for a violation of public order laid down in the Public Order Act (Public Order Act, Chapter 5, section 16) or for a violation of the provisions of the Hunting Act, chapter 11 (Hunting Act, Chapter 10, section 75). The owner may be liable for damages, if the dog bites.

### Tracking

Tracking refers to a hobby where a scent trail is created for a dog and the dog attempts to follow the trail. Creating a scent trail must not cause more than a minor inconvenience to the landowner. No separate provisions have been issued on tracking. The regulations on keeping the dog on a leash must be followed, and allowing the dog to run loose requires the landowner's consent.





Usually, dog sleds are driven along a track made by a snowmobile. Photo: Outdoor Association of Finland.

## Driving a dog sled

No separate provisions have been issued on travelling in a dog sled.

A dog sled is a vehicle that has not been classified in legislation as belonging to any specific class of vehicles, such as horse-drawn vehicles and bicycles in the road traffic legislation.

Driving a dog sled is within the scope of everyman's rights, as is walking a dog on a leash, horse riding, and driving a horse-drawn vehicle off-road. In practice, driving a dog sled in the winter requires a track made by a snowmobile. Motorised vehicles cannot be used in an area without the permission of the landowner (Off-road Traffic Act, Chapter 2, section 4). For this reason, an agreement must be made with the landowner in practice concerning tracks intended for driving a dog sled.

In the reindeer herding area in Northern Finland, it must be taken into account that passage in a dog sled must not disturb reindeer husbandry. The Reindeer Husbandry Act includes provisions on preventing the frightening of reindeer and compensating for any damage or inconvenience caused to the reindeer owner as a result of frightening the reindeer (Reindeer Husbandry Act, Chapter 7, section 42).

### Best practice:

#### Preventing harmful effects of driving a dog sled

Damaging ski tracks intended for public use, for example, or the property of another by a dog sled is prohibited. The dogs must also be taken care of so that their faeces will not cause a significant inconvenience, as laid down in the Waste Act, or in line with provisions on unclean conditions referred to in the prohibition against littering. The support areas for the activity in particular, such as the starting points and break areas, must be placed in a way that minimises the littering and noise caused by the activity.

Driving a dog sled and planning the routes and starting points and rest areas used for driving a dog sled must be implemented in a way that does not cause unnecessary disturbance to reindeer husbandry practiced in the area. The reindeer herding co-operatives and reindeer owners can provide more specific information about the reindeer husbandry work in the area.

On state land, Metsähallitus negotiates with the reindeer herding co-operatives about the routes.

General obligations of a person using  
Hunting Act, Chapter 8, section 51

### **Obligation to keep a dog on a leash**

Between 1 March and 19 August, a dog shall be kept on a leash when outdoors or so that it may be immediately put on a leash.

However, subsection 1 above does not apply to:

- 1) a dog kept with the permission of the owner or holder in a yard, garden, or fenced area reserved for the keeping of a dog;
- 2) a dog younger than five months;
- 3) a dog engaged in shepherding, guiding, guarding or other service tasks of a similar nature;
- 4) a dog carrying out a task for the police, Customs, Defence Forces, or the Border Guard; or
- 5) a dog which is being trained for a task referred to in paragraphs 3 and 4.

Derogation from the obligation referred to in subsection 1 above may be made when a dog other than a hound is being used for hunting. A derogation from the prohibition may also be made when a pointer or other bird dog is being trained without disturbing protected game animals during their breeding season.

Hunting Act, Chapter 8, section 53

### **Keeping a dog on another's land**

A dog may not be kept unleashed on someone else's land without the permission of the landowner or the holder of the hunting right. (...).

Public Order Act, Chapter 4, section 14

### **Control of dogs**

In order to maintain public order and security, the owner of a dog, or the person in whose possession the dog is, shall:

- 1) keep the dog on a leash in built-up areas;
  - 2) ensure that an unleashed dog has no access to exercise tracks or other similar running tracks, and that the dog has no access whatsoever to a public beach, a children's playground, a market place during trading hours, or a ski track maintained for public use or a sports field, unless this is specifically allowed;
  - 3) ensure that the dog's faeces are not left on the ground in a maintained section of a built-up area.
- (...).

Reindeer Husbandry Act, Chapter 7, section 42

### **Preventing the frightening of reindeer**

Reindeer must not be frightened. Compensation must be paid for any damage or inconvenience caused to the reindeer owner and the reindeer herding co-operative as a result of frightening. Driving off reindeer with the purpose of preventing damage is not regarded as frightening reindeer. (...)

Public Order Act, Chapter 4, section 14

The owner of a cat shall ensure that an unleashed cat has no access to exercise tracks or other similar running tracks, and that the cat has no access whatsoever to a public beach, a children's playground, a market place during trading hours, or a ski track maintained for public use or a sports field, unless this is specifically allowed.

Road Traffic Act, Chapter 2, section 46

### **Being careful of domestic animals and transporting animals by road**

When a driver of a vehicle approaches a horse, cattle or similar domestic animals on the road, he or she must observe necessary caution and use a slow enough speed. Animals that are transported by road must be kept on a leash or guarded in such a way that they do not cause a danger or unreasonable inconvenience to traffic. As applicable, a rider and a person transporting an animal must comply with the regulations concerning the driver of a vehicle.

Public Order Act, Chapter 4, section 15

### **Horse riding**

Riding a horse and driving a horse-drawn or other similar vehicle on an exercise track or other similar running track, a ski track maintained for public use and a sports field are prohibited unless otherwise indicated. (...).

## Keeping cats and other pets

A cat can be kept loose in one's own yard and elsewhere under supervision. A cat may not be kept loose outside the yard without supervision. Abandoning a pet is forbidden. For example, a cat is considered abandoned when it does not have a home, or if it is outside the borders of the yard of its owner or keeper and it is not controlled or directly supervised by any other person. In practice, direct control refers to actions the owner can use to intervene in the passage or actions of his or her cat (European Convention for the Protection of Pet Animals, Treaty Series 49/1992).

A cat must be kept on a leash on an exercise track or other similar running track. The owner or keeper of a cat must ensure that it has no access whatsoever to a public beach, a children's playground, a

market place during trading hours, or a ski track maintained for public use or a sports field, unless this is specifically allowed (Public Order Act, Chapter 4, section 14).

A loose pet may be caught and delivered to a municipal centre for found animals or an animal shelter. A municipality must organise temporary care for cats and dogs and other similar pet and hobby animals of small size that have been found loose and caught in its area.

According to the Hunting Act (Chapter 1, section 5), provisions concerning unprotected animals apply to a cat that has run wild. A feral cat is a different issue from a pet cat that has wandered off. A feral cat finds all of its food in nature.

## Horse riding



In principle, horse riding is within the scope of everyman's rights, but it may cause wear on the terrain and on roads. The amount of horse riding allowed that is within the scope of everyman's rights cannot be defined or restricted in advance. If horse riding causes more than a minor inconvenience or disturbance, an agreement must be made with the landowner. The gait of the horse, the season, the weather and the durability of the soil, among other things, affect whether damage is

done. Repeated riding in a forest may cause wear on the terrain and damage the roots of trees, causing problems such as the spread of fusarium wilt and other damage to the forest. The party causing the harm is responsible for the possible harm done.

Often horse riding requires its own separate routes. In practice, outdoor recreation routes intended for other purposes are not suitable for horse riding, because the hooves of the horses break the surface of the track.

The effects on the use of the land caused by horse riding allowed under everyman's rights must be assessed on a case-by-case basis. The purpose of horse riding may be, for example, private activity, activity by associations or business activity, but the purpose of use has no direct bearing on the activity from the point of view of everyman's rights. The essential thing is that horse riding allowed under everyman's rights must not cause more than a minor inconvenience.

Often, horse riding is not possible in areas designated for special use (regarding areas designated for special use, see p. 10). Under the Public Order Act, horse riding is forbidden on an exercise track or other similar running track, a ski trail maintained for public use or a sports field unless otherwise indicated (Public Order Act, Chapter 4, section 14).





Horse riding is within the scope of everyman's rights, provided that it does not cause more than a minor inconvenience. Photo: Sonja Holma.



Horse riding is often prohibited on outdoor recreation routes. Photo: Outdoor Association of Finland.

Riding on private roads and forest roads is allowed, if it does not clearly increase the road maintenance costs. Under certain conditions, private roads and forest roads can be closed off to prevent unauthorised traffic by motorised and horse-drawn vehicles (regarding private roads, see p. 45).

A horse may not be taken to graze on another person's land without the consent of the landowner (Building Code, Chapter 11, section 1), but in connection with riding, a horse may be allowed to nibble on wild plants on another's land.

A horse may be taken to swim in a water body without the consent of the owner of the water area, but it may not be taken to a public beach (Public Order Act, Chapter 4, sections 14–15). Under the same provision, a horse may not be taken to a children's playground, exercise track or other similar running track, or a market place during trading hours.

A horse-drawn cart or sleigh is defined as a horse-drawn vehicle (Ministry of Transport and

#### **Best practice:**

##### **Extensive horse riding activity**

When horse riding activity that causes wear on the terrain is directed to a certain area, an agreement on the routes to be used for riding must usually be made with the landowner.

Read more: Report of the working group on horse stables (Hevostallityöryhmän raportti)

Communications Decree on the Construction and Equipment of Tractors, Motorised Work Machines and Off-road Vehicles, and Trailers and Other Equipment, Towed by These, Chapter 2, section 7). In that case, it must follow the provisions issued for vehicles in traffic. The Off-road Traffic Act only applies to motorised vehicles, and it is not applied to horse-drawn vehicles.

## Orienteering

Orienteering is allowed in areas where movement is also allowed under everyman's rights. However, the consent of the landowner is required for setting up fixed structures for checkpoints. Orienteering events that do not cause more than a minor inconvenience or disturbance to the landowner or nature can be organised within the scope of everyman's rights.

Certain orienteering events are public events as referred to in the Assembly Act. These require notification to the police and the consent of the landowner (regarding organised activities, see p. 108).



The Finnish Orienteering Federation ([www.suunnitusliitto.fi](http://www.suunnitusliitto.fi)) has specified the key responsibilities of an orienteer and the organiser of an orienteering event. Photo: Outdoor Association of Finland.

## Climbing

Rock and ice climbing, as well as bouldering, that is climbing at low heights without ropes, can be practiced in all places where activity allowed under everyman's rights is otherwise possible. If climbing requires attaching permanent bolts or similar items, or if it causes more than a minor inconvenience or disturbance, the consent of the landowner is required.

Occasionally, climbing requires clearing the rock, which means the removal of small amounts of loose debris or dirt, which is allowed under everyman's rights. However, moss or lichen may not be removed from the rock and trees or bushes may not be harmed without the consent of the landowner



Olhavanvuori climbing site. The landowner's consent is required for creating a route for permanent use and drilling bolts into the rock. Photo: Adrian Pollard. Featured in the photograph: Saku Korosuo.





Anchoring in a water area temporarily is allowed under the right of public access laid down in the Water Act. It is possible to moor to a buoy, if it does not cause harm and if mooring has not been forbidden. Photo: Rea Nyström.

## Water activities and boating

People can move about and carry out activities in water areas under the right of public access laid down in the Water Act. The right of public access laid down in the Water Act enables the general recreational use of waters, such as boating.

The public access to waters refers to everyone's right to passage in a water area and using the area in the ways provided by law without the consent of the owner of the water area. According to the Government proposal (HE 277/2009) regarding the Water Act: *primarily, passage would refer to moving from one place to another. However, the concept of passage also includes other forms of movement in a water body that do not involve the intention of travelling from one place to another, such as boating in connection with fishing, windsurfing or rowing.*

*The starting point of the rights of public access is that their use does not cause more than a minor inconvenience to the owner or holder of the water area or to other interested parties.*

*Passage on water bodies must not cause unnecessary damage, harm or any other kind of disturbance. The provision expresses a principle that is related to rights of public access on a more general level, meaning that public access should occur in a way that causes as little inconvenience as possible to other parties. This requirement applies to all forms of movement in water bodies. The harm caused to the aquatic environment,*

*the owners of the water areas, the shore owners and the other parties using the waterways must be taken into account.*

*Therefore, waterskiing and driving a personal watercraft or a snowmobile to and fro in the vicinity of the shore of a holiday home does not fulfil the requirement of avoiding unnecessary inconvenience. Movement in the water body must be considered such an important form of using it that the minor inconvenience caused by appropriate use to the owners and holders of the water area and to the other forms of use must be considered acceptable. If the limits of the right of public access laid down in the law are exceeded, this may be addressed by means of monitoring after the fact, and by means of criminal law as a last resort.*

*Organising events of a certain type may require a permit in accordance with the Water Traffic Act (463/1996). Section 15 of the Water Traffic Act also enables setting area-specific restrictions in a certain water area, if it is considered necessary for the protection of traffic, the environment, fishing or other business or in the interests of general recreational use of natural areas or other kinds of public interest. Under section 8 of the Off-road Traffic Act, regional prohibitions or restrictions can be provided concerning the use of motorised vehicles on ice-covered water areas. Regarding traffic in canals and on public winter roads, separate provisions regarding the matter are in force. Provisions regarding passage over or next to marked fishing gear placed outside a channel are issued in the Fishing Act (286/1982).*



The restrictions on public access laid down in the Water Act have not been defined in detail in the legislation, and usually it is only possible to identify activities that exceed the restrictions on public access and address them only after the fact.

Water activities must not be prevented or put at risk intentionally by placing fishing gear in dangerous locations or by failing to mark them properly, for example.

Restricting movement in water bodies is mainly possible on the grounds laid down in the Water Act and the Water Traffic Act.

### **Legal case**

Supreme Court, 22 March 1971, archival record 739

#### **Public access to a water body**

*A had built a bridge over a bay. B owned land at the bottom of the bay and demanded that the bridge be removed and that A be sentenced to a penalty, because the bridge prevented B from accessing the area owned by B by water. A owned the shore areas behind the bridge and was a joint owner of the water area. B was not a joint owner of the water area. Therefore, A had had the right to build a bridge that did not close off a public waterway and timber floating route. Everyone's right to passage in a water area is in force only in places where the water body has not been closed off based on a legal right.*

*B's demands were dismissed.*

*In the case, B was legally compared to a person using the right of public access, meaning that B did not have the right to receive compensation, either.*

Water Act, Chapter 2, section 3

#### **Passage in a water body**

*Unless otherwise provided by law, everyone has the right, without inflicting unnecessary damage, harm or disturbance, to:*

- 1) move in a water body and on its ice-covered surface;*
- 2) anchor in the water body on a temporary basis;*
- 3) float timber in the water body;*
- 4) swim in the water body;*

*and temporarily move fishing gear and other movable objects in a main channel or public channel that hinder passage or timber floating, as well as any movable objects outside the channel that unreasonably hinder passage or prevent timber floating. (...).*

Water Traffic Act, Chapter 2, section 5

#### **General obligations of a person using waterways**

*Every person operating a vessel on waterways must take the care and caution required by the conditions and act in such a way that he or she does not hinder or disturb the passage of other people on waterways or cause danger or damage to others, or cause danger or significant or unnecessary damage or disturbance to nature or the overall environment, fishing, the general recreational use of natural areas, or other public or private interests.*

*The person operating a vessel shall observe the traffic regulations and the rules of waterborne transport and the regulations, prohibitions and restrictions indicated by water traffic signs or signal lights. (...).*



Restrictions on landing put in place to protect bird populations usually only apply during the nesting season. Photo: Pirjo Kiviniemi / Vastavalo.fi.



The landowner's consent is required for drilling permanent bolts into the rock. Photo: Rea Nyström.

## Anchoring

In water areas, anchoring is possible under the right of public access laid down in the Water Act. A person moving in a water body has the right to use a water area as a temporary anchoring site. Anchoring is an integral part of movement in water bodies, and the length of time that is considered temporary is assessed on a case-by-case basis. *For example, anchoring a boat for a long time in the vicinity of a residential building or the beach of a holiday home cannot be considered acceptable. Anchoring over a period of time that may last for months or even years cannot be considered connected to movement in water bodies, and therefore it is not within the scope of the right of public access. This does not prevent long-term anchoring with the consent of the owner of the water area* (HE 277/2009). Sauna rafts that have recently become increasingly common are treated as boats with regard to anchoring.

In accordance with the Land Use and Building Decree (Chapter 11, section 62), maintaining a houseboat or something similar in one place for use that is not related to ordinary camping or boating requires an action permit.

A permanent buoy can be placed in a water area with the consent of the owner of the water area. Under certain conditions, the owner of a beach or the holder of the rights to the beach can also place a buoy without the consent of the owner of the water area (Water Act, Chapter 2, section 5). The buoy is private property, and it may not be removed. People other than the owner may also moor to the buoy, unless it has been separately prohibited. For example, if the buoy has a sign stating Mooring Prohibited, the prohibition must be obeyed, because the owner of the buoy can decide how his or her property is used. Mooring to a sea mark is prohibited (Decree on the Buoyage of Waterways, section 10).

A pier connected to a yard is a part of domestic premises, and mooring to it is prohibited. Mooring to a pier outside a yard area and landing on it without the permission of the owner is allowed, provided that mooring has not been specifically prohibited with a sign and the pier has not been designated for special use (regarding the use of structures, see p. 59).



Landing in a natural harbour is allowed, unless there is a yard or a nature reserve. Photo: Rea Nyström.

## Landing

A person boating on a water body has the right to land and use the shore area for rest and recreation, provided that movement is otherwise allowed in the area under everyman's rights. It is also possible to land on an island, unless it is small enough to be completely within a yard connected to domestic premises. Natural harbours are used under everyman's rights.

It is rarely possible to prohibit landing outside a yard, and even then it is usually only done by the decision of an authority. The Nature Conservation Act (Chapter 5, section 36) forbids the placement of a sign that prohibits landing without a legal basis. It is possible to leave a boat pulled to the shore and its vicinity. Drilling in bolts for the mooring of boats is not allowed without the landowner's consent.

In areas designated for special use, the party responsible for the area can issue orders on the use of the area, taking the purpose of use of the area into account. For example, landing with boats, canoes and similar can be prohibited at public beaches and boat harbours for safety reasons. Nature reserves may also have restrictions on landing during the nesting and breeding seasons of birds and seals.

*Water Act, Chapter 2, section 5*

### **Placing a structure in a water area belonging to another party**

*The owner or holder of a shore, even if he or she is not an owner or part owner of the water area, has the right to place an anchor post or mooring buoy in the water body offshore for private use, or to build a jetty, boathouse or another comparable structure on his or her shore that extends into the water area of another party. This right is subject to the condition that the building or use of the structure does not require a permit under Chapter 3, section 2 or 3, and that this can be done without inflicting damage or causing substantial harm to the owner of the water area. However, such a right does not apply to a water area taken into special use.*





A canoeing event can be organised based on the right of public access without the permission of the owner of the water area. Activity in a shore area may require the procedure laid down in the Assembly Act to be followed. Photo: Outdoor Association of Finland.

## Events in a water area

Under everyman's rights, organising individual canoeing or rowing events is possible without the consent of the owner of the water area, if the event does not cause an inconvenience referred to in the Water Act and the event does not constitute an event referred to in the Assembly Act.

Organising a competition or a training exercise with motorised vessels repeatedly or permanently at the same location is not within the scope of the right of public access, but instead it requires a permit from the municipal environmental authority in addition to the consent of the owner of the water area (Water Traffic Act, Chapter 5, section 21)

### Legal case

Supreme Court 1961 II 50

#### Preventing public access to a water body

*A shore owner, who had constructed a barbed wire fence in a common water area without the consent of the other joint owners in order to prevent the shore owner's neighbours from accessing the water area and the swimming site cleared in the reeds in front of the owner's shore, was obliged to remove the fence.*

#### Assessment:

*The shore owner had no legal grounds for constructing a barbed wire fence, and the action was aimed merely at preventing the other users from accessing the shore area for the purpose of bullying them. For example, fencing in a pasture would have constituted legal grounds. Even in that case, the fence should have been constructed on the shore owner's land area, not in the common water area.*



Waterskiing is within the scope of the right of public access to water bodies. However, the use of vessels can be restricted. Photo: Antti Lehtonen

### **Best practice: Operating a motorised watercraft in the vicinity of habitation**

Waterskiing and driving a personal watercraft are within the scope of the right of public access, but they may cause inconvenience or disturbance. In fact, operating a motorised watercraft for a longer period of time should be avoided in the immediate vicinity of habitation in order to prevent harmful effects.

Water Traffic Act, Chapter 5, section 21

### **Permits for competitions and training**

A permit from the municipal environmental protection authority is required for organising competitions and training exercises with motorised vessels repeatedly or permanently in the same water area, in addition to what has been provided elsewhere in the law regarding permit requirements. However, a permit is not required for an area reserved for this purpose in the local detailed plan, or for an area for which an environmental permit referred to in the Environmental Protection Act has been granted.

A permit is also required for organising an individual event, if it is expected that the event will cause significant harm to the environment (...).

The prerequisite for granting the permit referred to in this section is that the event fulfils the requirements of sufficient safety and that the activity does not cause unreasonable harm to nature or the overall environment, fishing, public recreational use of natural areas or other public interests. The permit can only be granted if the owner of the water area has given his or her consent (...).

### **Legal case**

Supreme Administrative Court 1982-II-99:

#### **Public access to water bodies: motorboat speed races**

*The Supreme Administrative Court considered in its decision that organising motorboat speed races did not constitute public access as referred to in Chapter 1, section 24, of the Water Act. Therefore, the joint owners of the water area had the right to prohibit the competition.*

*Under section 68, subsection 1, of the Fishing Act, the meeting of the fishing cooperative had the authority to make a decision on the matter. Because the owner of the water area had not given consent to using the water area for the purpose in question, the rural police chief did not have the right to grant a permit to organise the competition.*

## Restrictions on waterborne traffic

Waterborne traffic can be restricted based on the decision of an authority. Passage by vessels can be prohibited or restricted in a certain water area. The Finnish Transport Agency makes the decisions on restrictions concerning public waterways, and the competent Centre for Economic Development, Transport and the Environment makes the decisions regarding prohibitions and restrictions in other water areas. More than 600 restrictions on waterborne traffic have been issued for places other than sea channels. The prohibition or restriction must be marked in the water area or in its immediate vicinity.

Area-specific prohibitions or restrictions that apply to a certain type of vessels are also possible, if a specific type of vessel causes especially significant harm to nature or the environment (Water Traffic Act, Chapter 4, section 16).

## Swimming

Swimming in a water body is a part of the right of public access to water areas and also falls under everyman's rights. Swimming in a water body is within the scope of the right of public access. When going to swim, passing through another party's yard, the invasion of domestic premises or causing more than a minor inconvenience or disturbance are prohibited. Coming to a shore by car is regulated by the Off-road Traffic Act and the Private Road Act, among other statutes.

Going to swim from a pier is allowed, if the pier is not located in a yard or is not being used by the owner of the pier at the time (regarding the use of structures, see p. 59). Any vessels at berth with sleeping capacity, such as boats with a cabin, fall under the protection of domestic premises.

## Public beaches

A public beach is intended for the use of everyone, mainly for swimming and spending time on the beach. Taking horses, dogs, cats or other domestic animals or pets to a public beach and taking them to swim there is forbidden (Public Order Act, Chapter 4, section 14).

Instructions on how to use the beach can be given in the byelaws of the beach. For example, boating and canoeing at a public beach can be prohibited for safety reasons (regarding byelaws, see p. 121).



Swimming and refreshing oneself in bodies of water are within the scope of everyman's rights. Photo: Antti Lehtonen.

### *Water Traffic Act, Chapter 4, section 15*

*Movement in vessels can be prohibited or restricted in certain water areas either for a fixed period of time or until further notice, if the prohibition or restriction is considered necessary for the protection of transport, the environment, fishing or other business or in the interests of the general recreational use of natural areas or another kind of public interest.*

*The Finnish Maritime Administration makes the decisions on prohibitions and restrictions concerning public waterways and the competent Centre for Economic Development, Transport and the Environment makes the decisions regarding prohibitions and restrictions in other water areas. (...).*

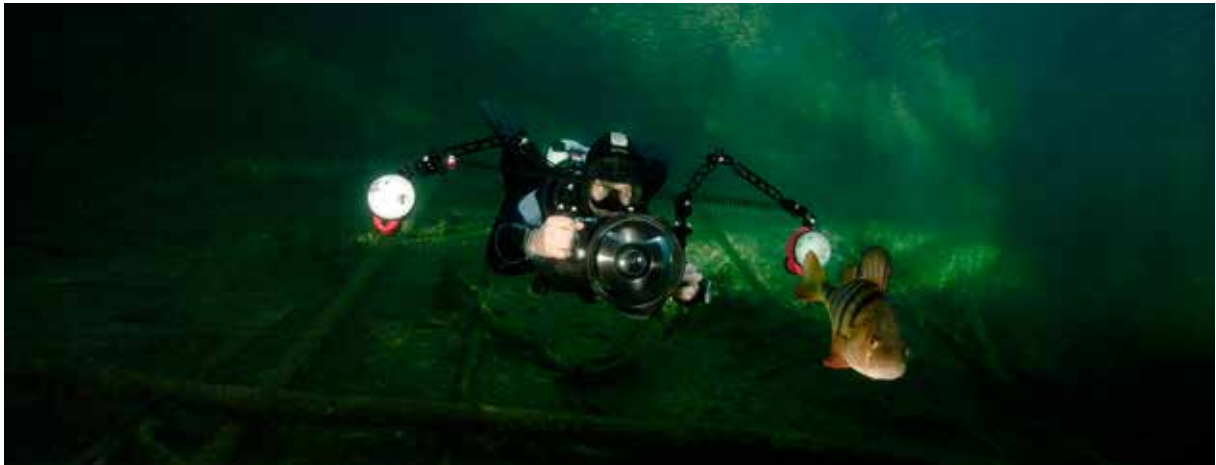
### *Antiquities Act, Chapter 3, section 20*

*The wrecks of ships and other vessel discovered in the sea or in inland waters, which can be considered to be over one hundred years old, or parts thereof, are officially protected. The provisions concerning ancient monuments shall apply, where relevant, to wrecks and parts thereof.*

*Objects discovered in wrecks stipulated in Subsection 1 above, or objects evidently originating from such contexts, shall go to the state without redemption. In other respects the provisions concerning movable ancient objects shall apply where relevant.*

*The finder of a wreck stipulated in this Section shall immediately report the discovery to [since 12/2011, the National Board of Antiquities and Historical Monuments].*





Diving is a part of the right of public access to water areas and of everyman's rights. Photo: Mikko Saareila.

## Diving

Diving is a part of the right of public access to water areas and of everyman's rights. Different forms of diving as a hobby include snorkelling, free diving, spearfishing and scuba diving. No separate provisions have been issued on diving, and based on the right of public access laid down in the Water Act, it is allowed in all water bodies.

Restrictions on diving exist mainly in border zones, protected areas and in the vicinity of protected shipwrecks.

### Diving at special sites

#### Shipwrecks

In principle, there are no restrictions on diving into wrecks that are less than one hundred years old. This means that diving into vessels that have sunk during the latest wars is allowed. The wrecks of warships and related objects remain the property of the Defence Forces; for this reason, it is forbidden to interfere with them without permission. This is based on the decree on finding and salvaging items belonging to the Defence Forces.

Wrecks less than one hundred years old may still have an owner. Objects may not be lifted from them without permission.

#### **Best practice:** **Selecting the diving site**

It is important to avoid unnecessary disturbance to boat traffic in the channel while diving.

Diving is prohibited at some of the wrecks of warships, due to their historical value, sanctity of the grave, or the hazardousness of the wreck. The list drawn up in 1997 includes the transport vessel *Hindenburg*, the minelayers *Königin Luise* and *Ladoga*, the submarine *M-97*, the minesweeper *M-451*, the naval ferry barge *MFP498* and the submarine chaser *UJ-117*. The application for a permit for diving at these sites can be submitted to the Military Museum.

Shipwrecks over 100 years old are protected under the Antiquities Act. However, diving into them is allowed as a rule, but interfering with the wrecks or related objects is prohibited. In order to protect highly valuable wrecks, protected areas have been established under the Antiquities Act around four wrecks (the *Gråharun* wreck in Korppoo, the *St. Nikolai* in Kotka, and the *St. Mikael* and *Vrouw Maria* in Nauvo), and diving around them requires a permit granted by the National Board of Antiquities.

## Mines and quarries

When mining is in progress, a quarry is an area designated for special use, and everyman's rights do not apply there. Once the operation has ended, the operator is obliged to restore the area to a condition required in terms of public safety, after which the area can be opened up to other uses. Diving in old mines is done at one's own risk.

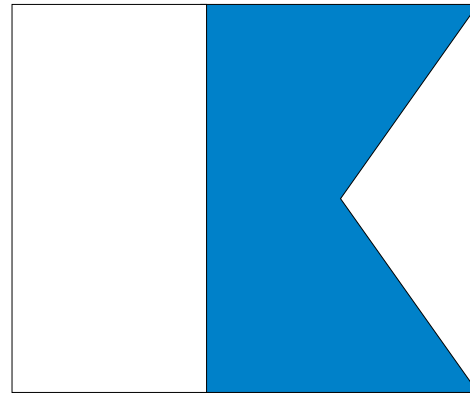
## Restricted areas

There are 19 restricted areas in the Gulf of Finland and the Archipelago Sea, where the Territorial Surveillance Act prohibits scuba diving, among other things, without a permit granted by the Defence Forces. Previously the restrictions on diving only applied to foreign nationals, and Finnish citizens had the right to dive in restricted areas freely. Now, according to the requirements of equality set by membership of the European Union, a permit is required for everyone (regarding restricted areas on the Finnish coast, see p. 53). In addition to the restricted areas, the Defence Forces restricts diving and other movement in its firing ranges.

## Border zone

No separate permit is required for diving in the border zone, if the water area is only within the Finnish border zone, in which case a valid border zone permit is sufficient (regarding the border zone, see p. 54).

As a rule, diving in waters in the border zone is prohibited (Border Guard Act, sections 51 and 52). The aim is to prevent even accidental crossings of the state border, among other things.



The international maritime signal flag "A" means 'diver below'. It provides a warning signal to boaters, and is used in Finland in accordance with decree 30/1977 on maritime regulations.

### *Mining Act, section 116*

*Preventing access by unauthorised parties and providing guidance for rescue services' units at the location*  
The mining operator shall ensure, via structural means or, considering the nature of operations, in another sufficiently efficient way, that access to the mine and mining area is prevented for unauthorised parties.

### *Mining Act, section 143*

#### **Restoring of the area**

*No later than within two years of the termination of mining activity, the mining operator shall restore the mining area and the auxiliary area to the mine to a condition complying with public safety; ensure their restoration, cleaning, and landscaping; and perform the measures specified in the mining permit.*



Every cache has an owner who is responsible for the cache. Photo: Antti Lehtonen.

### Best practice: Creating a cache

An agreement on the cache should be made with the landowner, if searching for the cache may cause inconvenience or disturbance. The agreement will also ensure that the cache will remain in place. If searching for the cache causes wear on the terrain, the creator of the cache should remove it.

Geocachers have come to an agreement with Metsähallitus regarding the method of reporting a newly hidden cache in national parks, strict nature reserves and in other nature reserves.

Read more: [www.geocache.fi](http://www.geocache.fi).

## Geocaching and letterboxing

Geocaches can be hidden and searched for in all areas where movement is otherwise allowed under everyman's rights. Geocaching is a hobby in which caches hidden in the terrain are located based on coordinates found on the Internet using a GPS locator. The objects to be located are usually plastic boxes, whose size varies from a film canister to a fairly large box for frozen goods. Letterboxing involves locating objects hidden in the terrain based on clues.

Every geocache has an owner who is responsible for the cache. Because the hidden objects are small, the caches cannot be considered littering as described in the Waste Act.

The landowner can ignore the caches in his or her activities, and the landowner is not responsible for damage caused to the caches in connection with, for example, forestry work. If the landowner interferes with a cached box, it should be treated as lost property.



Geocaches that do not cause harm can be hidden and searched for under everyman's rights.

Photo: Outdoor Association of Finland.



## Paintball and airsoft



Paintball and airsoft games are usually played in fields constructed for the game, enclosed built environments and forests.

Sometimes the hobby requires the construction of structures or the use of existing structures, and it may cause littering. In addition to this, it should be possible to close off the game area from passage by outsiders for the duration of the game for safety reasons. Paintball and airsoft games usually require the landowner's consent.

## Flying radio-controlled aircraft

Radio-controlled aircraft are flown in open areas, such as fields and close to water bodies. Flying radio-controlled aircraft is allowed in areas where movement is allowed under everyman's rights.

Occasionally, radio-controlled aircraft may fly to unintentional locations along rising air currents or due to equipment malfunctions. The Lost Property Act is applied when recovering a radio-controlled aircraft from an area where it has been lost (Chapter 2, section 4). According to the act, the person recovering the radio-controlled aircraft must report the find to the owner or deliver the lost property to the police.

### **Best practice: Flying radio-controlled aircraft near habitation**

When radio-controlled aircraft are flown near habitation, the Finnish Aeronautical Association and the radio-controlled aircraft clubs consider it important to request the landowner's consent for the activity, because some of the aircraft are quite noisy, and they may cause a disturbance.

## 15 Utilising natural resources

***Under everyman's rights, among other activities, it is possible to gather wild plants and mushrooms, prospect for minerals, and fish.***



Picking berries is allowed under everyman's rights. Photo: Environmental Administration Image Bank / Mikko Kuusinen.

The Criminal Code includes provisions on the right to utilise wild plants and other natural products. Gathering plants protected under the Nature Conservation Act is prohibited. Provisions on prospecting for minerals are issued in the Mining Act, and the extraction of soil is governed by the Land Extraction Act.

The previous version of the Criminal Code included an important provision limiting everyman's rights. It had a long, exhaustive list of objects of punishable wastage. In the Government proposal on amendments to the Criminal Code (66/1988), everyman's rights related to the utilisation of natural products have been described as follows:

*A person who has 'on another's land, without a legal right, intentionally felled a growing tree or damaged it to appropriate it or a part thereof for him- or herself or another person, or taken with the aforementioned intent dried or wind-felled wood or twigs, branches, roots, birch bark or other types of bark, leaves, bast fibre, resin, mast, cones or nuts from a growing tree, or cut grass or taken moss, lichen, soil, clay, sand, gravel or rock' will be punished for wastage. Because berries, mushrooms and flowers have intentionally been left out of the list, picking them on another's land is usually allowed, unless the person is guilty of using a road without authorisation (Criminal Code, Chapter 33, section 11) or the invasion of domestic premises (Criminal*

Code, Chapter 24, section 1). Acts listed as punishable in Chapter 33, section 1, of the current Criminal Code do not include taking dry twigs lying on the ground or cones or nuts that have fallen on the ground. The prohibitions of Chapter 11, section 1, of the Criminal Code apply to all land owned by another party.

(...). The intention of this proposal is not to change the extent of everyman's rights. The proposed regulations would only modernise and abbreviate the legal text compared to the current version. (...).

In order to leave out the long list of prohibited actions in the currently valid act, phrasing in reverse of the current one would be used. The proposed section 13 would only mention the most important of the natural products that may be gathered. The list would not be exhaustive,

but the regulation would also apply to gathering 'other similar natural products' with the exception of moss and lichen. Such natural products could include various wild herbs and spice plants, for example.

In contrast, gathering felling waste would remain punishable according to the proposal. Taking branches attached to a trunk freshly felled by the wind would also be forbidden.

There are restrictions elsewhere in the law that restrict everyman's rights more than the proposed section 13. (...).

(Editor's note: the proposed Chapter 28, section 13, became Chapter 28, section 14, when the act was approved.)

## Picking berries and mushrooms



### Best practice: Organised berry picking

It is important that organisers of berry picking instruct their berry pickers so that the picking can occur without damaging the vegetation, the berries are picked ripe, domestic premises are not disturbed, and road traffic and off-road traffic regulations are followed.

Picking wild berries and mushrooms is allowed under everyman's rights. The landowner cannot reserve wild berries or mushrooms for his or her own use by prohibiting access to the area or the picking of wild berries or mushrooms in the area, unless the area has in fact been designated for special use.

On average, approximately 3–10% of the Finnish berry harvest is picked annually, one third of which involves commercial picking. Approximately 3% of edible mushrooms are picked. Picking berries and mushrooms has a significant regional economic value, as well as recreational value. It has not been specified by law how close to a yard the gathering of natural products is allowed. It is also impossible to specify the distance based on visual range or other similar attributes due to the features of the

landscape, the extent of forest and other changeable conditions. The protection of domestic premises also protects yards from berry pickers (regarding domestic premises, see p. 20).

The right to pick berries and mushrooms has not been restricted based on nationality or place of residence. Picking berries and mushrooms to earn income is allowed.

A broad-based working group of the Ministry of the Interior investigated issues related to berry picking by foreign nationals. The working group considered that there is no reason to attempt to restrict the rights of foreign nationals to pick berries. Instead, the berry pickers should be given more instructions. (Metsämarjanpoimijat. Publications of the Ministry of the Interior, 14/2007; in Finnish).





Picking berries that grow on trees is allowed under everyman's rights, provided that picking them does not harm the tree. Photo: Kauko Moilanen / Vastavalo.fi.

In a nature reserve, picking berries and edible mushrooms is generally allowed, with the exception of strict nature reserves.

### Cultivating berries and mushrooms in a forest

It is also possible to cultivate berries and mushrooms on forest land. In that case, their growing conditions and crop yield are improved through certain measures that contribute to the production, such as tilling, weeding, fertilization, or crop management.

A cultivated area designated for special use in forest land should be clearly distinguished from natural conditions, so that the picking of berries and mushrooms allowed under everyman's rights is overridden. For example, simply fertilising the forest does not turn common forest land into a cultivated area that would override everyman's rights. A patch of cultivated mushrooms or plants can be fenced in to show that it has been designated for special use.

#### Legal case

Supreme Court 1920 II 114:

*A landowner who had taken away the lingonberries picked by lingonberry pickers was sentenced for unlawful vigilantism.*

*Criminal Code, Chapter 28, section 14*

### Everyman's rights

*The provisions in this chapter do not apply to the gathering, on the land of another, of dry twigs from the ground, cones or nuts that have fallen to the ground or wild berries, mushrooms, flowers or other similar natural products, with the exception of lichen and moss.*

### Exceptions

#### Cloudberry

The Ministry of Agriculture and Forestry can prohibit the gathering of wild berries or other similar natural products on state land in those areas of the province of Lapland, where these have a great deal of economic importance to the livelihoods of the local population (Act on Restricting the Gathering of Natural Products in Certain Cases, section 1). The act has only been applied to picking cloudberry; the last time it was applied was in the early 1990s.

#### Sea buckthorn

The method of and time for picking sea buckthorn berries were previously restricted under the Nature Conservation Decree. The restrictions were removed when the decree was amended in early 2006.

#### Berries that grow on trees

Picking wild berries is allowed under everyman's rights (Criminal Code, Chapter 28, section 14). The law does not specify in more detail what wild berries are or where they grow (on trees, bushes or other types of plants). Berries that grow on trees can be picked based on established practice, provided that it does not damage the tree.

Biologically, juniper berries are considered to be cones, but in practice they are seen as berries, and in fact, it has been considered that picking them would be allowed under everyman's rights, same as other types of natural products referred to in Chapter 28, section 14, of the Criminal Code.



Moss and lichen may not be collected without the landowner's consent. Photo: Outdoor Association of Finland.

## Collecting wild plants

Unprotected wild flowers, herbs and other similar plants can be picked under everyman's rights, unless they have been protected under the Nature Conservation Act.

Collecting plants and transferring them with their roots intact into a herbarium, for example, is allowed on a small scale. However, permanent marks must not be left on another's land, causing more than a minor inconvenience to the landowner. No separate provisions have been issued on the extent to which it is possible to pick or transfer plants without the consent of the landowner. Cutting vegetation is not within the scope of everyman's rights.

According to the Criminal Code, moss and lichen cannot be gathered without the landowner's consent.

The selling of mezereon, hepatica, cowslip, spring pea, lesser butterfly orchid, unspotted lungwort and tree- and pillar-like juniper was previously prohibited. The prohibition was repealed in connection with the amendment to the Nature Conservation Decree that entered into force in 2006. After that, all plant species have been either protected or unprotected.

## Protected plants

The picking, collecting, cutting, uprooting and destruction of a protected plant species or a part of one is prohibited by law. The same provisions also concern the seeds of protected plants, as applicable. Protected plants are listed in Appendix 2.

In some cases, it is possible to make an exception to the provisions on protection, if the level of protection of the species remains favourable. An exception applying to the whole country is granted by the Ministry of the Environment, and regional exceptions are granted by the regional Centre for Economic Development, Transport and the Environment (Nature Conservation Act, Chapter 6, section 48).



Unprotected herbaceous plants can be gathered under everyman's rights. Photo: Environmental Administration Image Bank / Tapio Heikkilä.





Breaking off branches of even dried-out trees for campfires or other purposes is prohibited. Photo: Outdoor Association of Finland.



The way conks grow affects whether they can be gathered without damaging the tree, or not. Photo: Outdoor Association of Finland.

## Gathering other natural products



### Tree branches, twigs and needles of coniferous trees, leaves, birch bark and other types of bark

It is prohibited to fell or damage living or dead trees, or take twigs, branches, roots, birch bark or other types of bark, leaves, bast fibre, resin or other parts of the tree without the landowner's consent. The landowner's consent is also required for taking a tree that has fallen down.

Because even a small sapling will grow into a tree, it is not possible to transfer saplings under everyman's rights.

Gathering twigs, leaves, needles, birch bark and other types of bark that have fallen down on the ground is allowed under everyman's rights.

## Cones, mast and nuts

Cones or nuts that are on the tree cannot be taken without the landowner's consent. If cones or nuts are on the ground, they can be collected (Criminal Code, chapter 28, section 14).

## Conks

No provisions have been issued on gathering conks. Conks are wild mushrooms, and picking mushrooms is within the scope of everyman's rights. Different kinds of conks grow in a variety of ways, and a conk growing on a tree can only be picked if it does not damage the tree or the tree stump. For example, the conk of a chaga mushroom (*Inonotus obliquus*, known in Finnish as 'pakurikäppä') grows in a way that makes it impossible to remove without damaging the tree. Perennial conks grow back after they have been removed. Conks protected under the Nature Conservation Act may not be picked.

*Nature Conservation Act, Chapter 6, section 42*

### Protection of plant species

*If a wild plant species becomes endangered or its protection otherwise proves necessary, the species can be placed under a protection order by decree, either throughout the country or in a specific part thereof. The picking, collecting, cutting, uprooting and destruction of a protected plant species or part thereof is prohibited. The same shall correspondingly apply to the seeds of any protected plant species.*



## Eggs, nests and feathers of birds

Damaging the nests or eggs of birds and collecting eggs is prohibited (Nature Conservation Act, Chapter 6, section 39). The nesting of game birds is also protected (Hunting Act, Chapter 5, section 37).

In accordance with Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds, also known as the Birds Directive, taking the eggs of birds in the wild and keeping these eggs even if empty is prohibited. In addition to this, the directive prohibits the deliberate destruction of, or damage to, the nests and eggs of birds or removal and appropriation of their nests. The provisions of the directive are included in the Nature Conservation Act.

In accordance with the directive, the sale, transport for sale and keeping for sale of all wild bird species is prohibited. Correspondingly, the offering for sale of live or dead birds and of any readily recognisable parts or derivatives of such birds is also prohibited.

## Worms or angleworms

There are no separate provisions on finding worms or angleworms. It is possible to dig for them on another's land in small amounts, if this does not leave permanent marks or cause damage.

## Clams and snails

Several species of clams and snails are either protected or threatened and in need of special protection, and collecting them and fishing for them is prohibited. No separate provisions have been issued on collecting unprotected clams or snails or their shells, which means that harvesting or collecting them is allowed.



Damaging the nests or eggs of birds is prohibited. The photo shows a bird's nest on a pier. Photo: Rea Nyström.

## Ant pupae

No separate provisions have been issued on collecting ant pupae (i.e. ant eggs). The nests are not protected. Collecting ants must not leave permanent marks in the land.

## Midge larvae

No separate provisions have been issued on collecting midge larvae, and they may be collected from water bodies.

### Best practice: Collecting ant pupae

Ants are important for natural functions. An agreement should be made with the landowner on collecting the pupae.

## Legal case

Turku Court of Appeal, 27 December 1989, R 88/2198

*The Turku Court of Appeal dismissed the charges of petty theft. The issue involved collecting midge larvae. The charges of petty theft were dismissed, because animals that move freely in the wild are not owned by anyone before their capture, and because the Hunting and Fishing Acts do not apply to catching insects.*

## Taking water

Taking water for personal needs from bodies of water and natural springs is allowed. A spring that has been covered with a structure or that can be otherwise distinguished from a natural spring has been designated for special use. Taking water from a well or a spring that is regularly used by its owner or from another body of water designated for special use requires the permission of the landowner.

The landowner's right of ownership applies to water in wells, water pumping plants, springs and artificial ponds. In contrast, other bodies of water with an open surface, as well as groundwater, cannot be an object of ownership, and therefore they can be temporarily used by people other than the landowner.



Taking water for personal needs from bodies of water and natural springs is allowed. Photo: Environmental Administration Image Bank / Aarno Torvinen.

## Prospecting for minerals

Prospecting for minerals is allowed under everyman's rights. According to the Mining Act (Chapter 2, section 7), everyone has the right to take minor samples on another's land in order to find mining minerals. Mineral samples can be taken in all areas where movement is otherwise possible under everyman's rights. Causing damage or more than a minor inconvenience is prohibited. The mining minerals are listed in Chapter 1, section 2, of the Mining Act. The Mining Act includes restrictions on using the prospecting right (Mining Act, Chapter 2, section 7, and Chapter 2, section 9).

Taking a minor sample has been defined (HE 273/2009) as follows: taking a sample may require removing the soil cover or digging a hole, but it must be possible to restore such sampling sites so that no observable damage remains. (...). The sample can be taken by using a hammer, shovel, a small handheld auger or by sawing with a diamond wheel.

The provision on criminal trespass in the Criminal Code (Chapter 28, section 11) forbids excavation on another's land, among other things. However, an act causing only minor inconvenience is not deemed to constitute criminal trespass. This has been considered to mean that changing the external appearance of another's land is prohibited, but small marks that do not cause harm may remain.

*Water Act, Chapter 2, section 4*

### Water abstraction

*Everyone has the right to abstract water or take ice from a water body for a personal need on a non-permanent basis and from an area beyond the boundary line of the water area referred to in section 5 of Chapter 1 if it is covered by water. Everyone also has the right to occasionally take a small quantity of water or ice from a streamlet belonging to another party or from a spring that is not in regular use by the owner or by another person with the permission of the owner. Provisions on other forms of abstracting water are laid down in Chapter 4.*

*The abstraction of water or the taking of ice under subsection 1 may not cause harm or no more than a minor disturbance to the owner of the area or to other right holders.*

*Mining Act, Chapter 2, section 7*

### Prospecting work

*In order to find mining minerals, everyone has the right, even on another's land, to conduct geological measurements and make observations and to take minor samples, provided that this does not cause any damage or more than minor inconvenience or disturbance (prospecting work).*

## Extracting soil

As a rule, extracting soil is not within the scope of everyman's rights. Soil belongs to the landowner, and taking it requires the landowner's consent.

No specific definition has been formulated in legal practice regarding the amount of soil that can be extracted under everyman's rights. According to the prevailing practice, actions such as putting individual stones into one's pockets are not considered theft or criminal trespass. On the other hand, it is prohibited to extract soil or rocks to such an extent that a

wheelbarrow or a trailer, for example, is needed to transport the soil. Excavating on another's land so that the appearance of the land changes is prohibited (Criminal Code, Chapter 28, section 11).

The Land Extraction Act regulates the extraction of sand, gravel, clay, rock and topsoil to be transported, which requires a permit. Extracting soil on a larger scale from ground or water leaves marks in the environment and constitutes interference with the landowner's property. The landowner requires a permit granted by the municipal authorities for the use of soil for other than domestic needs.

### *Fishing Act, Chapter 2, section 8*

*Further to what is provided in section 6(1) and section 7(1) on fishing in public waters, each inhabitant shall have the right to engage in angling, ice fishing and lure fishing with one rod, reel and lure in other waters as well; and also trolling with one weighted lure or dividing sinker, but not in rapids and currents in waters that contain salmon and powan nor in those waters in which fishing is prohibited on the basis of some other provision. Also the permission of the owner of the fishing rights shall be obtained for fishing, ice fishing and lure fishing competitions as well as for other similar arranged occasions.*

*With the exception of temporary residents, persons residing in the municipality shall have the right to engage in fishing vendace, smelt, Baltic herring and sprat with a net in the sea including waters which are not public waters but are located in the municipality either in the outer archipelago or facing the open high seas. Whenever such waters are within a village boundary, persons residing in the village, with the exception of temporary residents, shall also have the right to engage in fishing with hooks, but not with a boulder. (...).*

### *Fishing Act, Chapter 2, section 9*

*Each inhabitant of a village, with the exception of temporary residents, shall have the right to acquire a licence to fish for domestic needs or recreation in an area within the village boundaries and designated by the owner of the waters and on condition that the directions of the owner are observed. The holder of such a licence is obligated to pay the owner of the waters a reasonable fee. If the amount of the fee is not agreed, it may be forwarded for the decision of the Centre for Economic Development, Transport and the Environment.*

### *Fishing Act, Chapter 2, section 12 (...).*

*Permanent residents of the municipalities of Enontekiö, Inari and Utsjoki who are engaged in professional fishing, domestic fishing or indigenous occupations, are, however, entitled to a free licence for fishing in State-owned waters in the municipalities concerned. (...).*

### *Fishing Act, Chapter 6, section 33*

*Fixed and standing fishing gear shall be equipped with clear signs, so that they can be easily detected by others using the waters.*

*The fishing gear referred to in subsection 1 above must also be marked with the name and contact information of the party that placed the fishing gear, as well as with a sign demonstrating the fishing rights, so that they can be seen without having to raise the fishing gear from the water. As an exception to the above, a sign indicating the fishing rights does not need to be attached to fishing gear in areas where the owner of the fishing rights has not introduced a marking system indicating fishing rights. (...).*





Ice fishing is covered by general fishing rights. Photo: Environmental Administration Image Bank / Pekka Luukkola.

## Fishing



### General fishing rights

A fisherman moves about on shores under everyman's rights and in water areas under the right of public access laid down in the Water Act. The owner of a water area has the right to make decisions on fishing and crayfishing and engage in these activities in his or her own area. However, the permission of the owner of a water area is not required for fishing that is within the scope of general fishing rights. According to general fishing rights, everyone has the right to engage in angling, ice fishing and lure fishing with a single rod, reel and lure, with certain restrictions (Fishing Act, Chapter 2, section 8).

Of the general fishing rights, no licence is needed for angling and ice fishing. Under the Fishing Act, angling is exempt from the fishery fee. In angling the rod or line is in the angler's hand or within his or her reach; the rod has no reel which could be used for casting, and no jig, plug, spinner, surface lure, fly or other artificial lure is used. Ice fishing is also exempt from the fishery fee. In ice fishing the fisher uses a jig attached to a line which is moved up and down, either by holding the line in the hand or by using a short rod which cannot be used for casting.

All persons of 18–64 years of age engaging in fishing other than angling or ice fishing must pay the state an annual fishery fee and, if necessary, a lure fishing fee for lure fishing.

Permanent residents of the municipalities of Enontekiö, Inari and Utsjoki are entitled to a free licence granted by Metsähallitus for fishing in state-owned waters in the municipalities concerned (Fishing Act, Chapter 2, section 12).

## Organised fishing events

The permission of the owner of the fishing rights is required for angling, ice fishing and lure fishing competitions, as well as for other similar arranged events (Fishing Act, Chapter 2, section 8). A guided fishing event has also been considered as an event that requires the permission of the holder of the fishing rights.

## Fishing in public waters

*Each citizen of a state belonging to the European Economic Area who resides permanently in Finland has a right to engage in fishing in public waters in sea areas and in Finland's exclusive economic zone. Citizens of Finland, Iceland, Norway, Sweden and Denmark have a right to fish for domestic needs and recreation in the above area irrespective of their residence. (Fishing Act, Chapter 2, section 6)*

With the exception of temporary residents, persons residing in a municipality can engage in fishing vendace, smelt, Baltic herring and sprat with a net, including in waters that are not public waters, but are located in the municipality either in the outer archipelago or facing the open high seas.

Whenever such waters are within a village boundary, persons residing in the village, with the exception of temporary residents, also have the right to engage in fishing with hooks. Fishing with hooks means all types of fishing where the fishing gear is equipped with a hook or hooks.

In lakes, public waters mean water areas located in an open part of large lakes (such as the following lakes: Hyötiäinen, Inarijärvi, Koitere, Lappajärvi, Orivesi, Oulunjärvi, Puruvesi, Pyhäselkä and Päijänne).

## Restrictions on fishing

Fishing regulations include fishing restrictions in regions and seasonal restrictions, minimum size requirements for catching fish, and restrictions on fishing gear and their number. The strongest regional restrictions on fishing can also restrict other movement in the waters. A fisherman is always responsible for ensuring that he or she is fishing in a permitted location and is familiar with the restrictions.

## Fishing supervision

Fishing is monitored by the supervisory authorities (fisheries authority, police, border guard and customs), and by authorised fishing supervisors. Game and fisheries wardens also monitor the state water areas managed by Metsähallitus (Fishing Act, Chapter 13, section 96).

A fishing supervisor must carry a fishing supervisor card and an authorisation document while engaging in fishing supervision duties, and he or she must present them upon request. In addition to this, the fishing supervisor must carry a fishing supervisor's identification card while engaging in fishing supervision duties. Fishing supervisors are subject to liability for acts in office (Fishing Act, chapter 13, section 97).

The fishing supervision inspection cannot be extended to areas used as residences of a permanent nature, unless this is considered necessary (Fishing Act, Chapter 13, section 99). The fisheries authority and the fishing supervisor have the right to check that the fishing gear and the catch found in the vessel used for fishing, in the water or on the shore are in compliance with the provisions and regulations. They also have the right to verify the fisherman's right to fish. In addition to this, the fisheries authority can check that the transport and storage of fish or crayfish are appropriate (Fishing Act, Chapter 13, section 99).

## **Legal case**

KKO 2006:70

### **Unauthorised fishing**

*In the case, the Supreme Court considered that the activity, where the guide and three of the guide's customers engaged in lure fishing for approximately 20 minutes in another's water area so that each person used one rod and lure, was comparable to an organised event referred to in the Fishing Act (Chapter 2, section 8). The Supreme Court considered that the consent of the owner of the water area was required for the activity in question.*

## **Legal case**

Supreme Court: 1985-II-38

### **Invasion of domestic premises**

*The Supreme Court upheld the decision of the Turku Court of Appeal, according to which person A had landed on the shore, in the autumn of 1981 while fishing with a seine, in front of the summer house of X, despite X ordering A not to do so. The first time, A landed on the shore next to X's pier at a distance of approximately 20 metres from the summer house, and the last time, A landed at the site of hauling the seine at a distance of approximately 35 metres from the summer house. The aforementioned shore area was considered to be a part of X's summer house plot, and A did not have the right to set foot on it in accordance with the Fishing Act valid at the time, even if it was necessary in order to haul in the seine.*

*Therefore, A had twice entered the yard of the summer house inhabited by X by force, without legal cause and against X's will. The Court of Appeal found A guilty on two counts of invasion of domestic premises. However, the Court of Appeal stated that because the shore had been traditionally used as a location for hauling the seine by members of the fishing cooperative, the crime of which A had been found guilty was due to forgivable thoughtlessness and it had to be considered insignificant. Public interest did not require sentencing A to a penalty.*



## Hunting



Hunting rights are not included in everyman's rights, but instead they are linked to the ownership of land. Hunting may not endanger or harm humans or the property of others. Hunting must not be disturbed intentionally. Elk hunting in particular may limit the movement of others in the area for the short term.

The landowner has the right to hunt and make decisions on hunting in his or her own area. In practice, Metsähallitus makes the decisions on hunting rights on state land (Hunting Act, section 44). Everyone who engages in hunting must pass the hunting examination and pay the annual state game management fee. In Finland, game animals, which includes 34 species of mammals and 26 species of birds, can be hunted (Hunting Act, Chapter 1, section 5).

*Hunting means the capturing and killing of wild game animals as well as taking quarry into possession by a hunter. Hunting also comprises luring, searching for, circling, stalking, chasing or tracking a game animal for hunting purpose, using a dog or other animal trained to hunt for searching, pursuing, or tracking a game animal, as well as keeping a hunting device at a hunting location ready for hunting. (Hunting Act, Chapter 1, section 2).*

The owner of the area can capture or kill an unprotected animal in his or her area (Hunting Act, section 48). Of the unprotected animals, a closed season has only been laid down for birds during the nesting season.

All of the mammals and birds that are not game animals or unprotected animals are officially protected under the Nature Conservation Act. Hunting regulations include hunting restrictions by region and seasonal restrictions, among other things.

### The right to hunt in public waters on the sea and lakes

All persons residing permanently in Finland have the right to hunt in public waters on the sea (Hunting Act, Chapter 2, section 7). In addition to this, all persons whose domicile is in the municipality to which the public waters belong or on which they border have the right to hunt in public waters on lakes.

### The right of municipal residents to hunt in Northern Finland

Persons whose domicile is in a municipality of the Province of Lapland or in the municipalities of Kajaani, Hyrynsalmi, Kuhmo, Kuusamo, Paltamo, Pudasjärvi, Puolanka, Ristijärvi, Sotkamo, Suomussalmi, Taivalkoski, or Vaala have the right to hunt on state-owned land in their home municipality (Hunting Act, Chapter 2, section 8). The hunting rights of municipal residents also apply to most nature reserves, excluding strict nature reserves. The right can be limited under certain conditions.

### Disturbing a hunt or game animals

Preventing or hindering a hunt (Hunting Act, Chapter 3, section 31) or intentionally disturbing game animals (Hunting Act, Chapter 5, section 36) is prohibited.

Preventing or hindering a legal hunt by disturbing a hunting hound or disabling a hunting device, for example, is prohibited. Setting off or moving a trap is also considered a disturbance. Ordinary recreational use of natural areas, such as picking mushrooms or berries, is not considered disturbing a hunt, unless the specific purpose is to disturb the hunters engaging in a hunt.

Hunting Act, Chapter 1, section 5

### **Game animals and unprotected animals**

Game animals include:

- 1) rabbit, mountain hare, brown hare, red squirrel, European beaver, Canadian beaver, muskrat, nutria, wolf, farmed arctic fox, red fox, raccoon dog, bear, raccoon, badger, ermine, polecat, otter, pine marten, American mink, wolverine, lynx, Baltic ringed seal, harbour seal, grey seal, wild boar, fallow deer, red deer, sika deer, roe deer, moose, whitetailed deer, forest reindeer, and mouflon; and
- 2) Canadian goose, greylag goose, bean goose, mallard, teal, wigeon, pintail, garganey, shoveler, pochard, tufted duck, common eider, long-tailed duck, goldeneye, red-breasted merganser, goosander, willow grouse, ptarmigan, hazel grouse, black grouse, capercaillie, partridge, pheasant, coot, woodcock, and wood pigeon.

Unprotected animals include:

- 1) bank vole, water vole, common vole, field vole, root vole, yellow-necked field mouse, brown rat, and house mouse; and
- 2) raven (in the reindeer husbandry area), hooded crow, magpie, herring gull, great blackbacked gull, domestic pigeon, and fieldfare.

Provisions concerning unprotected animals apply to a cat which has run wild.

Hunting Act, Chapter 3, section 20

### **General requirements**

(...). Hunting may not endanger or harm humans or the property of others.

Hunting Act, Chapter 3, section 31

### **Disturbing a hunt**

It is prohibited to prevent or hinder a legal hunt by disabling a hunting device or to disturb the hunt in some other way.

Hunting Act, Chapter 5, section 36

### **Prohibition on disturbing game animals**

Game animals shall not be disturbed in an area for which the person concerned does not have a hunting right or hunting permit for hunting the game animal in question.

## **Legal case**

Supreme Administrative Court 1973 II 154

### **Game management/protection**

Landowners had carried out game management work throughout almost the whole island of 91 hectares and succeeded in attracting several species of game animals there permanently. As the game stock on the mainland around the island was relatively weak, it would have been important to make the island a permanent nesting area for game animals. For this reason, the owners of the island requested that the State Provincial Office issue an order prohibiting staying at the farm on the island without the permission of the owners of the farm every year from 1 May to 1 September under the penalty of a fine.

Section 30 of the valid Hunting Act allowed for the special protection of an area from access during a period of time starting on 1 May at the earliest and ending on 15 July at the latest, if this proved to be necessary for the breeding of game birds. The Supreme Administrative Court considered that the matters presented could not be considered particularly weighty reasons referred to in section 30 of the Hunting Act, and therefore it was not possible to protect the area.

## 16 Nature activities

***Nature activities, such as observing nature, research, collecting insects and plants, or photography can be carried out under everyman's rights.***



Movement is often restricted in the immediate vicinity around a hide and a carcass used as bait. Photo: Anna Grenfors.

### **Nature surveys and inventories**

As a rule, carrying out nature surveys and inventories is allowed without the landowner's consent. It is also possible to make forecasts of the berry harvest, for example.

If a register, as referred to in the Personal Data Act, is created from the nature survey data, where information concerning the landowner can be found easily and at a reasonable cost, the consent of the landowner is required for creating the register, unless it has been otherwise provided in the Personal Data Act.





The annual berry harvest forecasts are made by making an inventory of the berry growth in test areas.  
Photo: Finnish Forest Research Institute (Metla) / Erkki Oksanen.

## Observing animals and nature photography



Observing nature is within the scope of everyman's rights. The nesting of animals must not be disturbed in connection with nature activities. The nesting trees of golden eagles, sea eagles, spotted eagles, the lesser spotted eagles and ospreys are always protected, if the nest is clearly visible and in regular use (Nature Conservation Act, Chapter 6, section 39, Nature Conservation Decree, Chapter 5, section 19).

As a rule, photography and the use of binoculars are allowed in nature and in a public place. If binoculars are used or photographs taken in the direction of residential buildings, the privacy of people in domestic premises may be unintentionally violated. Photographing another person without the right to do so, or observing them via a technological device in domestic premises is prohibited (regarding illicit observation, see p. 22).

## Tents and huts used as hides

No separate provisions have been issued on tents used as hides. Temporary stays and staying overnight are allowed under everyman's rights, regardless of the purpose of use of the shelter.

Shelters, permanent huts and caravans kept in place for purposes other than normal camping require an action permit in addition to the landowner's consent (Land Use and Building Act, Chapter 18, section 126 and Land Use and Building Decree, Chapter 11, section 62). Instead of an action permit, a notification procedure can also be used (Land Use and Building Act, Chapter 18, section 129).

## Use of animal carcasses as bait

The use of a carcass as bait requires the consent of the landowner. Dead animals or parts thereof are used as bait for the purpose of attracting predatory animals and other animals or birds to the site. Carcasses are utilised as bait in observing animals, photography and research, among other things. The immediate vicinity around the carcass used as bait is considered an area designated for special use, where movement under everyman's rights may be restricted (regarding areas designated for special use, see p. 10).

In addition to the landowner's consent, notification to the municipal veterinarian and possibly an environmental permit in accordance with the Environmental Protection Act are often also required.

The most important statutes regulating the use of carcasses are the Ministry of Agriculture and Forestry Decree on the monitoring of facilities that process certain animal by-products and the use of certain by-products, as well as Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation). In addition to this, the use of carcasses is also regulated, for instance, under the Waste Act and the Land Use and Building Act.



A landowner can remove a nest box that has been placed in his or her area without consent.

Photo: Outdoor Association of Finland.

### **Best practice: Placing nest boxes**

The landowner's consent should be requested for placing nest boxes or artificial nests on another's land.

## **Placing nest boxes**



No separate provisions have been issued on placing nest boxes or artificial nests. The landowner can remove a nest box that has been placed in his or her area without consent, if the nest box is not inhabited. Nesting may not be intentionally disturbed. Forest felling is not considered intentional disturbance. If a nest box or an artificial nest is taken into possession, and its value exceeds €20, the owner of the nest box must be notified in accordance with the Lost Property Act (Chapter 1, section 3 and Chapter 2, section 4); if the owner cannot be reached, the police must be notified. If the value of the nest box is determined to be less than €20 and the identity of the owner cannot be easily established, the party taking the nest box into possession can either keep or destroy it. Contact information on a nest box makes it possible for the landowner to contact the person who hung the nest box.

If a species of animal mentioned in Annex IV (a) of the Habitats Directive, mainly a flying squirrel, settles into a nest box or other type of artificial nest, the nest box cannot be removed and its immediate vicinity cannot be disturbed (Nature Conservation Act, Chapter 6, section 49).

*Any appropriately marked tree hosting the nest of a protected bird species and any tree hosting a large bird of prey is protected if the bird in question nests in it on a regular basis and the nest is clearly visible (Nature Conservation Act, Chapter 6, section 39).*





Feeding birds can be prohibited, for example, at a beach intended for public use. Photo: Environmental Administration Image Bank / Miika Heikkonen.

## Feeding birds

No separate provisions have been issued on feeding birds. Feeding birds is allowed, if it does not cause more than a minor inconvenience to the landowner and if feeding has not been specifically prohibited in the area based on statutes.

If necessary, the municipality has the opportunity of issuing environmental protection regulations that prohibit the feeding of birds due to local conditions under section 19 of the Environmental Protection Act. If desired, a housing company can prohibit feeding on its plot either partially or completely.

## Claiming possession of wild animals

A living protected or unprotected animal can only be held in possession in the exceptional situations listed in law. An unprotected dead animal that is not a game animal can be taken into possession. Game animals belong to the owner of the area or the holder of the hunting right.

## Taking possession of live animals

### Capturing wild animals to be cared for

As a rule, capturing wild mammals and birds to be cared for is prohibited. As an exception, an animal can be captured in order to provide temporary health care for the animal, for example (Animal Welfare Act, Chapter 2, section 13).

### Helping or putting down sick or injured animals

Every effort must be made to help a wild animal that is sick, injured or otherwise in a helpless state (Hunting Act, Chapter 11, section 84; Animal Welfare Act, Chapter 2, section 14). A wild animal can be captured temporarily to be cared for or in order to transport it to care. Before the animal is captured, it must be checked whether it needs help or not. A chick or a baby hare found in an area does not normally need help. An animal captured to be cared for due to a temporary need must be released, when the condition of the animal allows it. If the animal cannot be released and its care cannot be arranged for, it must be killed (Animal Welfare Act, Chapter 2, section 13).

## Taking possession of dead animals

### Protected species found dead

If the dead animal is a protected species, it cannot be taken into one's own possession. Such an animal can be left where it is found, or delivered to a state research institute for study in order to determine the cause of death. A protected species found dead can be released to the Finnish Museum of Natural History or other natural science museums, institutes or institutions of higher education. With the permission of the regional Centre for Economic Development, Transport and the Environment, a protected species found dead can also be delivered to other parties, if a museum of natural science or an institution of higher education does not want it.

A private individual can only be granted a permit to claim possession of a protected species in exceptional cases.



## A game animal found dead

A game animal found dead belongs to the holder of the hunting right of the area, if that person has the right to hunt the game animal species in question in the area.

If the holder of the hunting right of the area so wishes, he or she can keep the game animal that was found, provided that the holder has the hunting licence required for the game animal in question. In other cases the animal belongs to the hunter.

As a rule, if no party holds the hunting right or hunting licence for the game animal, a game animal found dead may not be taken into possession.

Antlers shed by cervids belong to the person who finds them (Hunting Act, Chapter 11, section 83a).

## Capturing wild animals to be cared for

Capturing wild mammals and birds to be cared for is prohibited unless the animal is captured to be kept in a zoo or farmed for the production of meat or eggs or breeding animals for this or for game management purposes, or for temporary medical care or other acceptable temporary cause or for scientific research work.

An animal taken into care for temporary medical care or other acceptable temporary cause must be released when allowed by the condition of the animal if it is to be expected that it will adjust to living in the wild without difficulty. If the animal cannot be released and its care cannot be arranged for, it must be killed.

*Animal Welfare Act, Chapter 2, section 13*

### **Capturing wild animals to be cared for**

*Capturing wild mammals and birds to be cared for is prohibited unless the animal is captured to be kept in a zoo or farmed for the production of meat or eggs or breeding animals for this or for game management purposes, or for temporary medical care or other acceptable temporary cause or for scientific research work.*

*An animal taken into care for temporary medical care or other acceptable temporary cause must be released when allowed by the condition of the animal if it is to be expected that it will adjust to living in the wild without difficulty. If the animal cannot be released and its care cannot be arranged for, it must be killed.*

*Animal Welfare Act, Chapter 2, section 14*

### **Sick or injured animals**

*(...). Every effort must be made to help a wild animal which is sick, injured or otherwise in a helpless state. If, however, the state of the animal is such that keeping it alive would represent obvious cruelty to it, the animal must be killed or it must be seen to that it is killed.*

*Nature Conservation Act, Chapter 6, section 39*

### **Protection provisions**

*The following prohibitions apply to all specimens belonging to a protected species:*

- 1) deliberate killing and capture;*
- 2) appropriation, removal or deliberate destruction of eggs and other developmental stages in their life cycles;*
- 3) deliberate disturbance of animals, particularly during breeding, in important resting places during migration, or on any other sites of significance to their life cycles.*

*Any appropriately marked tree hosting the nest of a protected bird species and any tree hosting a large bird of prey is protected if the bird in question nests in it on a regular basis and the nest is clearly visible. (...).*

*Nature Conservation Act, Chapter 6, section 40*

### **Protected animals found dead**

*No protected animal found dead may be appropriated. Such an animal may, however, be handed over to a State research institute for examination in order to establish the cause of death.*

*If an animal referred to in subsection 1 has scientific, educational or collection value, when properly treated, it may be appropriated for assignment to the Central Museum of Natural History, some other natural science museum or institution, an institution of higher education, or, with permission from the centre for economic development, transport and the environment, to a body other than those referred to above. (...).*



Catching unprotected insects is allowed. Featured in the photo: Lesser Marbled Fritillary. Photo: Environmental Administration Image Bank / Jouko Lehmuskallio.

## Collecting insects and spiders

No separate provisions have been issued on catching unprotected insects. Catching unprotected insects and spiders is allowed.

An agreement should be made with the landowner on setting a fixed insect trap. The landowner can remove unauthorised traps from his or her land (compare with placing a nest box, see p. 98).

*Hunting Act, Chapter 11, section 83*

### **The right of ownership of a game animal found dead**

*A game animal found dead belongs to the holder of the hunting right of the area if the said person has the right to hunt the same game animal species in the area. If a game animal referred to in subsection 1 has been hunted by virtue of a hunting licence, the holder of the hunting right of the area is entitled to keep the animal if he or she so desires provided that he or she has the same kind of hunting licence. In other cases the animal belongs to its hunter.*

*If no party holds the hunting right or hunting licence for the game animal, a game animal found dead may not be taken into possession, unless otherwise provided below.*

*Hunting Act, Chapter 11, section 83a*

### **Derogations to the right of ownership of a game animal found dead**

*If a grey seal or Baltic ringed seal is found dead in fishing gear in a marine area, it belongs to the owner of the gear. If a cervid, roe deer or wild boar referred to in section 26 has been killed in traffic or put down due to a traffic accident, it belongs to the game management association of the area where the accident took place. Antlers shed by cervids belong to the person who finds them.*

*Hunting Act, Chapter 11, section 84*

### **Treatment of an animal which is in a helpless state**

*Efforts shall be made to help an animal referred to in this Act which is ill, injured, or otherwise in a helpless state or to notify the owner of the area, holder of the hunting right, or the police of the matter. If the animal is in such a condition that keeping it alive would apparently cause it an unreasonable degree of suffering, the finder may put down the animal even if the finder is not entitled to capture or kill the animal in question in the area or if the animal is protected at the time.*

*The provisions laid down in this chapter concerning animals found dead apply to an animal that has been put down.*

*Hunting Act, Chapter 11, section 86*

### **Claiming possession of a dead unprotected animal**

*A dead unprotected animal may be kept by the person who found it.*

## 17 Other activities

***While lighting fires and off-road traffic are closely connected to moving about and spending time in nature, these are not a part of everyman's rights.***



A portable stove is not considered the kind of open fire from which fire could easily spread into the surrounding area. Photo: Outdoor Association of Finland.

### Lighting a fire

Lighting an open fire is not within the scope of everyman's rights, and it requires the landowner's permission (Rescue Act, section 6). Campfires or other open fires may not be lit in the forest or in its vicinity at all if, because of drought, wind or other reasons, the conditions are such that there is a manifest risk of a forest fire, grass fire or other fire (Rescue Act, Chapter 2, section 6).

Before the current act entered into force, forest fire warnings were issued that included a prohibition against lighting an open fire while the warning was in force. According to the valid act, *the regional*

*rescue authorities may, on reasonable grounds, prohibit the making of open fires in their rescue service regions or parts of them for a specific period of time. Information on the decision shall be provided to the extent necessary* (Rescue Act, Chapter 2, section 6).

The ownership of the land does not affect the permit requirement; instead, permit applications must be made equally for land owned by the state, municipalities, private individuals or corporations. The person lighting a fire is responsible for it. The person lighting the fire is liable for compensation if the fire expands beyond the intended area and causes damage.



No provisions have been issued on lighting an open fire on an ice-covered water area. The Rescue Act prohibits lighting a fire on another's land without permission, but the requirement only applies to land areas. Based on this, it has been considered that lighting a fire is allowed on an ice-covered water area.

In an emergency, lighting an open fire is allowed under the Criminal Code (Chapter 4, section 5). In this context, an emergency mainly refers to the protection of life or health, for example, to keep a person warm who has fallen through ice.

## Open fires on state-owned land

In a decision of Metsähallitus, a general permit has been issued for lighting fires in the country on state-owned land in Lapland, Northern Ostrobothnia, Kainuu and North Karelia. Dry branches, small twigs and small tree stumps and roots can be used to light a fire. If there is a maintained campfire site within the radius of less than half a kilometre, the fire must be made there.

## Definition of an open fire

An open fire has not been defined in legislation. In the Government proposal on the Rescue Act, an open fire refers to campfires, as well as other similar uses of fire, where the fire can expand beyond the intended area via the ground or due to sparks.

Grills isolated from the ground, fireplaces made out of bricks or stone and similar equipment are not considered open fires. In contrast, lightweight grills that are placed directly on the ground and that can easily tip over in the wind, as well as other similar devices for fires, are considered open fires. When the risk of fire is evident, the use of these is seen as making a prohibited open fire as referred to in the provision. In addition to this, it is essential that the person lighting a fire does not cause a fire hazard through any of his or her other actions.

Fire will not easily spread into the surroundings from a carefully used small or large portable stove. Therefore, a permit is not required for the use of a small or large portable stove.

Usually an open fire is made by using wood. Only twigs that have fallen on the ground can be collected without the landowner's permission. No branches, birch bark or other types of bark can be taken from trees. Taking fallen trees for use as firewood is not within the scope of everyman's rights, either.



Even in winter, an open fire cannot be lit without the permission of the landowner, with the exception of on ice-covered water areas. Photo: Antti Lehtonen.

*Rescue Act, Chapter 2, section 6*

### Open fire

*Campfires or other open fires may not be lit if, because of drought, wind or other reasons, the conditions are such that there is a manifest risk of a forest fire, grass fire or other fire.*

*Open fires may not be made on someone else's land without the landowner's permission.*

*Regional rescue authorities may, on reasonable grounds, prohibit the making of open fires in their rescue service rrmation on the decision shall be provided to ethe extent necessary.*

## Littering

Littering is prohibited under the Waste Act. Abandoning waste or an object in the environment or emitting a substance is considered littering, if it causes unclean conditions, disfigurement of the landscape, a decline in pleasantness, or a risk of injury to humans or animals (Waste Act, Chapter 8, section 72).

If the person responsible for littering cannot be ascertained or found, the area is cleaned up under

the supplementary obligation to clean up (Waste Act, Chapter 8, section 74, see below). The prohibition on littering applies equally to landowners and people enjoying everyman's rights.

If the person responsible for littering cannot be ascertained or found, the keeper of the area or route is responsible for maintaining the outdoor recreation route or outdoor recreation area free from litter (Waste Act, Chapter 8, section 73).

*Waste Act, Chapter 8, section 72*

### **Prohibition on littering**

*No waste or discarded machine, device, vehicle, vessel or other object may be abandoned in the environment, and no substance may be emitted in a manner which may cause unclean conditions, disfigurement of the landscape, a decline in amenities, risk of injury to humans or animals, or any other comparable hazard or harm (prohibition on littering).*

*Waste Act, Chapter 8, section 73*

### **Obligation of the person leaving litter to clean up**

*A person responsible for littering has the obligation to remove the object or substance from the environment and otherwise clean up the littered area.*

*Waste Act, Chapter 8, section 74*

### **Supplementary obligation to clean up**

*If the person responsible for littering cannot be ascertained or found, or if the person responsible fails to comply with the obligation to clean up, the following are responsible for cleaning up:*

- 1) the keeper of a public road, private road, railway or harbour in an area where littering has occurred due to the use of the road, railway or harbour;*
- 2) the holder of a public recreational area or keeper of an outdoor or snowmobile route in an area where littering has occurred due to the use of the area or route;*
- 3) the organiser of a public event in the area reserved for the event, and in its immediate vicinity, where littering has occurred due to the event, or the holder of the area if the event is organised with the holder's consent and the event organiser neglects to clean up the area;*
- 4) the holder of an area other than those referred to in paragraphs 1–3, within the scope of a valid local detailed plan;*
- 5) the holder of an area other than those referred to in paragraphs 1–4, if the holder of the area was or should have been aware of the activity or event during which the littering occurred, and cleaning up the area is not unreasonable for the holder in other respects.*

*If the holder of an area referred to in subsection 1(5) fails to comply with the obligation to clean up, or the holder is not required to clean up under the aforementioned paragraph, the local municipality is required to clean up the litter.*



Driving off-road requires the permission of the landowner or holder of the right to the land. Photo: Outdoor Association of Finland.

## Off-road traffic and parking off-road



Off-road traffic refers to driving a motorised vehicle off-road. Off-road areas refer to the land areas outside roads and to ice-covered water areas. Driving on a land area off-road requires the landowner's permission, and therefore it is not included under everyman's rights. On ice-covered water areas, driving a motorised vehicle is allowed based on the right of public access to waters laid down in the Water Act.

The Off-road Traffic Act includes certain exceptions to the requirement of the landowner's permission for off-road traffic. The Off-road Traffic Act makes it possible to use a motorised vehicle without the landowner's permission, for example,



Prohibition signs can be used as reminders of the prohibition against off-road traffic. Photo: Outdoor Association of Finland.

for transporting a person with severely restricted mobility and his or her personal assistant in the terrain, as well as for necessary passage due to difficult road conditions and the location of a permanent residence.

In order to prevent harmful effects from off-road traffic, the regional Centre for Economic Development, Transport and the Environment can prohibit the use of a motorised vehicle or restrict it in a certain land area or on an ice-covered water area (Off-road Traffic Act, Chapter 2, section 8). In practice, restrictions have usually been issued regarding ice-covered water areas close to residences.



## Parking off-road

Parking vehicles off-road in the immediate vicinity of a road outside a population centre is allowed, if safe parking requires it and it does not cause unreasonable inconvenience to the owner or holder of the area (Off-road Traffic Act, Chapter 2, section 4). Roads and junctions may not be blocked by parking.

If the landowner has set up a parking place next to the road, the owner has the right to decide how it is used based on the right of possession. Provided that no restrictions have been issued, other people may also use the site for parking.

## Aircraft take-off and landing sites

Aerodromes intended for the purpose and regulated by the Aviation Act are used for the take-off and landing of aircraft, such as aeroplanes and hot air balloons. An aerodrome is a landing, take-off and refuelling site used for temporary aviation activities, and it is usually not included in the classification of airports. In Finland, water areas are also used as aerodromes.

In a land area, take-off and landing must occur at sites reserved for this purpose. Other areas can also be used with the landowner's consent and in emergencies.

In a water area, take-off and landing in an aircraft or in a device not classified as an aircraft by law, such as a hot air balloon, sailplane, hydroplane and hang glider or paraglider, is temporarily allowed.

In hot air balloons and sailplanes in particular, it is occasionally necessary to land in another's area in cases where acquiring the landowner's permission in advance has not been possible. In such a case, landing must be reported to the landowner immediately and compensation must be provided for any possible damage incurred.

The landowner's permission is required to drive a motorised vehicle off-road to retrieve an aircraft that has landed at a place other than an aerodrome (Off-road Traffic Act, Chapter 2, section 4).

## Scattering the ashes of a deceased person

According to the Burials Act (Chapter 7, section 19), the consent of the owner or holder of the area is required for scattering ashes in a land or water area.



The owner of a parking place can determine the conditions for using it. Photo: Rea Nyström.



Compensation must be given for damage caused by landing an aircraft, for example, in a cultivated area. Photo: iStock.

### **Right to move off-road**

Passage in a motorised vehicle and stopping or parking it off-road in a land area is prohibited without the permission of the owner of the land or the holder of the right to the land. However, permission is not required for:

- 1) official duties of the police, Customs or the Border Guard, or for patient transport, or fire and rescue tasks;
- 2) official duties other than those referred to in paragraph 1, maintenance of energy or data communications equipment, or movement related to these tasks or work done during snow cover or in terrain without snow cover for particularly important reasons,
- 3) work related to reindeer husbandry in the reindeer herding areas referred to in the Reindeer Husbandry Act and in their immediate vicinity during snow cover, or movement to carry out the necessary tasks related to this work in terrain without snow cover;
- 4) passage required for fishing by persons who derive a significant portion of their livelihood from it, using a snowmobile during snow cover;
- 5) passage required for the maintenance and repair of machinery used in professional forestry work during snow cover;
- 6) passage necessary due to difficult road conditions and the location of a permanent residence;
- 7) passage through an area of a person with severely restricted mobility and his or her personal assistant;
- 8) stopping or parking a motorised vehicle in the immediate vicinity of the road outside a population centre, if safe parking requires it and it does not cause unreasonable inconvenience to the owner or holder of the area; or
- 9) the movement necessary for the activity referred to in the relevant prospecting permit or mining permit in the prospecting area referred to in the Mining Act and within a distance of 30 metres from its borders, or in the service area of a mine.

Concerning the right to move on the ice- covered surface of a water area, the provisions of Chapter 2, section 3, of the Water Act (587/2011) are in force, unless otherwise provided in this Act.

### **Passage in a water body**

Unless otherwise provided by law, everyone has the right, without inflicting unnecessary damage, harm or disturbance, to:

- 1) move in a water body and on its ice- covered surface (...).

### **Use of aerodromes and other areas**

Only aerodromes or areas referred to in subsection 2 below may be used for take- off and landing of aircraft. However, the prohibition to use other areas shall not apply to emergencies, forced landings and other comparable events or to take-offs and landings of military helicopters, other state helicopters or search and rescue helicopters on operational (military) flights or on flights associated with rescue services or assistance to authorities.

Separate provisions shall be issued on the use of ship landing decks for helicopter take-offs and landings.

An aircraft may temporarily use an open water area or other land or water area for take-off and landing with the consent of its owner or possessor, even if the area has not been specifically arranged for that purpose. Where necessary for aviation safety, the Finnish Transport Safety Agency issues regulations on: (...).

Where necessary for reasons of flight safety, smooth flow of traffic, national defence, engagement in trade or prevention of harmful environmental effects, the Finnish Transport Safety Agency may prohibit the use of an area other than an aerodrome or restrict the use of an area referred to in subsection 2 for aircraft take-offs and landings. If the prohibition or restriction is imposed for reasons other than flight safety or smooth flow of traffic, the Finnish Transport Safety Agency shall hear the Centre for Economic Development, Transport and the Environment and other authorities as necessary.

## 18 Organised activity

***Organised activity is either of a private nature or constitutes an activity specified in the Assembly Act. In addition to this, activity without an actual organiser or convener also exists.***



An event that is of a private nature, such as a guided bird watching tour or a hike, can be carried out under everyman's rights, provided that the event does not cause harm. Photo: Outdoor Association of Finland.

### Private activities

When planning for an organised activity, an assessment must be made of whether it falls within the scope of the Assembly Act or whether it is a private event within the scope of everyman's rights. The event falls under the Assembly Act, unless the event is considered to be of a private nature owing to the number of participants, the type of the event, or other specific circumstances (Assembly Act, Chapter 1, section 2).

The purpose of the activity in itself, such as carrying out business, does not determine whether an event can be considered private or whether it requires notification in accordance with the Assembly Act. According to the Assembly Act, *'However, no notification need be made on a public event which, owing to the low number of participants, the nature of the event or the place of the event, does not require measures for the maintenance of order or*





Organising an event may require actions in accordance with the Assembly Act. Photo: Outdoor Association of Finland.



Thousands of people gather in Kaivopuisto Park in Helsinki on May Day. Photo: Antti Lehtonen.

*security nor for the prevention of inconvenience to the bystanders or damage to the environment, nor special traffic arrangements.'* (Assembly Act, Chapter 3, section 14). Activities of a private nature can be arranged in another's area under everyman's rights, if the activity does not cause more than a minor inconvenience to the landowner, and if it does not involve a public event as referred to in the Assembly Act. A public event in accordance with the Assembly Act requires notification and the consent of the landowner. Even if the event did not require notification in accordance with the Assembly Act, it may nevertheless cause more than a minor inconvenience to the landowner, and therefore requires the landowner's consent. Private activities include, for example, guided nature tours and the activities of sports clubs, scouts and school classes in another's area that are temporary and do not cause harm.

Commercial or other organised activities do not automatically mean that the threshold of more than a minor inconvenience would be crossed. The actual effects of the activity determine whether the activity can be carried out under everyman's rights, or if the landowner's consent or notification in accordance with the Assembly Act is required. The actual effects of the activity are caused by the size of the group, the local natural conditions, the nature of the activity and its regularity and duration, among other things.

An event is within the scope of the Assembly Act, if the type of the event or the place of the event requires actions in order to:

- 1) ensure order and safety
- 2) prevent harm to bystanders and damage to the environment, or
- 3) make special traffic arrangements.

## Events without an organiser

There are convened events that nevertheless do not have an organiser responsible for the event, or their organiser cannot be identified. This occurs in cases such as when the event invitation is sent via social media without stating the organiser responsible for the event, and when no one takes responsibility for arranging the event in any other way. Such events have included the 'beer floating' on the Vantaa River and the Botéllon event in Turku.

An event without an organiser may be problematic for the landowner or the neighbours, if the event causes noise, littering, wear on the terrain or damage to property, for example. At such an event, everyone present may be held personally responsible for any damage he or she has caused.

## Public meetings and public events

The starting point of the Assembly Act is that different events that are open to the public are either public meetings or public events. The purpose of the Assembly Act is to protect the use of the freedom of assembly laid down in the Constitution and to guide the arrangement of public meetings and public events with the necessary provisions concerning order.

The general principles of arranging public meetings and public events are:

- 1) The event must be arranged peacefully.
- 2) The event must be arranged without endangering the safety of the participants or bystanders and without violating their rights.
- 3) The organiser of the event must ensure that the assembly does not cause significant damage to the environment.

### **Best practice: Assessing the need for agreement with the landowner and the notification requirement under the Assembly Act**

The intended activity should be discussed with the landowner in advance, if it is not possible to estimate with certainty whether the activity will cause more than a minor inconvenience or not.

The police should also be contacted in advance, if it is not certain whether the event requires notification in accordance with the Assembly Act.

*Assembly Act, Chapter 1, section 2*

### **Scope of application**

*This Act applies to public meetings and public events. For the purposes of this Act, a public meeting is defined as a demonstration or other assembly arranged for the exercise of the freedom of assembly, open for participation or observation also to persons who have not been expressly invited to it. However, a demonstration arranged merely for the expression of the opinion of individual persons is not considered to be a public meeting. (...).*

*Assembly Act, Chapter 2, section 5*

### **Right to arrange public meetings**

*Public meetings may be arranged by private persons with full legal capacity, by corporations and by foundations. A person who is without full legal capacity but who has attained 15 years of age may arrange a public meeting, unless it is evident that he or she will not be capable of fulfilling the requirements that the law imposes on the arranger of a meeting. Other persons without full legal capacity may arrange public meetings together with persons with full legal capacity.*

*Assembly Act, chapter 2, section 7*

### **Duty of notification**

*When a public meeting is to be arranged outdoors in a public place, the arranger shall notify the local police of the same orally or in writing at least six hours before the beginning of the meeting. Also a later notification may be considered valid, if the arrangement of the meeting does not cause significant disruption to public order. (...).*

*Assembly Act, Chapter 1, section 3*

### **General principles governing the arrangement of an event**

*A public meeting and a public event shall be arranged peacefully, without compromising the safety of the participants or bystanders and without infringing their rights. When arranging an event, care shall be taken that the assembly does not cause significant damage to the environment.*

*When arranging a public meeting or public event, no one shall without an acceptable reason be treated differently from others on the basis of personal circumstances.*

Assembly Act, Chapter 1, section 2

### **Scope of application**

(...) For the purposes of this Act, a public event is defined as amusements, contests, performances and other comparable events that are open to the public, but not considered to be public meetings. If participation in an event requires an invitation or membership in a given organisation, the provisions of this Act on public events apply to it, unless the event, owing to the number of participants, the type of the event or other specific circumstances, is considered to be of a private nature. (...).

Assembly Act, chapter 1, section 4

### **Duty of protection and promotion**

The public authorities shall promote the exercise of the freedom of assembly by protecting the right to assemble without hindrance and by providing for the necessities in the arrangement of public meetings.

Assembly Act, chapter 3, section 12

### **Arrangement of a public event**

A public event may be arranged by a person with full legal capacity, by a corporation and by a foundation. A person without full legal capacity may arrange a public event together with a person with full legal capacity.

Assembly Act, chapter 3, section 13

### **Consent of the owner or holder**

The arranger of a public event shall obtain the consent of the owner or holder of the place of the event for it being used for this purpose. (...).

Assembly Act, chapter 3, section 14

### **Notification**

The arranger shall notify the police of the arrangement of a public event in writing at least five days before the beginning of the event. The police may also accept a notification made later, if the arrangement of the event will not disrupt public order and if the late notification will not unreasonably hamper the performance of the statutory duties of the police.

However, no notification need be made on a public event which, owing to the low number of participants, the nature of the event or the place of the event, does not require measures for the maintenance of order or security nor for the prevention of inconvenience to the bystanders or damage to the environment, nor special traffic arrangements.

The provisions in section 8 on the notification on a public meeting apply to the contents of the notification on a public event. Where necessary, the police may require information also on other circumstances pertaining to the arrangement of the public event.

Security Stewards Act, section 6

### **Preventing entry**

Security stewards shall prevent from entering their area of operation any persons who, on account of their intoxication, behaviour or equipment, can on reasonable grounds be suspected of endangering order or security there or who do not meet the age requirement for entry. Security stewards also have the right to prevent from entering their area of operation any persons who:

- 1) on the basis of their earlier behaviour, can with reason be suspected of endangering order or security there;
- 2) do not meet the requirements for entry imposed by the event organizer or site proprietor, but having due regard to the provisions on discrimination in the Criminal Code; or
- 3) can with reason be suspected of possessing objects or substances whose possession at the site is prohibited by law or by the conditions imposed by the event organizer or the police.



## Public meeting

A public meeting is defined as a *demonstration or other assembly arranged for the exercise of the freedom of assembly, open for participation or observation also to persons who have not been expressly invited to it. However, a demonstration arranged merely for the expression of the opinion of individual persons is not considered to be a public meeting* (Assembly Act, Chapter 1, section 2).

A public meeting may be arranged outdoors in a public square, opening, street, and in another similar public place that is suitable for meetings, without the permission of the owner or holder. The owner or holder may restrict the use of such a place for meeting purposes, if it is to be anticipated that the arrangement of the meeting will cause unreasonable inconvenience to the owner or holder or unreasonable damage to the environment (Assembly Act, Chapter 2, section 9). Objective reasoning is required for the owner's or holder's ability to set restrictions on use. The actual use of the area determines whether the area is suitable for its purpose of use. Unreasonable disturbance to the environment or to the special use of the land by the landowner can be a reason for restrictions (HE 145/1998).

A public meeting must always have an organiser who is responsible for the meeting. The police can only prohibit the arrangement of a public meeting, if it is evident that the organiser of the meeting is not able to take responsibility for the necessary obligations.

## Public events

A public event is defined as amusements, contests, performances and other comparable events that are open to the public, but not considered to be public meetings. Admission can be charged for a public event.

The police have the right to prohibit the arrangement of a public event, if

1. the arrangement of the event is against the law or its arrangement substantially violates the Assembly Act or regulations issued under it;
2. maintaining order and safety is not possible;
3. the arrangement of the event causes a health hazard or property damage, or
4. the arrangement of the event causes significant damage to bystanders or to the environment.



The Midsummer party at an outdoor recreation centre is a public event. Photo: Outdoor Association of Finland.

The landowner's consent is required for the use of the site where the event will be arranged. No separate provisions have been issued on the procedure for obtaining consent, because it is a contractual issue (HE 145/1998).

The police must be notified of a public event at least 5 days before the event begins, if

1. the number of participants is not small;
2. the type of the event or the place where it is arranged requires measures to ensure safety and order or to prevent harm to bystanders or the environment;
3. the event requires special traffic arrangements.

After the notification, the police can issue necessary instructions and orders to the organiser of the event, or in some situations, prohibit the arrangement of the event on the grounds laid down in the law. In addition to the notification to the police, regulations in the Health Protection Act, the Waste Act, the Land Use and Building Act, the Environmental Protection Act and the Food Act may need to be taken into account in arranging the event.

## Security stewards

The police may require the organiser of the event to make arrangements for security stewards to be present, or if necessary, the organiser can also arrange for them to be present if they so desire. The rights and duties of a security steward are laid down in the Assembly Act, the Public Order Act and the Security Stewards Act. *The duty of security stewards is to maintain order and security and to prevent crime and accidents at the event or site for which they have been appointed as security stewards under one of the statutes mentioned in section 1(1)*

(*area of operation*). (Security Stewards Act, Chapter 1, section 2).

Acting as a security steward always requires that the police have granted the person security steward certification. When carrying out their duties, security stewards enjoy specific protection under criminal law. The regulation aims to ensure that the duties of a security steward are carried out appropriately, in connection with which security stewards have the right to interfere with the basic rights of people in certain situations. The key task of security stewards is to ensure the safety of the persons in the area under their responsibility.

### Ombudsman's decision

Complaint to the Ombudsman, Reg. no 3329/4/04

#### Restricting the freedom of movement and everyman's rights during a rally race

*The complaint involves charging admission and thereby restricting the freedom of movement and everyman's rights outside the area in which the speed competition (rally) is arranged. The start, finish, maintenance and spectator areas of the rally are areas designated for special use, where everyman's rights are not in force. In these areas, the organiser of the rally has the right to decide on charging admission at its discretion, and to require the payment of admission in order to access the area. As for the road areas and danger zones, they are closed areas under a closure decision, and the spectators should not be able to access them even by paying admission.*

*However, the areas in which the rally is to be held have not always been clearly marked off on the ground, which poses a problem. This applies in particular to the 'forest stages' in the special stages that are included in the area where the rally is held; with the exception of closed roads, it can be difficult to know that they are an area designated for special use. In my opinion, in order to consider the area in which the rally is held an area designated for special use, it must be marked off on the ground in some way or it must be possible to identify it as such an area in other ways. The reports and opinions of the State Provincial Offices and the police departments also express a quite unified view on the necessity of marking off the area in which the rally is held in some way.*

*Failure to mark the area off clearly may have resulted in situations where the organiser of the rally may also have attempted to restrict movement under everyman's rights outside the area in which the rally was held, which means interfering with the freedom of movement that has been guaranteed in section 9 of the Finnish Constitution as a basic right. For this reason, the area in which a rally is to be held should be defined better than currently and already in the police department decisions that are made in response to the notification on arrangements for a public event. The definition of the area in which the rally is to be held is also important concerning the jurisdiction of the security stewards appointed for the event.*

*Orders and instructions on marking off the area where the rally is to be arranged could also be issued in the decisions. In addition to this, to protect the freedom of movement that has been guaranteed as a basic right in section 9 of the Finnish Constitution, orders and instructions under section 20 of the Assembly Act of which the security stewards and competition officials should be made aware could be issued. An order or instruction could, for example, state that it is prohibited to restrict the freedom of movement or everyman's rights due to the arrangement of an event outside the time when the event is arranged or the area in which it is arranged.*









## **INFLUENCING THE USE OF EVERYMAN'S RIGHTS AND ADDRESSING VIOLATIONS**

All persons using everyman's rights, as well as landowners, have rights and obligations related to the use of everyman's rights. In practice, there are several ways to affect the use of everyman's rights. Conflicts between the landowner and a user of everyman's rights are rarely heard in court.

Photo: Antti Lehtonen.

## 19 Rights and obligations of landowners and users of everyman's rights

Users of everyman's rights and landowners are both responsible for being aware of the scope and the restrictions on the use of everyman's rights.

Activities engaged in under everyman's rights that do not cause more than a minor inconvenience to the landowner are legal, and they cannot be obstructed. A person obstructing the use of legal everyman's rights may be guilty of a punishable action, such as unlawful self-help, menace or coercion. A landowner may only interfere with a person moving on his or her land in the exceptional situations laid down in the Coercive Measures Act (general right of apprehension and self-help).

Everyman's rights are independent of the identities of the landowner and the user of everyman's rights. Only the police have the right to verify a person's identity in the course of completing an individual task (Police Act). When a landowner or a user of everyman's rights feels that his or her rights have been violated, they can seek the help of the authorities.

Negotiating an agreement should be attempted before resorting to this. The use of land by the landowner can override the possibility of using everyman's rights either completely or partially. However, the use of land overriding the use of everyman's rights

must involve designating the area for special use, which means the actual use of the area. A planned purpose of use marked in a land use plan, for example, does not affect everyman's rights in principle.

Landowners have the right to fence in their areas and express their opinions on the use of the areas. Signs that prohibit the use of everyman's rights without cause are illegal (Nature Conservation Act, Chapter 5, section 36). Landowners have the right to photograph or video their areas and monitor them remotely.

The camping equipment and vehicles of a user of everyman's rights are within the scope of domestic premises, and unlawfully interfering with them is prohibited. The property of a user of everyman's rights in another's area is also safe, provided that the object or other property is not clearly abandoned or lost. Landowners can remove unauthorised objects that have been brought to their land and that do not enjoy the protection of domestic premises (regarding the protection of domestic premises, see p. 20). Provisions on handling items worth more than €20 can be found in the Lost Property Act.

The obligation of the landowner and holder of an area on cleaning littered areas is laid down in the Waste Act (regarding littering, see p. 104 ).

### Legal case

Turku Administrative Court, 19 March 2002 02/0155/1:

#### Detailed shore plan

*An island within the detailed shore plan had been allocated in the land use plan as an agricultural and forestry area, where the environment was to be protected (M/s). In accordance with the plan regulation, the aim was to protect the island from boaters. According to the plan report, the landowner had wanted the island to be allocated in the way mentioned above, but the use of the island by the owner would be left outside the protection requirements. The owner's pier had already been constructed in the area. In its decision, the Administrative Court stated that no land use reasons related to landscape, natural values, the built environment, cultural and historical values or other special environmental values in accordance with the Land Use and Building Act had been presented as grounds for the plan regulation. Therefore, the land use plan with regard to the island was illegal. The Administrative Court overruled this part of the decision of the council approving the land use plan.*

*Criminal Code, Chapter 17, section 9*

### **Unlawful self-help**

*A person who in order to protect or enforce his or her rights undertakes measures that are unlawful without resorting to the authorities shall be sentenced, unless a more severe penalty for the act is laid down elsewhere in the law, for unlawful self-help to a fine or to imprisonment for at most six months.*

*Criminal Code, Chapter 25, section 7*

### **Menace**

*A person who raises a weapon at another or otherwise threatens another with an offence under such circumstances that the person so threatened has justified reason to believe that his or her personal safety or property or that of someone else is in serious danger shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for menace to a fine or to imprisonment for at most two years.*

*Criminal Code, Chapter 25, section 8*

### **Coerciona**

*A person who unlawfully by violence or threat forces another to do, endure or omit to do something shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for coercion to a fine or to imprisonment for at most two years.*

*Coercive Measures Act, Chapter 2, section 2*

### **The general right of apprehension**

*Any person may apprehend a suspect in an offence who has been caught in the act or trying to escape, if the offence is punishable by imprisonment or if the offence is petty assault, petty theft, petty embezzlement, petty unauthorized use, petty stealing of a motor vehicle for temporary use, petty damage to property or petty fraud. Any person may apprehend also a person for whom an authority has issued an arrest warrant or a remand warrant.*

*The person who has been apprehended shall be turned over without delay to a police officer.*

*Section 3*

### **Use of forcible means**

*If the person being apprehended resists or escapes, the person apprehending him or her may use the forcible means that are necessary to apprehend him or her and that can be deemed justifiable in view of the whole, taking into consideration the nature of the offence, the conduct of the person being apprehended and the situation also in other respects. (...).*

*Coercive Measures Act, Chapter 1, section 5*

### **Self-help**

*The assistance of a competent authority shall be used to recover personal property that has been lost through an offence or that has otherwise been lost. However, measures of self-help in the recovery of such property are permissible if:*

- 1) the property has been lost through an offence and measures to recover the property have been undertaken immediately after the offence has been committed; or*
- 2) the lost property in other cases is recovered from a person who has it in his or her possession without right, and sufficient and timely assistance of the authorities is not available.*

*In the situations referred to above, the necessary measures of force to recover property may be taken that can be deemed justified when viewed as a whole, taking into consideration the manifest nature of the violation of rights and the extent and probability of the threatened loss of rights.*

*Chapter 17, section 9 of the Criminal Code (39/1889) contains provisions on punishable self-help.*



## 20 Influencing the use of everyman's rights

***Obstructing or prohibiting the use of everyman's rights with signs that have no legal basis is prohibited. The signs placed by the Defence Forces, state border marks and signs related to nature reserves have been laid down in law, and they must be followed.***

### Instruction signs

Signs, panels and guides in accordance with the standard 'SFS 4424 Signs for outdoor activities' are recommended for directing the use of recreational areas and outdoor recreation routes.

Traffic signs in accordance with the Road Traffic Decree are used to direct traffic on roads. The traffic signs do not have a legal effect outside the road area, but they are also used to direct outdoor activities off- road, because the meaning of the signs is generally known.

### Prohibition signs

Restricting the use of everyman's rights is only possible on grounds based on law. No sign prohibiting trespassing, mooring and landing or otherwise restricting free public access can be erected on land or in water in so far as there are no legal grounds for doing so (Nature Conservation Act, Chapter 5, section 36). If there are no obstacles to movement due to the use of the land, the landowner may not prohibit legal access to or movement in his or her area.

Prohibition or guidance signs can be private or placed by an authority. Metsähallitus, Centres for

Economic Development, Transport and the Environment, and the Defence Forces are the most common authorities issuing restrictions. Prohibition signs do not always mention the authority that issued the restriction.

Signs placed by private individuals or parties carrying out an activity include, for example, *No Trespassing*, *Construction Site* and *Forestry Site*. They are notifications stating that the land is used in a way that may restrict the use of everyman's rights. The sign *Private area* is often used to mark a yard. However, the sign *Private area* does not directly prohibit the use of the area under everyman's rights, unless it actually indicates the border of a yard. *No Unauthorised Entry* signs are used to limit the use of an area, but it is often unclear what kind of activities the prohibition refers to. Signs can be used to warn people against damaging seeding stands or to show that a yard starts at the sign.

Setting a *Private area* sign is usually allowed, because it does not prohibit movement, rather it only expresses the owner's opinion of the borders of the private area. If a sign indicates the real location of a yard, for example, it tells people about how the land is used.



In some areas, movement can easily cause damage, in which case it can be prohibited. Photo: Outdoor Association of Finland.



Moving about on construction sites can be prohibited for safety reasons, among other reasons. Photo: Outdoor Association of Finland.

Erecting a *No Trespassing* sign is allowed, if it indicates the border of a yard of domestic premises, for example. The common yard of an apartment building is not part of domestic premises, but based on its right of possession, a housing company can set up signs directing traffic to protect the lawn or for similar purposes. In relatively small limited liability housing companies, the yards owned by the company may also be divided, either in the articles of association or by agreement, into private areas belonging to the apartments. Such yards of the different dwellings of a terraced house or a low-rise apartment building also are considered a part of the domestic premises in relation to the other persons living on the company's premises (HE 184/1999).

The sign *No Unauthorised Entry* is quite common. Unauthorised access has not been defined in the legislation.

A user of everyman's rights must not remove any signs he or she observes, even if they are illegal, because they fall under the protection of property. Problematic signs can be reported to the police, or to any authority that may be mentioned on the sign.



The 'Yksityinen' (Private) sign indicates the use of the area and the border of a yard. Photo: Outdoor Association of Finland.

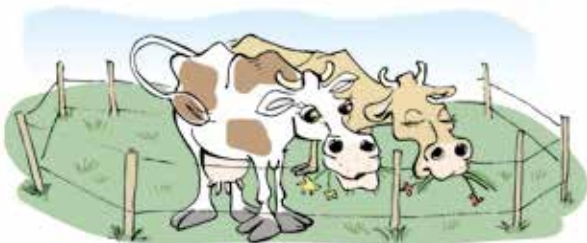


The fence protects the yard from outsiders and indicates the border of the area. Photo: Environmental Administration Image Bank / Pirjo Ferin.



A barrier or other obstacle on the road prevents vehicle traffic, but does not affect everyman's rights. Photo: Outdoor Association of Finland.

## Fences and obstacles



In principle, landowners have the right to construct fences on their lands. The local detailed plan or the municipal building ordinance may include regulations on building a fence.

In a yard, a fence provides protection from outsiders (regarding domestic premises, see p. 21). A fence outside the yard may be a sign of a property the landowner wants to protect. Crossing a fence outside a yard is allowed, but if crossing the fence causes damage, it may affect the assessment of

whether the act was intentional or not. A fence or other structure constructed by the landowner on his or her land must not be dangerous.

### Barriers

A barrier on a road does not prevent or prohibit movement under on everyman's rights. Despite a barrier, walking, skiing, cycling and riding horses on a road is allowed, as long as it does not cause more than a minor inconvenience. The purpose of a barrier is to prevent unauthorised traffic by motorised and horse- drawn vehicles.

A private road can be barred, if the conditions of any state or municipal funding that may have been received do not prohibit it (regarding private roads, see p. 45).

The keeper of a road may be guilty of unlawful self- help, if a barrier is closed intentionally while a berry-picker is at the end of the road with the barrier. If the opening hours of the barrier are stated at the head of the road, the schedule must be followed.



Nature Conservation Act, Chapter 5, section 36

### Prohibition signs

No sign prohibiting trespassing, mooring and landing or otherwise restricting free public access is to be erected on land or in water in so far as there are no legal grounds for doing so.

Rescue Act, Chapter 2, section 3

### General duty to act

Anyone who observes or receives information about a fire or other accident that is either occurring or about to occur and cannot immediately extinguish the fire or combat the danger is obliged to notify those endangered, make an emergency call and take rescue action without delay to the best of their abilities.

Rescue Act, Chapter 2, section 4

### Duty of care

Everyone shall be careful to avoid the risk of a fire or other accident and the damage it causes. Everyone shall ensure, to the best of their abilities, that within their sphere of authority, provisions issued to prevent fires and other accidents and to ensure the safety of persons are observed.

Criminal Code, Chapter 21, section 13

### Imperilment

A person who intentionally or through gross negligence places another in serious danger of losing his or her life or health, shall be sentenced, unless the same or a more severe penalty for the act is provided elsewhere in the law, for imperilment to a fine or to imprisonment for at most two years.

Police Act, Chapter 5, section 52

### Restrictions on movement and sojourn

In order to secure a very important activity or property or to protect people, movement or sojourn in a secured or protected location or its surroundings may be restricted due to a danger posed by or to the location, or the bringing of objects or substances that would endanger the safety of the location may be prohibited by Ministry of the Interior decree. A fine may be imposed for violating the order or restriction, unless a punishment for the act is provided elsewhere in the law.



Byelaws indicate the wishes of the owner of the area regarding its use. Restricting everyman's rights without cause is prohibited, even with byelaws. Photo: Outdoor Association of Finland.

## Byelaws

Before the Public Order Act entered into force, municipal byelaws were in force in Finland. They had to be followed, and as such, they formed a basis for a summary penal order. In 2003, the municipal byelaws were replaced by the Public Order Act, which changed the legal significance of the byelaws.

Municipalities may still have 'byelaws' that apply to locations such as beaches or recreational areas and that are used to direct and protect the special use of the areas.

A byelaw is an instruction by nature and it has no immediate legal effect, but the provisions of other laws can be repeated in the byelaws. An exception is a rule or regulation issued for national parks and other nature reserves under the Nature Conservation Act (Chapter 3, section 20), which must be followed.



The sign 'Linnustonsuojelualue' (Special Protection Area for Birds) prohibits movement in the area during a certain period of time. Photo: Environmental Administration Image Bank / Riku Lumiaro.

## Restrictions on access and movement set by authorities

Authorities have certain rights under law to restrict movement and limit the stay in certain areas. The restrictions can apply to areas such as the border zone, the areas of the Defence Forces, nature reserves, or areas designated for use as harbours or for aviation.

The use of the areas can be restricted by law or under different decisions by authorities. Such decisions concern nature reserves and areas of the Defence Forces, among other areas. In addition to this, the use of areas can be restricted, for example, under the Police Act, the Border Guard Act, the Security Stewards Act and the Aviation Act.

## 21 Right to initiate criminal proceedings, summary penal order and compensation for damages



### **Complainant offences**

Violations that occur in connection with the use of everyman's rights are usually complainant offences, where the injured party is the landowner or the user of everyman's rights. This means that users of everyman's rights and landowners must initiate proceedings in the case themselves if they feel that their rights have been violated. In complainant offences, the police can only conduct an investigation if the injured party has notified the police or the prosecutor that he or she demands a summary penal order in connection with the case. If the injured party withdraws the demand for a summary penal order during the preliminary investigation, the police stop the investigation into the case.

The Criminal Code includes provisions regarding the primary right of the injured party to initiate criminal proceedings in certain crimes. As a rule, the primary right of the injured party to initiate criminal proceedings is limited to crimes involving private property and persons, and even in these cases, it is mainly limited to the most petty criminal acts. In such crimes, the public prosecutor may not bring charges, unless the injured party separately reports the crime to be prosecuted, or unless a very important public interest demands that charges be brought.

If the limits of everyman's rights are exceeded, the person may be guilty of crimes such as criminal trespass, damage to property or invasion of domestic premises. Other violations and crimes requiring the injured party's own notification of which a user of everyman's rights may be guilty include illegal off-road traffic that violates private interests or rights, making an illegal open fire, dam-

age to private property or vandalism, petty theft, unauthorised use (not aggravated forms of the offence), illicit observation, coercion, menace, placing an illegal prohibition sign and game offence.

### **Offences subject to public prosecution**

In the Finnish legal system, crimes are subject to public prosecution as a rule. This means that the police can investigate and the public prosecutor can bring charges even if the injured party did not demand that the crime be punished. However, if the public interest requires it, the public prosecutor also has the right to bring charges in certain complainant offences.

As a rule, common and aggravated acts of crime against property are subject to public prosecution, which means that the prosecutor's right to initiate criminal proceedings does not require the injured party to demand a summary penal order. For example, theft and motor vehicle theft for temporary use are crimes the prosecutor can prosecute, even if the injured party does not demand a summary penal order.

The injured party has the right to bring charges for a crime that the public prosecutor has decided not to prosecute. This is called the injured party's secondary right of prosecution. The decision not to prosecute is usually based on the prosecutor's view that the demand for a summary penal order has no chances of success at court. In practice, this is usually due to lack of evidence or the prosecutor's opinion that the suspected action does not exhibit any essential elements of an offence.



## Initiating proceedings in a case and presenting a claim for damages

As a rule, illegal activity by a user of everyman's rights or the landowner should be addressed by asking the police for executive assistance. The police can also give executive assistance to private persons, if it is necessary for the persons to have access to their legal rights and it is apparent that their rights have been violated (Police Act, Chapter 5, section 40). When an offence is reported, the police will start a pre-trial investigation and if necessary, present the case to the prosecutor for consideration of charges.

If the perpetrator's identity is known, the knowledge will further the investigation of a criminal case. Only the police and other authorities have a legal right to verify the identity of a person taking part in activities under everyman's rights (Police Act, Chapter 2, section 10).

In connection with making a report of an offence, the injured party can also submit a claim for damages governed by private law to be presented by the prosecutor. If the prosecutor brings charges, but is not able to present the injured party's claim for damages, the injured party has the opportunity to present his or her claim in a separate civil suit.

Considering the extensive use and importance of everyman's rights, there are few legal cases related to everyman's rights. This is influenced partially by the costs of hearing civil cases and the fact that, in principle, injured parties must personally initiate the proceedings when they feel that their rights have been violated. Usually, the aim is to come to an agreement in disputes or the matter is dropped.

*Police Act, Chapter 2, section 10*

### **Establishing identity**

*To carry out an individual duty, police officers have the right to obtain from anyone information on their name, personal identity code, or, if this does not exist, date of birth and nationality, and the place where they can be reached.*

*Police officers have the right to apprehend anyone who refuses to give the information referred to in subsection 1 or gives what is likely to be false information on the matters referred to therein. Persons so apprehended shall be released as soon as the necessary information has been obtained, but no later than 24 hours after being apprehended.*

*Police Act, Chapter 5, section 40*

### **Executive assistance by the police**

*On request, the police shall give executive assistance to other authorities if the provisions to this effect are separately laid down by law. The police shall also give executive assistance to other authorities in order to fulfil a statutory supervisory duty. The police may also give executive assistance to private persons if this is necessary for the persons to have access to their legal rights and it is apparent that their rights have been violated.*

*A precondition for providing executive assistance under subsection 1 is that the authority requesting such assistance is prevented from performing its official duties or the private person is prevented access to his or her rights and access requires the use of police powers. (...).*











## BACKGROUND

In one way or another, everyman's rights have always existed, and as the use of the land and the society have developed, they have also changed. Over time, they have been included in legislation as necessary.

Photo: Antti Lehtonen.

## 22 Divergence in the uses of land and changes in everyman's rights in Finland



Photo: Anne Rautiainen.

It is probable that public access to land and water areas has existed in some form everywhere and at all times, even if it is not possible to state which legal system actually created it (Manner 1953). Many different factors can be found in the background of Finnish everyman's rights, but there is no in-depth research data on the subject.

Finland was already sparsely populated in the Stone and Iron Ages. Life in a hunter-gatherer economy required the population to move constantly after game and other natural products. Therefore, dwellings changed several times according to the turning of the seasons. (Björn 1991.) The materials for dwellings, fire, bows and other necessary tools were found in the forests and the waters.

In the 1400s, small slash-and-burn areas were introduced, which allowed people to settle down for longer periods of time. This formed the first small village communities; the forests surrounding them were already clearly within the sphere of human influence. During the slash-and-burn period, freely grazing herds of cattle also appeared in the forests. Wood was needed in large amounts to provide leafy branches for animal feed, fences, residential buildings, firewood and items for daily use.

Along with wood, meat, berries, mushrooms, herbs and other natural products were collected from the nearby forests.

People could slash and burn a field wherever they wanted, because the rights of use and own-

ership to an area were won by one's own work. In slash-and-burn agriculture, the right of ownership was determined so that during slash-and-burn cultivation, the area in question was the sole property of its cultivator. When the slash-and-burn area was left to be covered by the forest once again, the right of the cultivator to the area also expired. According to the principle of possession, relinquishing the possession of an object or matter cancelled the right of use (Vuolle, P. and Oittinen, A. 1994).

When timber gained value as the sawmill industry developed, slash-and-burn agriculture gradually came to an end. The forests were divided amongst the farms in the general parcelling out of land that started in the 1700s. The general parcelling out of land did not affect the right of public access to nature, because moving about in forests and gathering natural products was still allowed afterwards.

In Finland, cultivated areas and forests have always been mainly the property of small farmers. In the 1700s and 1800s, the nobility did not have exclusive rights to the land of crofters. However, attempts were made to restrict everyman's rights during the crofting period. For example, a case is known from the Särkisalo parish in the 1800s where crofters argued over the areas where they had the right to gather berries, mushrooms and other natural products. At the district court sessions, the issue was decided so that the everyman's rights of the crofters were restricted and applied only to the lands of the manor or the estate in which the crofter's own croft was located. This decision restricted everyman's rights in a way that differed from the common practice. For its part, the lack of major landowners has affected the way everyman's rights have remained in place in Finland even when the land ownership changed. (Vuolle, P. and Oittinen, A. 1994).

The right to move about on another's land was taken for granted. For example, temporary passage on another's land was only mentioned in the Criminal Code in 1889 (Criminal Code 1889/39). According to the law, *a person could be sentenced to a fine, if a person should pass over another's yard or field, meadow or cultivated area causing damage thereby*. Regarding the gathering of natural products, the same act included a provision stating that a person gathering certain natural products from another's land without a legal right could be sentenced for wastage.

According to Vilkkuna (1979), in Finland everyman's rights also extended to another's cultivated areas. Even in the early 1900s, people herding cattle or otherwise travelling farther away from home could take turnips to eat from another's land according to common practice. Gathering as many turnips as one person could carry with one's hands was allowed, but collecting them into a backpack or basket from another's land was forbidden. At the time, turnips were often grown far away in boggy fields and slash-and-burn areas, not close to the yard of a dwelling.

## Fishing

Originally the right to a fishing site was gained by taking over the water area, and the rights only remained valid through continuous use. Therefore, fishing rights were linked to the user, and they were not connected to the property.

Later the fishing rights belonged to the owner of the shore, on the principle of who owns the shore also owns the water. However, according to Kustaa Vilkkuna (1979), there are court decisions known from as far back as Mediaeval times stating that the rule only applied to the shores bordering on the fields and meadows of a farm. The open and forested sea shores were accessible to all. In some of the later court decisions, it is shown that during spawning season, the owner of a shore only had the exclusive right to his or her fishing ground for the first throw of the seine on a given day, after which the rest of the seine cooperatives hauled the seine in the order of their arrival. The private waters of the owner of a shore only extended from the shore to the open water for the length of the fishing ground. Everyone had the right to fish freely in open waters.

## Hunting

In uninhabited areas, everyone had the right to hunt, but there were also private rights closer to inhabited regions. In Häme, a person could hold the hunting rights for a specific area (called 'miehenmetsä', 'päiväkunta' or 'pilkanmaa') without actually owning the land. In the common hunting grounds, the person who found game animals had the right to the kill, but the principle of work was also applied to dividing the kill in hunting game (Vuolle, P. and Oittinen, A. 1994).



## 23 Legislative projects and research related to everyman's rights



In Finland, cultivated areas and forests have always been mainly the property of small farmers. Photo: Outdoor Association of Finland.

### Legislative projects

Everyman's rights have not been uniformly regulated in Finnish legislation. The Outdoor Recreation Act was prepared at the turn of the 1960s and the 1970s, and the most important attempts to include everyman's rights in the legislation were made in connection with it. The Committee on the Outdoor Recreation Act proposed that it should be decreed that

*Everyone has the right, while avoiding causing harm or damage, to move about in forests and on disused land, as well as in fields, meadows and pastures..., unless the passage causes damage or significant inconvenience or disturbance to the owner or holder of the land..., but never without permission on a built-up plot, construction site, garden, beach, industrial area or other comparable area designated for special use* (Report of the

Committee on the Outdoor Recreation Act (Ulkoilulakikomitean mietintö) 1967).

In addition to this, the report of the committee included a proposal that using a forest or a cultivated area for resting and other brief stays should be allowed. Parliament did not approve the bill with regard to everyman's rights, and the Government withdrew the bill. Only those regulations on outdoor recreation routes, national hiking areas and camping sites that are currently valid remained in the Outdoor Recreation Act.

In its bill, the Committee on the Outdoor Recreation Act took a stand for everyman's rights, and in its resolution issued in connection with enacting the Outdoor Recreation Act, Parliament required

that the preservation of everyman's rights should be guaranteed. The resolution of Parliament is significant (Jokamiehenoikeudet luonnon virkistyskäytössä, 1979): *While approving the Act, Parliament states that everyman's rights, the rights of public access to land and water that have belonged to the citizens of our land since time immemorial, will remain the same as they have been formed by the commonly accepted custom and various legal provisions, even if no provisions concerning the issue were included in the Outdoor Recreation Act. Parliament requires the Government to ensure that the societal planning, construction and the use of land are organised in such a way that the opportunities for the recreational use of natural areas under everyman's rights are guaranteed and preserved.*

It has been discussed whether everyman's rights should be included in regulations at the level of the Constitution so that their importance would be recognised more widely than at the moment. The report of the Committee on Basic Rights (Committee report 1992:3) proposed the following statement: the traditional right to move about in nature without harming it has been guaranteed. The proposal was not implemented, because everyman's rights were seen as an established practice that is difficult to regulate.

## Research on everyman's rights

### Functionality of everyman's rights (Jokamiehenoikeuden toimivuus, 2007)

In 2006, the Ministry of the Environment commissioned the Outdoor Association of Finland to investigate how everyman's rights work in practice and related problems. The Association conducted an Internet survey and 300 respondents described their experiences. The survey also collected the respondents' suggestions for clarifying the use of everyman's rights and developing communication and education activities. The respondents included landowners, authorities and people engaging in outdoor recreation.

According to the respondents, everyman's rights work quite well in Finland. Of the respondents, 39% felt that everyman's rights worked very well and 58% were of the opinion that they worked rather well. Only 1% of the respondents felt that everyman's rights functioned badly. There were no significant differences between the different groups of respondents.



According to a study commissioned by the Ministry of the Environment, the use of everyman's rights is mainly trouble-free. Photo: Outdoor Association of Finland.

Based on the survey, it was felt that the use of everyman's rights did not cause a significant amount of inconvenience or problems. Problems mainly occurred when the limits of everyman's rights were exceeded due to either ignorance or negligence. The most important problems related to the use of everyman's rights that came up for all groups of respondents were littering, unauthorised off-road traffic, the use of private roads, and allowing dogs to run loose.

Quite often landowners and authorities also mentioned open fires, long-term camping and passage too close to residences as the greatest problems. In the reindeer herding area, driving dog sleds and driving snowmobiles outside designated routes were mentioned as particular problems. The most important problems mentioned by people engaging in outdoor recreation included illegal prohibition signs and barriers restricting access, parking problems, and the negative attitude of the landowner regarding movement under everyman's rights. The damage to outdoor recreation routes and passage on the routes caused by forestry were also mentioned.

The responses from all groups of respondents emphasised the importance of regular communication on the content of everyman's rights as the most important issue. It was seen as important to use information services to clarify which issues were within the scope of everyman's rights and which were not. Many respondents thought that in the information provided, people's attitudes should be appealed to and responsible behaviour when using everyman's rights should be emphasised.

## Challenges and interpretations of everyman's rights (*Jokamiehenoikeuksien tulkintoja ja haasteita, 2006*)

In 2006, the YTK Land Use Planning and Urban Studies Group at the Helsinki University of Technology implemented the study 'Everyman's rights from the point of view of nature tourism and recreation' (Lehtonen, S. et al.). The study was funded by the Rural Policy Committee of the Ministry of Agriculture and Forestry.

The study consisted of three parts – a literature and media review, interviews, and an Internet-based survey.

According to the study, the issues that arose in the discussion in the media made the experts express much more extreme opinions on what is within the scope of everyman's rights and what is not compared to the views expressed in the survey. Compared to what could be expected based on the media coverage, the results of the survey showed more satisfaction with everyman's rights in all respondent groups.

In the survey, the respondents did not consider more extensive business activities and organised activities by larger groups to be within the scope of everyman's rights as a matter of fact, unlike the occasional activities of individuals. The local conditions and the scale of the activities were considered to influence the issue.

Despite the conflict-oriented phrasing of the questions in the study, it must be noted that there were no great differences in opinion between the different groups of respondents to the Internet-based survey regarding the general principles of everyman's rights. In a nutshell, public opinion considers traditional everyman's rights to be a good and important issue, but the obligations of the user must not be forgotten, and no harm should be caused.

## Everyman's rights from traditions to the current day (*Jokamiehenoikeus. Perinteistä nykypäivään, 1994*)

The study by Pauli Vuolle and Anu Oittinen discusses the position of everyman's rights in Finnish legislation and their importance in an integrating Europe. Their research report also included a survey, which investigated how the Finnish people understand everyman's rights.

The study was carried out at a time when Finland's membership of the European Union had been



Everyman's rights bring joy. Photo: Outdoor Association of Finland.

decided, but its effects still remained unclear. In the introduction to the book it is pondered whether preserving national values and the legal practice built on them is even possible in an integrating Europe.

In the study, the problems that arose in connection with everyman's rights proved to be much the same as in the 2000s. For example, the use of private roads, keeping a boat on another's shore, restrictions on the use of outdoor recreation paths, the location of the borders of a yard and horse riding sparked discussion in much the same way as they do now.

As a whole, everyman's rights were seen in a much more negative light in the early 1990s than now. This may be due to an imaginary threat of Europeans rushing into Finland and misusing everyman's rights. Currently, it is clear that the integration of Europe and the independence of the Baltic States have not affected the use of everyman's rights in Finland.

## On public access to another's land (*Toisen maan yleiskäytöstä, 1980*)

In 1980, Kalevi Laaksonen wrote his licentiate thesis on land and water law, *Toisen maan yleiskäytöstä*, discussing public access to another's land (Laaksonen 1980). In the study, the term 'public rights of access' is used for everyman's rights on land, not in water areas. The aim of the study was to answer questions on the roots of public rights of access, where passage is allowed, in what ways the landowners can protect themselves against users of public rights of access, and whether public access can be guided.



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## Appendix I. Acts and decrees referred to in the text

Acts and decrees referred to in the text, unless stated otherwise.

## Acts:

Provincial Act of the Åland Islands (65/1974) Ter- ritorial Surveillance Act (755/2000)	Rescue Act (379/2011)
Housing Companies Act (809/1991)	Police Act (493/1995) (the new Act entered into force on 1 January 2014)
Animal Welfare Act (247/1996)	Reindeer Husbandry Act (848/1990)
Burials Act (457/2003)	Border Guard Act (578/2005)
Personal Data Act (523/1999)	Building Code (2/1734) Criminal Code (39/1889)
Aviation Act (1194/2009)	Constitution of Finland (731/1999 )
Public Order Act (612/2003)	Road Traffic Act (267/1981) Outdoor Recreation Act (606/1973 )
Waste Act (646/2011)	Tort Liability Act (412/1974) Water Act (587/2011)
Mining Act (621/2011)	Water Traffic Act (463/1996 )
Fishing Act (286/1982)	Environmental Protection Act (86/20009)
Assembly Act (530/1999)	
Security Stewards Act (533/1999)	
Act on Amending the Act on the Financing of Sus- tainable Forestry (100/2011) (the Act will enter into force by Government Decree)	
Act on Restricting the Gathering of Natural Prod- ucts in Certain Cases (332/1955)	
Act on Accommodation and Food Service Opera- tions (308/2006)	
Act on the Defence Forces (551/2007) Frontier Guard Act (320/1999)	
Act on Protecting Parcels of Land from Damage by Domestic Animals (47/1921)	
Private Road Act (358/1962)	
Nature Conservation Act (1096/1996)	
Lost Property Act (778/1988)	
Land Extraction Act (555/1981)	
Land Use and Building Act (132/1999)	
Highways Act (503/2005)	
Off-road Traffic Act (1710/1995)	
Act on Criteria for Charges Payable to the State (150/1992)	
Forest Act (1093/1996)	
Hunting Act (615/1993)	
Antiquities Act (295/1963)	
Coercive Measures Act (450/1987) (the new Act entered into force on 1 January 2014)	

**Decrees:**

Ministry of Employment and the Economy Decree on the buoyage of waterways (846/1979).

Ministry of Transport and Communications Decree on the Construction and Equipment of Tractors, Motorised Work Machines and Off-road Vehicles, and Trailers and Other Equipment Towed by These (274/2006).

Ministry of Agriculture and Forestry Decree on the disposal of animal by-products in remote areas and the disposal of dead pets (1374/2004).

Ministry of Agriculture and Forestry Decree on handling animal waste (1022/2000).

Ministry of Agriculture and Forestry Decree on the monitoring of facilities that process certain animal by-products and the use of certain by-products (850/2005).

Ministry of Agriculture and Forestry Fishing Decree (1116/1982).

Ministry of Defence Decree on residence permits and visitors' permits, prohibition notices, the training of officials carrying out guard and on-call duties, and on the basic skills and condition of professional soldiers (1253/2007).

Ministry of Defence Decree on finding and salvaging items belonging to the Defence Forces (84/1983).

Ministry for Foreign Affairs Decree on implementing the 1972 Convention on International Regulations for Preventing Collisions at Sea (30/1977).

Government Decree on Territorial Surveillance (971/2000).

Government Decree on compensation for disadvantaged areas and agri-environmental support during 2007–2013 (366/2007).

Government Decree on the safety of timber harvesting (749/2001).

Government Decree on restricted areas (1125/2000).

Ministry of the Environment Decree on the charges payable to Metsähallitus for certain public administration tasks (1048/2008).

Ministry of the Environment Decree on the reference values of protected plants and animals (9/2002).

Ministry of the Environment Nature Conservation Decree (160/1997).

Ministry of the Environment Land Use and Building Decree (895/1999).

**Regulations of the Council of the European Union:**

Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.

Regulation (EC) No 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption.

Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation).



## Appendix 2. Plant species protected throughout Finland under the Nature Conservation Decree

### Vascular plants

Three-leaved Anemone (*Anemone trifolia*)  
 Alpine Arnica (*Arnica angustifolia*)  
 Drooping Woodreed (*Cinna latifolia*)  
 Slender Gentian (*Gentianella tenella*)  
 (A. Braun) Magnus (*Najas tenuissima*)  
 Sand Pink (*Dianthus arenarius*)  
 Rice Cutgrass (*Leersia oryzoides*)  
 Eastern Pasque Flower (*Pulsatilla patens*)  
 Crosses between the Eastern Pasque Flower and the Spring Pasque Flower (*Pulsatilla patens x vernalis*)  
 Carlina Thistle, subsp. longifolia (*Carlina biebersteinii*, or *C. vulgaris* subsp. longifolia)  
 Greyleaf Draba (*Draba cinerea*)  
 Hairy Agrimony (*Agrimonia pilosa*)  
 Woolly Pussytoes (*Antennaria lanata*)  
 Broad-leaved Pepperweed (*Lepidium latifolium*)  
 Common Milkwort (*Polygala vulgaris*)  
 Greater Burnet Saxifrage (*Pimpinella major*)  
 Glacier Buttercup (*Ranunculus glacialis*)  
 Wedgeleaf Saxifrage (*Saxifraga adscendens*)  
 Deflexed Bur Forget-me-not (*Lappula deflexa*)  
 Fastigate Gypsophila (*Gypsophila fastigiata*)  
 Spring Pasque Flower (*Pulsatilla vernalis*)  
 Hairy Stonecrop (*Sedum villosum*)  
 Cross-leaved Heath (*Erica tetralix*)  
 Greater Butterfly Orchid (*Platanthera chlorantha*)  
 Lesser Meadow-rue, subsp. kemense (*Thalictrum minus* subsp. kemense, or *T. kemense*)  
 Restharrow (*Ononis arvensis*)  
 Northern Androsace (*Androsace septentrionalis*)  
 True Fox Sedge (*Carex vulpina*)  
 Fen Orchid (*Liparis loeselii*)  
 Arctic Bellflower (*Campanula uniflora*)  
 Fly Orchid (*Ophrys insectifera*)  
 Alpine Draba (*Draba alpina*)  
*Carex lepidocarpa* subsp. jemtlandica  
 Simple Bog Sedge (*Kobresia simpliciuscula*)  
 White Elm (*Ulmus laevis*)  
 Grove Sandwort (*Moehringia lateriflora*)  
 Lapland Rhododendron (*Rhododendron lapponicum*)  
 Wideleaf Polargrass (*Arctagrostis latifolia*) Trisetum subalpestre  
 Lapland Buttercup (*Ranunculus lapponicus*) Thrift (*Armeria maritima*)  
 Lesser Hairy-brome (*Bromus benekenii*)  
 Narrow-leaved Bittercress (*Cardamine impatiens*)

Giant Fescue (*Festuca gigantea*)  
 Broad-leaved Helleborine (*Epipactis helleborine*)  
 Rattlesnake Fern (*Botrychium virginianum*) Northern Wolfsbane (*Aconitum lycoctonum*, or *A. septentrionale*)  
 Greater Meadow-rue (*Thalictrum aquilegifolium*)  
 Yellow Marsh Saxifrage (*Saxifraga hirculus*)  
 Heath Spotted Orchid (*Dactylorhiza majalis*)  
 Polygonum foliosum  
 Bog Violet (*Viola uliginosa*)  
 Forms of water-lilies (*Nymphaea*) with red flowers  
 Greater Tussock Sedge (*Carex paniculata*)  
 Carlina Thistle, subsp. vulgaris (*Carlina vulgaris* subsp. vulgaris)  
 Kidney Vetch (*Anthyllis vulneraria*)  
 Prickly Saltwort (*Salsola kali*)  
 Knotgrass, subsp. oxyspermum (*Polygonum oxyspermum* subsp. oxyspermum)  
 Sand Couch (*Elymus farctus*)  
 Wavy Bittercress (*Cardamine flexuosa*) Ghost Orchid (*Epipogium aphyllum*)  
 Crab Apple (*Malus sylvestris*)  
 Diplazium sibiricum  
 Hill Violet (*Viola collina*)  
 Fairy Slipper Orchid (*Calypso bulbosa*) Mare's-tail (*Hippuris tetraphylla*)  
 Arctic Sandwort (*Arenaria norvegica*)  
 Najas flexilis  
 Heath Bedstraw (*Galium saxatile*)  
 Northern Catchfly (*Silene wahlbergella*, or *S. uralensis*)  
 Svalbard Snow Cinquefoil (*Potentilla nivea* subsp. nivea)  
 Teesdale Violet, subsp. relictia (*Viola rupestris* subsp. relictia)  
 Narrowleaf Hawksbeard, subsp. nigrescens (*Crepis tectorum* subsp. nigrescens)  
 Hartman's sedge (*Carex hartmanii*)  
 Field Cow-wheat (*Melampyrum arvense*)  
 Field Wormwood, subsp. bottnica (*Artemisia campestris* subsp. bottnica)  
 Bird's Nest Orchid (*Neottia nidus-avis*)  
 Spring Cinquefoil (*Potentilla tabernaemontani*, previously *P. neummanniana*)  
 Small Grape Fern (*Botrychium simplex*)  
 Peel River catchfly (*Silene furcata*)  
 Pendant Grass (*Arctophila fulva*)  
 Kashubian Vetch (*Vicia cassubica*)  
 Red Helleborine (*Cephalanthera rubra*)

Common Rockrose (*Helianthemum nummularium*)  
 Small-Flowered Bittercress (*Cardamine parviflora*)  
 Fen Violet (*Viola persicifolia*)  
 Marsh Spurge (*Euphorbia palustris*)  
 Siberian Primrose (*Primula nutans*)  
 Bluff Cinquefoil (*Potentilla chamissonis*, or *P. nivea* subsp. *chamissonis*)  
 Brown Bog-rush (*Schoenus ferrugineus*)  
 Creeping Alkali Grass (*Puccinellia phryganodes*)  
 Spring Cinquefoil (*Potentilla neumanniana*, previously *P. subarenaria*)  
 Elder-flowered Orchid (*Dactylorhiza sambucina*)  
 Ladder Spleenwort (*Asplenium adulterinum*)  
 Blue-Berried Honeysuckle (*Lonicera caerulea*)  
 Siberian Clematis (*Clematis alpina* subsp. *sibirica*)  
 Twayblade (*Listera ovata*)  
 Military Orchid (*Orchis militaris*)  
 Alpine Fleabane (*Erigeron borealis*)  
 Greater Water Parsnip (*Sium latifolium*)  
 Holly Fern (*Polystichum lonchitis*)  
 Brookweed (*Samolus valerandi*)  
 Toothwort (*Lathraea squamaria*)  
 Marsh Helleborine (*Epipactis palustris*)  
 Bog Orchid (*Hammarbya paludosa*)  
 Single-Leaved Bog Orchid (*Microstylis monophyllos*)  
 Great Fen-sedge (*Cladium mariscus*)  
 Salix pyrolifolia  
 Asarabacca (*Asarum europaeum*)  
 Lady's Slipper (*Cypripedium calceolus*)  
 Short-fruited Willow-herb (*Epilobium obscurum*)  
 Dark Red Helleborine (*Epipactis atrorubens*)  
 Arctic Marsh Sedge (*Carex holostoma*)  
 Fringed Sandwort (*Arenaria pseudofrigida*, or *A. ciliata*)  
 Northern Milkvetch (*Oxytropis lapponica*)  
 False Musk Orchid (*Chamorchis alpina*)  
 Fragrant Shield Fern (*Dryopteris fragrans*)  
 Hairy Melic (*Melica ciliata*)  
 Alisma wahlenbergii  
 White Mountain Orchid (*Pseudorchis albida*)  
 Lesser Butterfly Orchid (*Platanthera bifolia*)  
 False Helleborine (*Veratrum album*)  
 Leafless Hawk's-beard (*Crepis praemorsa*)  
 Rock Speedwell (*Veronica fruticans*)  
 Early Marsh Orchid, subsp. *cruenta* (*Dactylorhiza incarnata* subsp. *cruenta*)  
 Wych Elm (*Ulmus glabra*)  
 Mountain St. John's-wort (*Hypericum montanum*)  
 Dyer's Woodruff (*Asperula tinctoria*)

#### Protected vascular plants south of Oulu Province:

Fragrant Orchid (*Gymnadenia conopsea*)  
 Tufted Saxifrage (*Saxifraga cespitosa*)  
 Snow Saxifrage (*Saxifraga nivalis*)  
 Large Pink (*Dianthus superbus*)  
 Early Marsh Orchid, subsp. *incarnata* (*Dactylorhiza incarnata* subsp. *incarnata*)  
 Northern Woodsia (*Woodsia alpina*)  
 Water Whorl-grass (*Catabrosa aquatica*)  
 Garden Angelica (*Angelica archangelica* subsp. *archangelica*)

#### Protected vascular plants in the provinces of Oulu and Lapland:

Corydalis intermedia  
 Angular Solomon's Seal (*Polygonatum odoratum*)  
 Poa remota  
 Yellow Iris (*Iris pseudacorus*)  
 Touch-me-not Balsam (*Impatiens noli-tangere*)  
 Marsh Fern (*Thelypteris palustris*)  
 Wall-rue (*Asplenium ruta-muraria*)  
 Wood Anemone (*Anemone nemorosa*)

#### Protected species of moss

Cephalozia macounii  
 Dichelyma capillaceum  
 Plagiomnium drummondii  
 Meesia longiseta  
 Cynodontium suecicum  
 Dicranum viride  
 Slender Green Feather Moss (*Hamatocaulis vernicosus*)  
 Herzogiella turfacea  
 Scapania carinthiaca  
 Buxbaumia viridis  
 Orthothecium lapponicum  
 Hamatocaulis lapponicus  
 Candle Snuffer Moss (*Encalypta mutica*)

### Appendix 3. Distribution for comments

#### Ministry of the Environment

##### Public access to nature and everyman's rights

Ministry of Transport and Communications  
Ministry of Agriculture and Forestry Ministry of Justice  
Ministry of Education and Culture Ministry of Defence  
Ministry of the Interior  
Ministry of Social Affairs and Health  
Ministry of Employment and the Economy

Finnish Consumer Agency  
Finnish Transport Safety Agency Trafi  
Finnish Transport Agency  
National Traffic Police  
Finnish Museum of Natural History National Land Survey of Finland  
Visit Finland  
Coast Guard  
Metsähallitus (state-owned enterprise operating under the Ministry of Agriculture and Forestry )  
Finnish Forest Research Institute (METLA)  
Police University College  
The Border Guard  
Finnish Game and Fisheries Research Institute (RKTL)  
Finnish Environment Institute (SYKE)  
Finnish Safety and Chemicals Agency (Tukes)

Regional State Administrative Agencies (6)  
Centres for Economic Development, Transport and the Environment (15)  
Sámi Parliament

Association of Finnish Local and Regional Authorities  
Uusimaa recreation area association (Uudenmaan virkistysalueyhdistys) Häme recreation area association (Hämeen virkistysalueyhdistys) Päijänne recreation area association (Päijänteen virkistysalueyhdistys) South Karelian Foundation for Recreation Areas (Etelä-Karjalan virkistysalueesäätio)  
Saimaa recreation area association (Saimaan virkistysalueyhdistys) Pirkanmaa recreation area association (Pirkanmaan virkistysalueyhdistys)

North Karelia recreational trails association (Pohjois-Karjalan virkistysreittiyhdistys)

City of Helsinki  
Municipality of Kittilä  
City of Kuusamo  
Municipality of Mäntsälä

City of Rovaniemi Municipality of Sipoo  
Central Union of Agricultural Producers and Forest Owners (MTK)  
MTK: Agricultural producers' unions (14)  
MTK: Forest owners' unions (7)  
Pellervo Economic Research PTT  
Finnish Landowners' Organization

Metsästäjien Keskusjärjestö (MKJ, Hunters' Central Organisation)  
Finnish Forest Industries Federation  
BirdLife Finland  
Federation of Finnish Fisheries Associations – Kalatalouden Keskusliitto  
Finnish Nature League  
Reindeer Herders' Association  
Keep Lapland Tidy  
The Keep the Archipelago Tidy Association Reserviläisurheiluliitto ry SF-Caravan ry  
Suomen Ammattiluontovalokuvaajat ry  
Finnish Ski Area Association (SHKY) Suomen Hyönteistieteellinen Seura ry Suomen Kanoottiliitto ry  
Finnish Climbing Association (FCA)  
Suomen Latu – Outdoor Association of Finland  
Suomen Liikunta ja Urheilu SLU ry  
Finnish Association for Nature Conservation  
Suomen luontoyrittäjyysverkosto ry  
Guides and Scouts of Finland  
Suomen Purjehdus ja Veneily ry  
Equestrian Federation of Finland  
Suomen Soutuliitto ry  
Finnish Divers' Federation  
Finnish Orienteering Federation  
Finnish Road Association  
Finnish Sleddog Sport Federation  
Finnish Sports Association for Persons with Disabilities (VAU)  
Finnish Federation for Recreational Fishing Suomen Ympäristökasvatuksen Seura ry Työväen Retkeilyliitto ry

Arctic Flavours Association Retkiluisteluyrittäjä Saimaa Holiday Finnature Oy

Vuokatti Sport Institute Vierumäki – The Sport Institute of Finland  
Evo Forestry Institute  
University of Jyväskylä, Faculty of Sport and Health Sciences



## DOCUMENTATION PAGE

<i>Publisher</i>	Ministry of the Environment Department of the Natural Environment		<i>Date</i> December 2015	
<i>Author(s)</i>	Pekka Tuunanen, Markus Tarasti, Anne Rautiainen (editor)			
<i>Title of publication</i>	<b>Everyman’s rights and the code of conduct on private land – Existing legislation and suggestions for best practices</b>			
<i>Publication series and number</i>	The Finnish Environment Sen   2015			
<i>Theme of publication</i>	Nature			
<i>Parts of publication/ other project publications</i>				
<i>Abstract</i>	<p>Everyman’s right is an important part of people’s lives in Finland, particularly outside urban areas. Irrespective of people’s place of residence, everyman’s right plays an important role for them, especially in outdoor recreation, eco-tourism and the use of nature as a source of livelihood. Without everyman’s right, people would be confined to public areas, roads and the land that they personally own.</p> <p>This publication is intended for anyone who wishes to gain a broader understanding of everyman’s right. In particular, the publication is targeted at authorities, associations and the representatives of private companies.</p> <p>The publication discusses everyman’s right on the basis of current legislation, without making any claim to presenting new interpretations regarding the scope or content of the right. Ultimately, the framework and guidelines for the public’s right to take advantage of everyman’s right are set forth in legislation. As legislation often defines only the boundaries for punishable conduct, this publication also discusses the best practices of public land access, and provides suggestions for preventing problems.</p> <p>Everyman’s right is discussed from the multiple perspectives of outdoor recreation, land use, land ownership and the people that exercise this right.</p> <p>This publication does not provide a criterion for assessing the permissibility of any individual act, as courts always interpret the legislation in light of the special characteristics and circumstances of the cases presented to them.</p>			
<i>Keywords</i>	Everyman’s right, right of public access, disturb of privacy, recreational use, land use, outdoor activities, landowner, multiple use forests, boating, camping			
<i>Financier/ commissioner</i>	Ministry of the Environment			
	ISBN 978-952-11-4456-1 (PDF)		ISSN 1796-1637 (online)	
	<i>No. of pages</i> 141	<i>Language</i> Finnish	<i>Restrictions</i> For public use	
<i>For sale at/ distributor</i>	www.ym.fi/julkaisut			
<i>Financier of publication</i>	Ministry of the Environment			
<i>Printing place and year</i>	Helsinki 2015			

## KUVAILULEHTI

Julkaisija	Ympäristöministeriö Luontoympäristöosasto		Julkaisuaika Joulukuu 2015	
Tekijä(t)	Pekka Tuunanen, Markus Tarasti, Anne Rautiainen (toim.)			
Julkaisun nimi	Everyman's rights and the code of conduct on private land – Existing legislation and suggestions for best practices (Jokamiehenoikeudet ja toisen maalla toimiminen. Lainsäädäntöä ja hyviä käytäntöjä)			
Julkaisusarjan nimi ja numero	Suomen ympäristö 5en   2015			
Julkaisun teema	Luonto			
Julkaisun osat/ muut saman projektin tuottamat julkaisut				
Tiivistelmä	<p>Jokamiehenoikeudet ovat tärkeitä ihmisten jokapäiväisessä elämässä etenkin taajamien ulkopuolella. Asuinpaikasta riippumatta jokamiehenoikeudella on merkitystä erityisesti virkistyskäytölle, luontaiselinkeinoille ja luontomatkailelulle.</p> <p>Ilman jokamiehenoikeuksia ihmisten toiminta rajoittuisi yleisille alueille, teille ja omalle maalle. Julkaisu on tarkoitettu jokaiselle, joka tarvitsee syventävää tietoa jokamiehenoikeuksien sisällöstä. Julkaisu on tarkoitettu erityisesti viranomaisten, erillaisten yhdistysten ja yritysten käyttöön.</p> <p>Jokamiehenoikeutta tarkastellaan tässä julkaisussa nykyisen lainsäädännön valossa, eikä julkaisu vaikuta tai muuta jokamiehenoikeuden sisältöä. Viimekädessä laissa määritellään yleiset puitteet ja reunaehdot jokamiehenoikeuksien käyttämiselle. Koska laeissa määritellään usein vain rangaistavuuden rajat, julkaisussa esitetään myös hyviä käytäntöjä, joilla voidaan ehkäistä ongelmia ennalta.</p> <p>Jokamiehenoikeuksia käsitellään niiden käyttäjien ja ulkoiluharrastusten sekä maanomistajan ja maankäytön näkökulmasta.</p> <p>Tämän julkaisun perusteella ei voida arvioida yksittäisen toiminnan laillisuutta, koska tuomioistuimet soveltavat lakeja erillaisten oikeustapausten erityispiirteiden sekä olosuhteiden valossa.</p>			
Asiasanat	Jokamiehenoikeus, yleiskäyttöoikeus, kotirauha, virkistyskäyttö, maankäyttö, ulkoilu, maanomistaja, metsien monikäyttö, veneily, leiriytyminen			
Rahoittaja/ toimeksiantaja	Ympäristöministeriö			
	ISBN 978-952-11-4456-1 (PDF)		ISSN 1796-1637 (verkkokj.)	
	Sivuja 141	Kieli Englanti	Luottamuksellisuus julkinen	
Julkaisun myynti/ jakaja	www.ym.fi/julkaisut			
Julkaisun kustantaja	Ympäristöministeriö			
Painopaikka ja -aika	Helsinki 2015			

## PRESENTATIONSBLAD

Utgivare	Miljöministeriet Naturmiljöavdelningen	Datum December 2015	
Författare	Pekka Tuunanen, Markus Tarasti, Anne Rautiainen (red.)		
Publikationens titel	<b>Everyman's rights and the code of conduct on private land – Existing legislation and suggestions for best practices</b> (Allemansrätten och aktiviteter på annans mark. Lagstiftning och god praxis.)		
Publikationsserie och nummer	Miljön i Finland 5en   2012		
Publikationens tema	Natur		
Publikationens delar/ andra publikationer inom samma projekt			
Sammandrag	<p>Allemansrätten är viktig i människornas vardag, i synnerhet utanför tätorterna. Oberoende av boningsort har allemansrätten betydelse i synnerhet för friluftslivet, naturnäringarna och naturturismen. Utan allemansrätten skulle människorna i sina aktiviteter vara begränsade till allmänna områden, vägar och den egna marken.</p> <p>Denna publikation riktar sig till alla som behöver fördjupad information om vad allemansrätten omfattar och i synnerhet till myndigheterna, olika föreningar och företag.</p> <p>I publikationen granskas allemansrätten utgående från den nuvarande lagstiftningen. Publikationen varken påverkar eller ändrar allemansrättens innehåll. I sista hand definierar lagen de allmänna ramarna och villkoren för utnyttjandet av allemansrätten. Eftersom lagarna ofta endast definierar gränserna för straffbarhet, tar publikationen också fasta på god praxis som kan användas för att förebygga problem.</p> <p>Allemansrätten behandlas ur olika perspektiv: såväl användarna och friluftslivet som markägarna och markanvändningen beaktas.</p> <p>En enskild aktivitets laglighet kan inte bedömas på basis av denna publikation, eftersom domstolarna tillämpar lagarna mot bakgrund av särarten i olika rättsfall och de enskilda omständigheterna.</p>		
Nyckelord	Allemansrätten, allmän nyttjanderätt, hemfrid, rekreation i det fria, markanvändning, friluftsliv, markägare, mångbruk av skog, båtliv, slå läger		
Finansiär/ uppdragsgivare	Miljöministeriet		
	ISBN 978-952-11-4456-1 (PDF)		ISSN 1796-1637 (online)
	Sidantal 141	Språk Engelska	Offentlighet Offentlig
Beställningar/ distribution	www.ym.fi/julkaisut		
Förläggare	Miljöministeriet		
Tryckeri/tryckningsort och -år	Helsingfors 2012		



This publication is intended for anyone who needs in-depth information on the content of everyman's rights. The publication is particularly suitable for the use of authorities, associations and companies. Everyman's rights are discussed in light of the current legislation, and the publication does not affect the content of everyman's rights. Everyman's rights are also discussed from the point of view of users and landowners, and regarding outdoor recreation hobbies and the use of land.



Ympäristöministeriö  
Miljöministeriet  
Ministry of the Environment

ISBN 978-952-11-4456-1 (PDF)  
ISSN 1796-1637 (online)