

ENVIRONMENTAL CRIME REPORT

2023



National Working Group on Monitoring Environmental Crime

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Summary

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1 INTRODUCTION

This Environmental Crime Report presents environmental incidents reported to police, Customs, Border Guard and the Prosecution Authority by offence for the years 2018 – 2022. Environmental crime statistics are compiled according to the type of offence investigated. The type may be different at the time of referral of the case to the prosecution for consideration of charges, and again at the time of trial. This Report also includes examples of various environmental offences and statistics compiled by the criminal investigation authorities and courts.

Compared to the previous years, the numbers of environmental offences referred to in Chapter 48 of the Criminal Code filed by the criminal investigation authorities decreased in 2022 whereas the number of natural resources offences referred to in Chapter 48a increased in 2022. Health and safety offences under Chapter 44 of the Criminal Code may include criminal acts that may have a significant impact on the environment, and the number of such offences also increased in 2022. The number of violations classified into environmental offences also dropped in 2022. Therefore, it can be stated with confidence that in 2022, the total number of offences classified as environmental offences remained at the same level as in the previous year. Approximately one in every three environmental offences under Chapters 48as well as offences under Chapter 48(a) and Chapter 44 are referred to the prosecution service.

Environmental supervision authorities and criminal investigation authorities have cooperated in implementing the Environmental Crime Prevention Strategy and the Action Plan. The first update of the Strategy was made in the beginning of 2021, and it is in force until 2026. At the same time the 4th Action Plan¹ was published. In autumn 2022, an update to the Action Plan for 2023 – 2024 was prepared. Implementation of the Action Plan is monitored by an implementation group chaired by the Ministry of the Environment. The entire national territory is now covered by the regional cooperation groups set up in 2016 by the authorities responsible for combating environmental crime. Regional groups for the prevention of environmental crime have also been set up on a thematic basis. The regional groups also cooperate with each other. The groups have enhanced multi-agency cooperation and exchange of information, held joint training events as well as planned and carried out carefully planned joint operations, which has resulted in detecting environmental offences that would not have been otherwise reported to the authorities. As environmental crime is for a large part a dark figure i.e. unreported and unrecorded, intensified investigative cooperation in crime detection has produced good results in solving environmental offences. As the authorities became better organised during the implementation of the previous strategy, the current period will see a shift in emphasis in prevention of environmental crime towards more effective operations at grassroot level. Prevention of environmental crime is also addressed both by raising public awareness of the obligations to protect the environment and nature set out in legislation and by organising publicity campaigns on environmental crime issues.

¹ [Environmental Crime Prevention Strategy 2021 – 2026 and the Action Plan 2021 – 2022 - Valto \(valtioneuvosto.fi\)](https://valtioneuvosto.fi)

The National Working Group on Monitoring of Environmental Crime provides situational awareness of the environmental crime situation in Finland. The Working Group has issued Annual Reports on environmental crime since 1997, and issued its first Annual Report to the International Criminal Police Organization, INTERPOL in 1998. Contribution of Finnish authorities in the development, monitoring and annual reporting of efforts to prevent environmental crime has received international attention as an example of best practices and model reporting. Over the years, the Working Group has made numerous recommendations for enhancement of environmental crime prevention, development of inter–agency cooperation and amendments to legislations. The recommendations have also been put to practice. For example, the Working Group recommended the drafting of a national strategy for environmental crime prevention; it was implemented, and now Finland has a national strategy in place.

The National Working Group on Monitoring Environmental Crime is chaired by Chief Superintendent Mikko Kiiski of the National Police Board, and the secretary is Detective Chief Inspector Riku Lindqvist of the National Bureau of Investigation. The Working Group's other members are Chief Superintendent Juha Tuovinen of the Ministry of the Interior, Legal Adviser Leena Mäkipää of the Ministry of Justice, Legal Adviser Tia Laine–Ylijoki–Laakso of the Ministry of the Environment, Senior Customs Inspector Tarja Koskenlaakso of Customs, Crime Prevention Unit, Senior Border Guard Inspector Silja Hallenberg of the Ministry of the Interior, Border Guard Department, Senior Specialised Prosecutor Heidi Nummela of the Prosecution Authority, South Finland Prosecution District, Senior Adviser Hannele Nikander of the Finnish Environment Institute, Lawyer Ilona Varis of the Häme Centre for Economic Development, Transport and the Environment and Lawyer Heikki Holopainen of the North Karelia Centre for Economic Development, Transport and the Environment.

2 Inter-agency cooperation

The Centres for Economic Development, Transport and the Environment (ELY Centres) engage in regular supervisory cooperation with municipal environmental authorities, since their duties are similar and even parallel to an extent. Environmental authorities, police, Border Guard, Customs and rescue services cooperate in environmental matters through cooperation groups and on an ad hoc basis.

In recent years, Customs has investigated several large-scale series of nature conservation offences. Investigation into these cases has clearly highlighted the need for inter–agency cooperation between the Ministry of the Environment, Finnish Environment Institute, ELY Centres and the Customs. Such cooperation will be consolidated and developed in the future. Expert roles of the Ministry of the Environment, the Finnish Environment Institute and ELY Centres intertwine at many points of criminal investigation. Customs contribute expertise, cooperation with prosecution and international collaboration to criminal investigations. Frequent exchange of information and enhancement of cooperative action in training are particularly necessary in view of the increasingly rapid impact of international criminal phenomena on Finland.

Customs is part of the European Union customs system and is thus the supervisory authority for the import, export and transit of goods. It is only natural that Customs is cooperating with the other environmental authorities in matters of supervision and criminal investigation on a regular basis.

Cooperation between Customs and the Finnish Environment Institute is particularly crucial in supervising and controlling international shipments of waste in order to detect and prevent illegal international shipments. Under the National Inspection Plan, other supervisory authorities, namely ELY Centres, environmental authorities in municipalities and the police, are to take more actively part in controlling international waste shipments. Cooperation between Customs and the Finnish Environment Institute also plays a major role in supervising and controlling transports of animals and plants subject to a licence, enabling the investigation and prevention of unlicensed and illegal transfers.

Interagency cooperation is a key element in monitoring and detecting oil discharges in marine areas. The Border Guard is the supervisory and control authority for discharges from vessels. The Border Guard is responsible for combating oil and chemical spills from ships in Finnish waters and the Finnish Exclusive Economic Zone (EEZ) and for coordinating the preparation work for such incidents. The Border Guard also decides on guiding ships to safe harbour and draws up respective plans in cooperation with Traficom, the Finnish Environment Institute and the Finnish Transport Infrastructure Agency. Cooperation with the other authorities is essential in carrying out both supervisory and preventing tasks. In the fields of oil spill response and discharge monitoring, the Border Guard's principal partners are the Navy, rescue services and Traficom. In respect to monitoring oil discharges, the Border Guard works in cooperation with the police, Finnish Environment Institute and Traficom in investigating prerequisites for imposing administrative oil discharge fees and conducting criminal investigation relating to such discharges.

3 Environmental training in the Police University College

A networking seminar for regional teams in environmental crime prevention was held at the National Police College on 26 and 27 September 2022. Around 100 people attended the seminar, with a very broad representation of municipal and government authorities and officials. The purpose of the seminar was to network, identify good practices in the activities of the regional groups and share information on current environmental crime prevention issues. The topics of good practice covered the areas of regional group activities and environmental crime prevention. For good practices, information was gathered from the regional groups with a help of a questionnaire sent to the participants in advance as well as through group work where each group gave written answers to the questions set. The seminar gave an opportunity to the participants for general discussion and to highlight ideas for development. Based on the feedback, the seminar was found good and necessary. The purpose is in fact to held the seminar at regular intervals.



4 Questions relating to the assessing the amount of criminal proceeds

Environmental offences are often committed on financial motives. Environmental obligations are often not met, because they are thought to cost too much money. From a crime prevention perspective, it is important not only to prevent criminals from profiting from environmental crimes, but also to confiscate and forfeit the proceeds of their crimes to the state, as this will reduce the incentive to neglect environmental obligations.

In environmental offences, authorities assess criminal proceeds together in interagency cooperation. Assessing may, however, be difficult and the amount is often one of the key points in trial. As forfeiting criminal proceeds is not a criminal sanction, only extra proceeds gained through the offence may be forfeit. The proceeds may consist of additional income or generated savings, for example. The principles of net and gross proceeds are often applied to the calculation of the correct amount. Courts need to consider which expenses should be taken into account when assessing proceeds, so that only the actual proceeds of crime are forfeited. Criminal proceeds must always be ordered forfeit to the state, regardless of the seriousness of the criminal act in question.

5 International legal and police-to-police assistance in environmental crime cases

The National Bureau of Investigation filed a few police-to-police and legal assistance cases in environmental matters in 2022. The National Bureau of Investigation and Customs frequently exchange information with their foreign counterparts to maintain global situational awareness of environmental crime. INTERPOL and Europol also disseminate regular updates, reports and communications on environmental crime to law enforcement authorities of their Member States.

6 Environmental crime related threats

6.1 Situation in Finland

Statistically, the environmental crime situation has remained almost the same for several years. In 2022, environmental crime cases remained almost at the same level compared to the previous year. The total number of environmental offences filed in 2022 and 2021 is lower than in several previous years. Environmental crime related threats affecting Finland change as the world around us changes. Especially in Central Europe, dumping and transporting waste across national borders are serious and lucrative forms of crime in which organised crime networks are also active in seeking fast profit. Based on the detected and investigated cases involving illegal international shipments of waste referred to prosecution, it may be concluded that Finland is a part of the Central European environmental crime scene.

However, it is evident that only a fraction of environmental offences is reported to criminal investigation authorities. Estimates of the dark figure of environmental crime are most often based on comparing Finnish crime statistics to those of Sweden and Norway. Statistically, there is more environmental crime in Sweden than in Finland. It must be, however, kept in mind that there are certain differences in national laws and that the figures are not directly proportional to each other. For example, the Swedish supervisory authority has a statutory duty to report all criminal suspicions to the police, which is not the case in Finland. Regardless, Swedish authorities estimate that the dark figure of environmental crime is high in Sweden, too.

For years, the National Working Group on Monitoring Environmental Crime has brought attention to the perceived low risk of apprehension in environmental offences. One of the key threats and prevention issues in the field of environmental crime is the possibility that the low risk of apprehension would lead to an increase in organised environmental crime committed in connection with usual business operations in the pursuit of financial profit. Courts have also adopted a rather lenient sentencing practice in environmental crime cases, as the most common sanction for impairment of the environment is a day fine or, in rare cases, suspended imprisonment.

The editorial board on the Grey Economy and Economic Crime sent a questionnaire to the crime prevention agencies and ministries in spring 2022. The aim of the survey was to gather the views

and perceptions of enforcement authorities on changes in the operational environment over a short period of six months and over a two-year period. Based on the results of the survey, the findings related to the increase in household waste caused by COVID-19 pandemic, mistreatment in handling and transport of household and electronic waste, short-life businesses and illegal landfills, poor equipment and skills, illegal waste shipments of construction waste and scrap cars, exploiting money laundering in waste related crime and abuse of European Union subsidies.²

Sanctions on Russian crude oil imposed by the European Union and Western countries have affected oil transport in the Gulf of Finland and throughout the Baltic Sea. Maritime transport in and around Finland can pose risks to the environment if ship and cargo safety regulations are not respected or are deliberately breached.

As a result of the sanctions, oil is transported in the Gulf of Finland in older vessels and with less insurance cover than before. There have been changes in the flag states of oil-carrying vessels as a result of the sanctions. There is no certainty on the experience of the crews in operating of the vessels in question in the Baltic Sea, especially in winter conditions, which has increased risks of environmental damage in the Gulf of Finland and offshore areas of the Baltic Sea basin.

Since June 2022, the Border Guard has been monitoring and paying special attention to changes in vessel traffic in the Gulf of Finland on a weekly basis taken the changes into account in its contingency measures.

Situation abroad Globally, environmental crime is considered a very significant form of crime. It is estimated that environmental crime produces third–high financial profit after arms trafficking and drug crime. According to INTERPOL's estimate, proceeds gained from environmental crime amount to 110 – 281 million dollars per year.³ Offenders committing environmental offences are very often well internationally connected, so international cooperation between law enforcement authorities is globally considered very important.

To people living in Finland, international threats posed by environmental crime may seem very distant. Finland is a welfare state, and many of the forms of environmental crime are non-existent here. For example, there is no crime in regard to the access to clean water and hardly any crime involving unauthorized logging. According to INTERPOL, threats posed by environmental crime can be divided into four: fisheries crime, forestry crime, pollution crime and wildlife crime. The most important threats in Finland are pollution crime and criminal operations relating to poor management of waste. According to the current understanding, plastic waste crime is not a problem in Finland, but in general, it is considered a global threat. Preconditions for transferring plastic waste shipments were tightened both globally by the Basel Convention and by the EU Waste Shipment Regulation from 01 January 2021.

In the field of environmental crime, illegal international shipments of waste are one of the major threats in Europe. Cases can be found almost everywhere in Europe – including Finland. Environmental crime is committed in many forms throughout the EU. They include illegal activities that have a harmful impact on the environment, water, air, land, soil as well as flora and fauna.

² [The Big Picture of the Grey Economy and Economic Crime \(vero.fi\)](#)

³ [INTERPOL makes public appeal to help track environmental fugitives](#)

Some crimes may have a long-term exacerbating effect on climate change. Environmental crime is often linked internationally to other forms of crime, such as financial crime, document fraud or organised crime. Many international environmental crime cases involve organised crime groups whose involvement is not easy to detect. In addition, European countries seem to have different definitions of organised crime, making it difficult to apply best practices.

According to the key findings of the Europol report "Environmental Crime in the age of climate change", the majority of environmental criminals are opportunistic owners of legitimate businesses or operators who choose to increase profits through criminal activity.⁴ Money laundering is used for illicit financial gain by exploiting the same legitimate businesses in which the offenders operate. According to the report, document fraud, abuse of legal discrepancies and widespread corruption are the cornerstones of environmental crime.

According to Europol, criminal networks operating in the EU are increasingly targeting their operations by illegally transporting waste produced in Western Europe to Central and Eastern Europe. Outside the EU, Europeans mainly smuggle plastic waste and end-of-life ships (scrap ships) illegally to South-East Asia. Electrical and electronic equipment classified as waste is illegally shipped from Europe to Africa. One of the key findings of the Europol's report is that the EU serves as a hub for the global wildlife trade. Europe is the main destination for wildlife, but many wild animals are also transported through Europe to other continents.

Environmental crime may also be linked to drug crime. According to the Europol's report, waste associated with production of synthetic drugs and their precursors is one of the main sources of environmental damage caused by organised crime in the EU. Involvement of organised criminal groups in environmental crime is also considered a threat in Finland.

According to Europol, environmental criminals in the EU are increasingly developing attractive investment targets through projects in environmental protection (green investments), thus luring victims to invest in "sustainable funds". Criminal networks are also exploiting energy certification schemes and emissions trading schemes, and this fraudulent activity is expected to increase in the near future.

According to Europol, identifying the criminal networks involved in environmental crime is still one of the major challenges for law enforcement. Much of the environmental crime is committed by legitimate businesses, which makes these crimes less obvious. Businesses often start and close down quickly, and commercial trading routes change frequently. It reflects the ability of criminal networks to adapt and their tendency to use innovative methods to conceal their activities.

The Europol report takes an in-depth look at the main types of environmental crime investigated in the EU, including waste and pollution offences, wildlife trafficking, illegal fishing, forestry offences and illegal pet trafficking. Increasing scarcity of natural resources is likely to increase the profits of organised crime, as scarcity raises prices of natural resources in illegal markets.

⁴ <https://www.europol.europa.eu/media-press/newsroom/news/what-we-know-about-dirty-business-of-environmental-crime-in-age-of-climate-change>

According to The Shipment of Waste Enforcement Actions Project (SWEAP) of the EU Member States' Network for the Exchange of Information and Cooperation between Environmental Authorities (IMPEL), changes in waste trade in recent years and new import restrictions imposed by many countries receiving waste outside the EU have contributed to changing waste flows and increased illegal waste trade. For example, new classifications of plastic waste and the export ban have not significantly increased the number of plastic waste shipment permits in Europe, contrary to what was expected. It is therefore unclear where some of the plastic waste generated has ended up. There is also a risk that as the requirements of the circular economy become more stringent, the definition of waste will become blurred and waste will be illegally exported, for example by classifying it as "No longer waste" without the required justification.

Globally, food related crime is an increase. Food crime is understood as a dark figure of crime that is not identified in the chain of control by food safety authorities. Those offences are almost always motivated by financial profit. For example, a food product can be falsified by adding cheaper ingredients and then sold as a genuine product. Food crime may have serious impact on public health. Several cases of food crime have been identified in Finland, too. In Finland, the Finnish Food Authority and Customs serve as authorities controlling foodstuffs. Customs got its first sniffer dog for food products of animal origin in 2018.

Situation in the neighbour countries

The big picture of crime in Finland's neighbouring areas is built through direct contacts, public criminal statistics and information published in the media.

Russia

The least information is available on the environmental crime situation in Russia. The most common environmental and natural resource offences investigated in Russia are timber thefts and relate to poaching endangered large predators. Statistics of environmental crimes in Russia for the year 2022 are not available.

Sweden

Roughly 4,000 – 6,000 environmental offences are filed in Sweden every year. The total number of environmental crimes filed in 2022 was 4,437; it is 537 cases less than in the previous year. Statistics on offences against the Swedish Criminal Code are published on the website of the Swedish National Council for Crime Prevention.⁵

Criminal investigation was conducted in 2,745 environmental crime cases in 2022. Roughly 6 % of all reported cases were referred to prosecution.⁶

According to the statistics, roughly 298 offences against the protected species were filed in Sweden in 2022; in Finland, these offences are considered as nature conservation offences. The

⁵ Ruotsin Rikostorjuntaneuvoston sivu: [Brå - Brottsförebyggande rådet \(bra.se\)](https://www.bra.se/)

⁶ [Processed offences \(bra.se\)](https://www.bra.se/)

number of offences relating to nature conservation filed in Sweden can be considered high. Sweden has invested in investigation into nature conservation offences, and therefore they have many international criminal investigations into those cases. Often, large amounts of money change hands illegally in offences against protected animals.

Norway

No statistics on environmental offences committed in 2022 had been published at the time of writing this Report. However, a total of 7,092 environmental offences/infractions⁷ and 1,494 hunting and fishing offences or violations were filed in Norway in 2021, of which a total of 3,680 environmental offences/violations as well as 692 hunting and fishing offences were solved. Statistics of offences against the Norwegian Criminal Code are available on the website of Statistics Norway.⁸

A national specialist unit for environmental crime prevention operates under the authority of the Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim). The agency also publishes Miljøkrim e-magazine that can be downloaded from its web page.⁹ Additionally, environmental crime investigation is also conducted by local police departments whose criminal investigators have been trained in environmental crime investigation.

Estonia

Environmental crime prevention and investigation in Estonia have advanced significantly after the government and legislative reform of 2011. The Estonian environmental inspection agency¹⁰ has served as the central authority for environmental violations since 01 September, 2011. The Inspectorate was then invested with also full criminal investigation powers. Former police detectives, among others, were then hired as criminal investigators. In 2021, the Estonian Environmental Inspectorate and the Environmental Board merged into a single agency.

The number of actual environmental offences in Estonia is quite small. According to the information received, Estonia's statistics for 2022 include a total of 39 environmental crime cases, of which seven were forest-related, seven nature conservation offences, twelve fishing or hunting offences, eight environmental licensing offences and five pollution-related offences.

⁷ Offences against nature and the environment, poisoning as a danger to public health and serious environmental offences, other offences against nature and the environment.

⁸ [Offences investigated - SSB](#)

⁹ [Økokrim \(okokrim.no\)](#)

¹⁰ Keskkonnainspeksiioon, [Avaleht](#) | [Keskkonnaamet](#)

7 International action

7.1 International inter-agency cooperation

Many international organisations and bodies are active preventing environmental and natural resource crime. For law enforcement authorities, the most important ones are: INTERPOL, Europol and World's Customs Organisation (WCO). Other important information exchange and cooperation bodies include the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES Convention) and the CITES Secretariat in charge of the implementation of the CITES Convention. In the field of environmental crime, authorities also cooperate in the frameworks of the IMPEL (European Union Network for the Implementation and Enforcement of Environmental Law), ENPE (The European Network of Prosecutors for the Environment) and EUFJE (The EU Forum of Judges for the Environment).

In 2018 – 2019, the European Commission has been drafting an Action Plan on Environmental Compliance Assurance together with the Member States. One of the actions concerns prevention of environmental crime. As a result of this work, a guide on best practices on strategies for prevention of environmental offences and violations was published in 2020. The guide will be updated on a regular basis. Good practises were collected on prevention of waste crime and wild life crime. In December 2021, an even more comprehensive guidance document on combating environmental crime and other environmental offences was completed to support the work of environmental supervision authorities, police, customs, prosecutors and judges, namely Environmental Compliance Manual¹¹ and a summary¹² of the document.

On 15 December 2021, the Commission adopted a proposal for a Directive of the European Parliament and of the Council on the protection of the environment through criminal law and replacing Directive 2008/99/EC (COM(2021) 851 final). The Directive is complemented by the Communication from the Commission to the European Parliament and the Council on stepping up the fight against environmental crime (COM(2021) 814 final). The proposal contains provisions on, inter alia, criminal offences, penalties for natural and legal persons, prevention of environmental crime and training. The draft directive also includes obligations relating to coordination and cooperation between competent authorities in the Member States and a national strategy against environmental crime.

INTERPOL's environmental crime programme consists of three working groups operating in the sectors of pollution crime, wildlife crime and fisheries crime. Finland has a permanent seat in the Working Group on pollution crime. More information on INTERPOL's initiatives in preventing environmental crime is available on the INTERPOL's web site.¹³ In 2011, Europol established a cooperation body for developing best practises for environmental crime prevention, namely

¹¹ [Combating environmental crimes and related infringements - Publications Office of the EU \(europa.eu\)](https://ec.europa.eu/euipo/publications/combating-environmental-crimes-and-related-infringements)

¹² [Combating environmental crimes and related infringements - Publications Office of the EU \(europa.eu\)](https://ec.europa.eu/euipo/publications/combating-environmental-crimes-and-related-infringements)

¹³ [Environmental crime \(interpol.int\)](https://www.interpol.int/Environmental-crime)

EnviCrimeNet.¹⁴ Finnish police member has attended EnviCrimeNet meetings since the beginning of operations.

In 2016, the fight against environmental crime was included among the EU's top crime-fighting priorities, as an EMPACT (European multidisciplinary platform against criminal threats) target. Fight against environmental crime remains one of the priorities in the term 2022-2025. More information on the EMPACT cooperation platform is available on the website.¹⁵

Finland is also a member of the OSPAR Convention (The Convention for the Protection of the Marine Environment of the North-East Atlantic), which has a special network of marine environmental crime investigators and prosecutors called NSN (The North Sea Network of Investigators and Prosecutors). The Convention focuses mainly on the North Sea and cooperation between the authorities of the coastal states. Finland is also about to be invited as an observer member to the 2023 meeting of the aforementioned network, which will be attended by a representative of the Border Guard. Finland will present the case of oil spill from the M/S Bosphorus Queen. It has received somewhat international attention and was appealed to the Supreme Court and then also heard by the EU Court of Justice.

7.2 Eurojust and environmental crime

Eurojust assists prosecutors in environmental crime cases with international dimensions and supports national law enforcement agencies and prosecutors in handling cases of serious cross border crime. Eurojust was established in 2002 to enhance cooperation between national authorities of the Member States in prevention of serious cross border crime with an impact on the European Union. Eurojust has 26 national representatives, one from each Member State. In addition to them, Denmark has seconded a representative to Eurojust. There are also liaison officers assigned by third countries working in Eurojust. The representatives working in The Hague are experienced prosecutors, judges or police officers with similar powers.¹⁶

Eurojust is to coordinate cooperation between national authorities through the various stages of criminal investigation and prosecution. Eurojust also resolves practical problems caused by differences in the judicial systems of Member States.¹⁷

Eurojust has a financial crimes unit with an environmental crime sub-unit. The team is led by a prosecutor serving as the contact point for environmental crime matters, who works in concert with major stakeholders, such as the European Commission, ENPE (The network of prosecutors in environmental crimes), EnviCrimeNet, Europol, IMPEL and the projects launched by these bodies, along with other interest groups.

Within its remit, Eurojust has assisted in dozens criminal investigations into environmental offences. The number of environmental offences is low in comparison to other criminal cases in which Eurojust has been involved, largely due to the same factors as the low number of filed

¹⁴ [Home - EnviCrimeNet](#)

¹⁵ [EU Policy Cycle - EMPACT | Organised Crime | Europol \(europa.eu\)](#)

¹⁶ [History | Eurojust | European Union Agency for Criminal Justice Cooperation \(europa.eu\)](#)

¹⁷ [What we do | Eurojust | European Union Agency for Criminal Justice Cooperation \(europa.eu\)](#)

environmental offences at the national level. If an offence is not identified or investigated by a Member State, neither will it be handled by Eurojust. Environmental offences are also lost in the statistical data under other forms of crime. The majority of the cases handled by Eurojust have concerned illegal trade in protected species and illegal transport of waste. Eurojust has assisted in such cases by measures such as providing insight into the legislation of different states, assisting with the fulfilment of legal assistance requests, coordinating prosecution activities and arranging witness hearings between the courts of different Member States.¹⁸

8 International instruments and national legislation on environmental crime

8.1 International treaties on environmental crime

Finland has ratified a number of international treaties on energy and the environment. These treaties cover areas such as the protection of bodies of water and the atmosphere, the exploitation and protection of natural resources, waste, flora and fauna, energy and space. Examples of the multilateral treaties signed by Finland include the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel 22 March 1989, Finnish Treaty Series 44 – 45/1992), Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), (Washington 03 March 1973, Finnish Treaty Series 44 – 45/1976), Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL) (London 02 November 1973, Finnish Treaty Series 51/1983), Protocol on Environmental Protection to the Antarctic Treaty (Madrid 04 October 1991, Finnish Treaty Series 5/1998) and the Helsinki Convention (HELCOM) on the Protection of the Marine Environment of the Baltic Sea Area (Finnish Treaty Series 2/2000).

A total of 180 countries have signed the CITES Convention, which covers approximately 30,000 plant species and more than 5,500 animal species, in more than 900 of which trade is completely prohibited, with trading in the remainder being subject to licence (with "trade" referring to import or export across national borders). Common CITES legislation has been in place in the European Union since 1984 and as amended, since in 1997 (Council Regulation 338/97/EC). In addition to the import and export across the EU's external borders, the CITES Regulations of the Council and Commission also regulate the trade between and within Member States. The import regulations are stricter than required by the CITES Convention, with more species regulated than specified in its Appendix referring to the species.

In 2018, the Ministry of the Environment published a guide on the impact of international environmental treaties on Finland. The guide discusses the key environmental treaties signed

¹⁸ Report by district prosecutor Heidi Nummela, who was a national expert in an environmental crime working group of Eurojust between 01 March and 31 October, 2018.

under the UN and the environmental cooperation carried out within the framework of these treaties.¹⁹

In spring 2023, the Council of Europe started work on a new convention on environmental crime.

8.2 EU legislation on environmental crime

Today, a significant part of Finnish environmental legislation originates from the European Union. Since the majority of EU enactments are issued as directives, they need to be transposed into national legislation either through Acts or government decrees. Directives are usually so-called minimum directives by nature, meaning that stricter levels of protection can be provided for in national legislation.

On 19 November 2008, the European Parliament and Council issued Directive 2008/99/EC on the protection of the environment through criminal law (Environmental Crime Directive). The purpose of the Directive is to guarantee a high level of environmental protection in Member States by providing for minimum requirements on the punishments imposed for causing serious harm to the environment. The Directive is grounded in concern for an increase in environmental offences and their impact, increasingly extending beyond the national borders of the countries in which the offences were committed. Changes required by the Directive were implemented in Finland with legislative amendments that entered into force on 25 December 2010.

In December 2021, the Commission adopted a proposal for a new Environmental Crime Directive. The aim of the proposed Directive is to improve investigation and prosecution of environmental crime by updating the scope of the Directive and clarifying the concepts of environmental crime. The new Directive also aims to ensure that effective, dissuasive and proportionate sanctions are in the disposal of the authorities. The aim is also to facilitate cross-border criminal investigations and prosecutions. The proposed Directive also aims to enhance informed decision-making by improving the collection and dissemination of statistical data. The aim is also to improve the operational efficiency of national chains of criminal procedure, and thereby enhance the investigation, prosecution and sanctioning of criminal offences. Tripartite negotiations on the proposed Directive between the Commission, the Council and the European Parliament started in May 2023.

In November 2021, the Commission adopted a proposal for a new Waste Shipment Regulation (proposal for a Regulation of the European Parliament and of the Council on shipments of waste and amending Regulations (EU) No 1257/2013 and (EU) 2020/1056). The main objectives of the proposed amendment are to facilitate waste shipments for re-use and recycling within the EU, to ensure that the EU does not export waste-related problems to third countries, and to tackle illegal waste shipments. Illegal movements are to be prevented by better checks and by strengthening the provisions on sanctions. Cooperation on inspections and investigations is to be stepped up at national and EU level, by allowing the Commission to carry out inspections on waste shipments, among other things. An EU-level waste shipment control group is also to be set up to facilitate and improve cooperation and coordination between the Member States to prevent and detect illegal

¹⁹ [YO_2018_Kansainvaliset_ymparistosopimukset.pdf \(valtioneuvosto.fi\)](#)

shipments. The aim is to start tripartite negotiations on the Regulation between the Commission, the Council and the European Parliament during 2023.

National transposition measures complementing the provisions of the Ship Recycling Regulation (Regulation (EU) No 1257/2013) entered into force in September 2017. The Regulation is based on the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships that is not in force yet. In Finland, ratification is under preparation.

In June 2023, the Commission adopted a proposal to amend the so-called Ship Debris Directive (2005/35/EC) (COM(2023) 273 final). The proposal contains three key changes to the Directive: 1) the extension of the scope from oil and harmful substances to all discharges into water from ships; 2) the obligation to provide for administrative sanctions at national level; and 3) other enforcement measures, such as closer cooperation between authorities in the Member States and changes to information systems. Under the proposal, criminal sanctions would be regulated under the Environmental Offences Directive, while the Ship Waste Directive would include an obligation to provide for administrative sanctions at national level.

8.3 Finnish legislation on environmental crime

Environmental offences are covered by both the Criminal Code and a number of specific environmental laws. The most serious acts in which prison sentences are possible are covered by Chapter 48 of the Criminal Code. The penal scale ranges from a fine to imprisonment for at most six years, depending on the seriousness of the criminal act. In respect to criminal liability of legal persons, provisions of Chapter 9 on a corporate fine also apply to the environmental offences under Chapter 48 of the Criminal Code. The inclusion of penal provisions in the Criminal Code emphasises the reprehensibility of the criminal acts. In addition to the Criminal Code, actual environmental laws, such as the Waste Act, Water Act, Nature Conservation Act and Environmental Protection Act provide for a variety of violations punishable by fine.

Natural resource offences referred to in Chapter 48a of the Criminal Code are closely related to environmental offences. They are criminal acts connected to hunting, fishing and forestry for which a sentence of imprisonment can be passed. With the exception of the aggravated hunting offence provided for in Chapter 48a, section 1a, a corporate fine cannot be imposed in these cases. More lenient violations are provided for in the Hunting Act, Fishing Act and Forest Act.

Environmental offences and natural resource offences are also subject to forfeiture provisions of Chapter 10 of the Criminal Code. Illegal proceeds gained from such criminal acts shall be ordered forfeit to the state. In practice, a corporate entity can be made to compensate the waste processing costs saved through its illegal actions, for example. Subject to certain conditions, the criminal proceeds, instruments and tools of crime as well as objects and property which have been produced, manufactured or brought about by way of an offence, or at which the offence has been directed, can be ordered forfeit to the state. In respect to a poached animal or illegally collected plant, an amount corresponding to the value of the specimen as a representative of its species can also be forfeit to the State.

8.4 Recent changes in the EU legislation and Finnish laws on the environment

The new Nature Conservation Act (9/2023), which was prepared in 2020 - 2021 and for which a Government proposal was adopted in 2022, entered into force on 01 June 2023. The new Act replaced the Nature Conservation Act 1096/1996. The revised Act updates the provisions of the Act and enhances its impact in promoting the protection of the diversity of nature and sustainable use of by improving the protection of species and habitats, improving management of nature information, strengthening nature conservation planning, including conditions for voluntary conservation, and promoting adaptation to climate change. The Act includes a new section on action in criminal matters (section 129), according to which the nature conservation supervisory authorities are obliged to report to the police any suspected violation of the provisions of the Act. The same section provides for the ELY Centre's status as an injured party in criminal cases.

In March 2023, Parliament adopted amendments to the legislation on land use and construction. The Land Use and Building Act in force has been amended by repealing the Chapters on construction and changing the title to the Act on Regional Use. Provisions on construction and building are included in the new Construction Act (751/2023). The amendments will enter into force on 01 January 2025. The Construction Act contains penal provisions (section 152), which make intentional and grossly negligent acts punishable. In addition, section 6 of Chapter 48 of the Criminal Code has been amended so that the provision explicitly refers to conduct contrary to the Construction Act. According to the Government's proposal, the purpose of the amendment is not to broaden the scope of punishment (HE 139/2022 vp, p. 283).

9 Enforcement and compliance with the environmental legislation

9.1 Control of Compliance

9.1.1 Centres for Economic Development, Transport and the Environment (ELY Centres) and municipal environmental authorities

In Finland, the main authorities enforcing environmental legislation are the Economic Development, Transport and Environment Centres (ELY Centres) and the municipal environmental protection authorities. In addition, the Finnish Environmental Institute and Finnish Safety and Chemicals Agency (Tukes) have certain enforcement duties.

The ELY Centres (15 centres) act as the state's regional administrative authorities, together with the regional administrative agencies (6 agencies). The ELY Centres contribute to regional development by carrying out tasks of enforcement and development of the state administration on their operational areas. The tasks of the ELY Centres are laid down in the Act on Centres for Economic Affairs, Transport and the Environment (897/2009). They include environmental protection, management of land use and construction, nature and landscape conservation,

monitoring the state of the environment together with the Finnish Environment Institute (SYKE), management of waste management, use and management of water resources and well as matters relating to fisheries and rural affairs. The ELY Centres monitor compliance with environmental permits and water permits issued by the Regional State Administrative Agencies and also safeguard the public interest in other environmental matters and affairs relating to water resources. The ELY Centres produce and disseminate information on the environment, prevent environmental damage and harm, and take care of carrying out works relating to the environment, water management and water resources. In addition, the ELY Centres serve as the contact authorities in environmental impact assessment (EIA) procedures and take decisions on, for example, cleaning up of contaminated land.

The role of an individual ELY Centre in an environmental crime case depends, among other things, on the nature of the case and the legislation that has been violated; often it is twofold. As an environmental authority, the ELY Centre may appear as an expert, but in some cases its status may be the injured party. In criminal cases under the Environmental Protection Act, the Waste Act and the Water Act, the state enforcement authority is the injured party if the public interest has been violated. The scope of representation has been further extended, as the ELY Centre has gained a status of an injured party in criminal cases under section 129 of the Nature Conservation Act (9/2023), which entered into force on 01 June 2023. In addition, the ELY Centre can act as an authority under specific legislation, such as a fisheries authority in a case violating the Water Act. In such criminal cases, the ELY Centre can have a role as an expert, as the supervisory authority under the Water Act, as the authority on fisheries and as the injured party.

In municipalities, the municipal environmental protection authority is responsible for carrying out licensing and monitoring tasks prescribed by or pursuant to environmental legislation. Tasks of municipal environmental protection authorities in municipalities are frequently carried out by municipal environmental boards. The tasks can also be carried out by municipalities working together, in which case the authority's tasks are carried out by a joint body of several municipalities. The authority may delegate its powers by sub-delegating tasks assigned to it to a subordinate municipal environmental protection officer.

Tasks of the municipal environmental protection authority are laid down in the Municipal Environmental Protection Authority Act (64/1986). Provisions on statutory tasks are included in the Environmental Protection Act, the Waste Act, the Water Act, the Nature Conservation Act and the Soil Materials Act, among others. The municipal environmental protection authority is also responsible for planning and developing environmental protection, monitoring the state of the environment and providing information, education and training on environmental protection in the municipality. The environmental protection authority also provides guidance, advice and opinions on matters relating to environmental protection and makes proposals and initiatives. Since the municipality's task is to ensure a healthy, comfortable, stimulating and sustainable living environment for the residents by protecting, managing and taking care of nature and the environment, the municipal environmental protection authority also has an important role to play in matters of environmental crime. Other relevant municipal authorities for environmental offences may include the municipal building control authority and the municipal health protection authority.

The division of powers between the state enforcement authority and the municipal environmental protection authority may be separate, overlapping or parallel. For example, in matters under the Waste Act, their powers are parallel whereas in matters under the Environmental Protection Act,

the ELY Centre supports the municipal environmental protection authority in matters falling to its scope of operations. Nevertheless, when carrying out assigned tasks, the municipal authority acts as an autonomous and independent operator. In environmental crime cases, both the ELY Centre and the municipal environmental protection authority are often involved in various stages of the criminal process.

The Environmental Protection Act requires the ELY Centres and municipal environmental protection authorities to draw up a monitoring plan for regular monitoring in their operational areas. The monitoring plan must include information on condition of the environment in the area, activities that pose a risk of pollution as well as resources and means available for monitoring. The plan must describe the organisational structure of monitoring, criteria for risk assessment and cooperation between the authorities in charge of the monitoring. The monitoring plans drawn by the ELY Centres usually cover monitoring under the Environmental Protection Act, Chemical Act, Waste Act and Water Act, among others. The ELY Centres and municipal environmental protection authorities carry out inspections of the facilities they oversee in accordance with their monitoring plans, so that all facilities are inspected at regular intervals. Targets and frequency of inspections are determined on the basis of the environmental risk assessment for each facility. Inspections are also carried out on the basis of reports from citizens and following, for example, incidents on the site.

When the ELY Centres and municipal environmental protection authorities detect an unlawful situation, they are obliged to take action to bring the situation into line with the provisions of the relevant Act and Administrative Procedure Act. In addition to administrative follow-up, the monitoring authorities must always assess the need for a request for an investigation in the given situation. As a general rule, the authorities must report suspected acts or negligence in breach of the environmental legislation to the police for criminal investigation. However, no notification is necessary, if the act is considered of minor significance under the circumstances and the public interest does not require charges to be brought. When an ELY Centre has a status of an injured party in an environmental crime matter, it has the right to be heard during the criminal investigation and in court. It also has an independent right to bring charges and to appeal against court decisions.

Municipal environmental protection authorities and the ELY Centres cooperate with the police and prosecutors in suspected criminal cases. Cooperation has been further intensified and developed since the establishment of the Regional Environmental Crime Cooperation Groups. Where necessary, enforcement authorities act as experts on environmental law in criminal investigations and usually also act as prosecutor's witnesses in trials.

In 2022, the ELY Centres submitted a total of 34 requests for criminal investigation related to the enforcement of environmental legislation. The number of requests for investigation was clearly higher than in 2021 (18), but the total number of requests for criminal investigation does not differ from the annual average of requests made by the ELY Centres (roughly 35-40). The requests in question concerned suspected offences against the Water Act (20 % of the requests), the Environmental Protection Act (33%), the Waste Act (10 %), the Nature Conservation Act (31 %), the Off-road Traffic Act (3%) or the Alien Species Act (3 %). The number of requests for investigation related to offences against the Nature Conservation Act was higher (12 in total) than in previous years (4 in 2021).

Recovery of waste and end of waste classification

The sustainable use of natural resources and the objectives of the circular economy have been furthered by laying down conditions and criteria for the recovery of waste and for ending its classification as waste under the Environmental Protection Act and the Waste Act. The most important regulations in terms of the circular economy and waste recovery are the Government Decree on the recovery of certain wastes in civil engineering (843/2017, MARA Decree) and the Government Decree on the criteria for the end of the classification of concrete rubble as waste (466/2022).

The purpose of the MARA Decree is to facilitate the recovery of waste by defining the conditions under which the use of waste does not require an environmental permit. The Regulation applies to the recovery of waste, such as concrete rubble, for civil engineering works, as set out in its Annex. Such construction sites, as provided for in the Regulation, are fairways, fields, embankments and their structural layers, as well as foundations for industrial and storage buildings. Waste recovery under the MARA Decree must be notified to the state supervisory authority, namely the ELY Centre. On receipt of the notification, the ELY Centre enters it in the Environmental Information System.

The Government Decree on the end of the classification of concrete rubble establishes national criteria for what kind of rubble made from concrete waste is no longer waste. The Decree, which entered into force in September 2022, is the first Decree on end-of-waste criteria at national level. Concrete rubble that meets the criteria and requirements of the Decree can be used like any other similar concrete product or concrete raw material, i.e. waste legislation does not apply to its recovery. The supervisory authority under the Environmental Protection Act, which may be the ELY Centre or the municipal environmental protection authority, depending on the producer of the rubble, must be notified on the implementation of the criteria.

Control of the recovery of waste under the MARA Decree and the manufacture of a product under Decree on the end of the classification of concrete rubble is based in particular on the advance control exercised by the supervisory authority. In addition, the ELY Centres and municipal environmental protection authorities monitor that waste recovery and the production of end-of-waste concrete rubble are carried out in accordance with the notification and the Decrees. In addition, the ELY Centres and municipal environmental protection authorities monitor that waste recovery and production of end-of-waste concrete rubble are carried out in accordance with the notification and the Decrees.

In 2022, one ELY Centre made a request for investigation concerning recovery of waste in violation of the MARA Decree. Recovery in violation of the Decree or contrary to the notification may constitute essential elements for impairment of the environment. Unlawful waste management can also bring substantial criminal proceeds- It is possible that the range of waste crimes will also become more varied as waste continues to become more widely available.



9.1.2 Finnish Environment Institute

Pursuant to the Waste Shipment Regulation (EC) No 1013/2006, the Finnish Environment Institute is the licensing and supervisory authority in international waste shipments. It also responsible of cooperation with other competent authorities in supervision of such shipments. The supervision and control measures are based on the national inspection plan referred to in the EU Waste Shipment Regulation. Focus areas for inspections are selected on the basis of a risk assessment. All types of waste are inspected at the location where the waste is generated and, depending on the type of waste, during collection, transport or processing. The national inspection plan for the years 2023 – 2025 has been published.

The Finnish Environment Institute is the competent authority under the Ozone Regulation (EC) No 1005/2009 and F-Gas Regulation (EC) No 517/2014 and serves as the market surveillance authority for those substances and devices containing them. Customs controls the import. Monitoring authorities referred to in the Environmental Protection Act monitor and oversee the maintenance of refrigeration appliances in the side of their other monitoring duties. The Finnish Environment Institute monitors certain internationally traded hazardous chemicals regulated by the POPs Regulation (EC) No 850/2004 and PIC Regulation (EC) No 649/2012, along with compliance with the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Finnish Treaty Series 107/2004).

The Finnish Environment Institute is the competent licensing authority under CITES Regulation (EC) No 338/97. The Regulation implements the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and also contains provisions and permit requirements for activities involving CITES species in the EU and within a Member State. The Finnish

Environment Institute is the licensing authority within the meaning of the Act on the Protection of Whales and Arctic Seals (1112/1982).

The Finnish Environment Institute works in cooperation with Traficom to prevent circumvention and infringement of the Ship Recycling Regulation (EU) No 1257/2013 and monitors the implementation of the Ship Recycling Regulation in Finland.

Finland is about to join the Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea.. Parties receiving hazardous or noxious substances carried by sea as bulk cargo must report the received cargo exceeding a threshold value to the Finnish Environment Institute.

The Finnish Environment Institute is the competent authority for both the Government Decree on quality requirements for motor petrol, diesel oil and certain other liquid fuels (883/2022) and the Government Decree on the sulphur content of heavy and light fuel oil (908/2022). The Finnish Environment Institute monitors compliance with these Regulations and provides the European Commission with the necessary information on the samples analysed under these Regulations. Customs is responsible for the collection and analysis of samples of fuel and oil from warehouses and distribution points. Customs sends the results of the sampling to the Finnish Environment Institute.

The Finnish Environment Institute is also responsible for the market surveillance of products under the Fuel Decree, which is provided for in section 24a, subsection 2 of the Environmental Protection Act. The powers of the market surveillance authorities are laid down in section 24b of the Environmental Protection Act.

9.1.3 Finnish Safety and Chemicals Agency

To ensure technical safety, the Finnish Safety and Chemicals Agency (Tukes) is responsible for, among other things, monitoring, inspecting and issuing permits for large-scale industrial handling and storage of hazardous chemicals. The Finnish Safety and Chemicals Agency investigates accidents and collects information on accidents in the industries into the Damage and Accident Register (VARO). The Finnish Safety and Chemicals Agency maintains the qualifications register for refrigeration professionals and monitors compliance with their competence requirements.

9.2 Police

The police are the general authority for crime prevention. They investigate crimes regardless of the nature of the criminal act. The police receive information about potential environmental crime through three main channels: from private individuals, from enforcement agencies or through their own findings, for example during routine law enforcement duties or in the course of a criminal investigation. As a rule, monitoring authorities are required to report any suspected offences they detect. A report is not required, however, if the offence is of minor significance and it has not violated the public interest.

The police must carry out a criminal investigation into a reported case if there is reason to suspect that a crime has been committed. Criminal investigation is usually conducted by the local police, but it may be taken over by the National Bureau of Investigation, if so required by the nature of the case. When investigating environmental offences, criminal investigation authorities are nearly always required to make an advance notification to the prosecutor, and criminal investigations also often require close cooperation between the police and the prosecution authority. Customs and the Border Guard also investigate environmental offences within their jurisdictions.

Approximately one in three environmental offences reported to the police is solved. When the criminal investigation is complete, the case is referred to prosecution. As a rule, the prosecutor is required to bring charges for the suspected offence, if they consider the act to be a criminal offence under the law, there is probable cause to support the guilt of the suspect and the other requirements for bringing charges are met. The prosecutor can also, under certain conditions, decide not to prosecute a case. If charges are brought, the case will be then heard by a district court. If the decision is appealed, the case will be next heard by the Court of Appeal, followed in some cases by the Supreme Court.

9.3 Border Guard

9.3.1 Duties

Alongside other statutory duties, the Border Guard has competence to investigate environmental offences and natural resource offences. For example, the Border Guard monitors compliance with the Hunting Act (615/1993), Fishing Act (379/2015) Nature Conservation Act (1096/1996), Environmental Protection Act (527/2014), Antiquities Act (295/1963) and Act on Environmental Protection in Maritime Transport (1672/2009).

In practice, the Border Guard mostly investigates natural resource offences, primarily hunting and fishing offences, and violations of the above-mentioned Acts. The Border Guard also plays a key role in preventing and combating marine environmental crime.

The Border Guard's threshold for taking environmental offences under investigation is low. All environmental offences detected through monitoring activities are addressed. Cases are investigated by the agency itself or, if necessary, they are referred to the police for reasons such as the scope of the investigation or lack of resources. Offences falling outside the Border Guard's jurisdiction are reported to the competent criminal investigation authority, namely to the police or Customs.

Pursuant to section 2, sub-section 2 of the Act on Cooperation between the Police, Customs and the Border Guard (687/2009), the Border Guard may take an urgent crime preventive measure using its statutory powers in the area of responsibility of the police or Customs on behalf of those authorities, if such measure cannot be postponed. The competent criminal investigation authority concerned must be notified of the measure without undue delay. The mentioned Act ensures that the authorities can react quickly and carry out their statutory duties effectively. Where necessary, the Border Guard and the police have set up joint investigation teams to enhance the investigation of hunting offences in particular.

The Border Guard performs a variety of official duties in Finland's territorial waters. The agency is a multi-sectoral maritime authority maintaining a high level of readiness at all times (24/7). It is staffed by highly trained personnel and equipped with a fleet of vessels and aircrafts and technical surveillance equipment required for its operations. The Border Guard is a modern European Coast Guard Authority and a part of the European Border and Coast Guard comprising of the European Border and Coast Guard Agency Frontex, European Maritime Safety Agency EMSA, European Fisheries Control Agency EFCA and the coast guard authorities monitoring the borders of EU Member States.

The Border Guard is responsible for leading rescue operations in the event of accident at sea. In practice, the Border Guard leads response operations to oil and chemical discharges from vessels in Finland's territorial waters, in sea areas and in Finland's exclusive economic zone. It is the lead authority for the monitoring of discharges from vessels in Finland's territorial waters, as provided for in the Act on Environmental Protection in Maritime Transport. In accordance with the Rescue Act (379/2011), the Border Guard is responsible for preventing environmental damage. Rescue services are responsible for leading the response to oil and chemical discharges from vessels on the coast and in the archipelago.

The Border Guard is responsible for international cooperation in the field by representing Finland in meetings related to international treaties, especially in the Baltic Marine Environment Protection Commission (HELCOM) and Nordic cooperation meetings (Copenhagen Convention). Cooperation with the European Maritime Safety Agency's (EMSA) satellite-based CleanSeaNet oil discharge detection service and EMSA's working group for prevention of oil discharges is also important in developing the field. The Border Guard is also a competent authority in prevention of oil discharges pursuant to the Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic (MOSPA).

The purpose of detection and prevention of oil discharges is to interrupt illegal activities detected in Finland's territorial waters, take oil spill response measures, safeguard the investigation of administrative oil discharge fees and to secure criminal investigation conducted in the case. The Border Guard's Dornier aircraft patrols over Finnish waters nearly every day. Both Finland's territorial waters and the exclusive economic zone are comprehensively covered by the patrol flights. Aerial patrolling has also been coordinated with Swedish and Estonian authorities, and the Border Guard also monitors the territorial waters of those countries to an extent.

The Dornier aircraft have been specially outfitted in cooperation with the Finnish Environment Institute for detecting oil discharges. The extensive efforts in detecting oil discharges also serve as a deterrent. The system of detecting and preventing oil discharges is complemented by the European Maritime Safety Agency's (EMSA) CleanSeaNet satellite imaging service providing satellite images of Finland's territorial waters. Similarly to the equipment in Dornier aircrafts, the images permit the detection of possible oil discharges even in the dark and in cloudy weather conditions. CleanSeaNet delivers the images and the detected suspicious oil discharges to the Border Guard. The satellite images are analysed by the Command Centre of the West Finland Coast Guard District. If necessary, the Command Centre dispatches an aircraft or some other unit to verify the findings and determine whether the substance is oil or something else.

The Border Guard also participates in the monitoring of aerial emissions from ships and of detrimental anti-fouling systems used to protect ships.

The EU Regulation establishing a control system for ensuring compliance with the rules of the common fisheries policy requires all Member States to maintain fisheries monitoring centres tasked with the monitoring of professional fishing and fishing efforts. The Border Guard also performs the duties of the fisheries monitoring centre referred to in the Control Regulation.

Provisions on the transfer of harmful and hazardous cargo and of fuel from one vessel to another in Finland's territorial waters and in the exclusive economic zone were added to Chapter 2a of the Marine Environmental Protection Act in 2021, The provisions entered in force on 01 January 2022. The Border Guard is also involved in monitoring compliance with these provisions in Finland's maritime area and the EEZ. Due to the amendment to the Marine Environmental Protection Act, the Border Guard, in connection with the monitoring of vessel traffic, will also monitor the obligation of vessels not falling within the scope of Chapter 10, Article 1 of Directive 2002/59/EC of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system and repealing Council Regulation 93/75/EEC (the so-called Monitoring Directive) to leave ship-generated waste in port.

9.3.2 Administrative oil discharge fee

Under the Act on Environmental Protection in Maritime Transport, the Border Guard is the only authority that can impose an administrative oil discharge fee. The legislation of Åland extends oil discharge fee regulations to cover the territory of Åland. The Border Guard also takes care of duties related to imposing oil discharge fees in the territory of Åland. The amendment to the Act on Environmental Protection in Maritime Transport, which entered into force on 01 July 2021, extended the scope of the administrative oil discharge fee to cover inland waters, too. The Border Guard also imposes an administrative oil discharge fee for oil spills in inland waters. The fee is imposed on the basis of a request from the police monitoring and investigating discharges from vessels.

According to the Act on Environmental Protection in Maritime Transport, a violation of the prohibition on discharging oil or oily mixtures or similar hydrocarbons and other harmful substances used on board of ships in Finnish waters or the exclusive economic zone is subject to an oil discharge fee, unless the spill is considered minor in terms of volume and impact. Only discharges that are minor in both volume and environmental impact can be exempted from the fee. However, an oil discharge fee will only be imposed on a foreign ship in transit in Finland's exclusive economic zone for a violation of the prohibition if the discharge causes or threatens to cause substantial damage to Finland's coastline or related interests or to the natural resources of Finland's territorial sea or the exclusive economic zone. The administrative oil discharge fee is imposed by the Border Guard. The fee can also be waived in its entirety or reduced in exceptional circumstances, such as if the oil has been discharged into the sea due to an emergency or accident in order to save lives or due to some other comparable reason. The amount of the oil discharge fee is determined based on the amount of oil discharged and the gross tonnage of the ship, in accordance with the rates specified in the Annex to the Act on Environmental Protection in Maritime Transport.

The imposition of the fee does not require establishing the party who caused the discharge on the ship or whether the act was intentional or negligent. However, the Border Guard is required to collect objective evidence on the fact that the discharge came from a specific vessel and that it was not a question of the above-mentioned extremely exceptional circumstances. The Border

Guard conducts the investigation required for the administrative oil discharge fee procedure. Opinions on the environmental impact of oil discharges are requested from the Finnish Environment Institute, if necessary. The Forensic Laboratory of the National Bureau of Investigation is requested to analyse the oil samples and to issue opinions on them. The Border Guard has assigned the West Finland Coast Guard in Turku with the administrative oil discharge fee procedure. The unit leads the investigation required for the imposition of the fee. All units of the Air Patrol Squadron and Gulf of Finland Coast Guard assist the West Finland Coast Guard in the above-mentioned investigations.

Provisions on the administrative oil discharge fee were included in the Act on the Prevention of Pollution from Ships (300/1979) entered into force on 01 April 2006. There were hardly any amendments made in the provisions on the oil discharge fee of the Act on Environmental Protection in Maritime Transport that entered into force in the beginning of 2010 in connection with the general reform of legislation on waste discharges from vessels. The administrative oil discharge fee is a much more severe financial sanction than a fine imposed on the basis of the Criminal Code. The legislation was largely drawn up on the basis of the system used in Sweden. The key difference between the two systems is that in Sweden, the amount of the oil discharge fee is based on annual rate determination criteria (in Swedish: *prisbasbelopp*) defined in the legislation, which allow making annual increases to the oil discharge fee whenever required. In Finland, however, the oil discharge fees have remained the same since the entry into force of the Act on Environmental Protection in Maritime Transport, and as they are based on the Table of Rates appended to the Act, raising the oil discharge fee would require amending the Act.

A comparison made in 2022 showed that the amounts of oil discharge charges in the tables for Finland and Sweden were still remarkably close, as the increases in the price base of the Swedish system have remained moderate. In Sweden, the increase from the 2019 level to the year 2022 was 171 euros. The Border Guard considers it important that the oil discharge fees of the two countries are on the same level so that it is not more lucrative to discharge oil into the territory of one country than the other. Developments in oil discharge fees in Sweden should be monitored closely, and measures to raise the monetary rates specified in the Table of Rates appended to the Act on Environmental Protection in Maritime Transport should be taken when necessary.



9.3.3 Criminal sanctions and the administrative oil discharge fee

According to Chapter 12, section 6 of the Act on Environmental Protection in Maritime Transport, the Border Guard is the leading monitoring authority in the detection of ship-to-water discharges from vessels in Finland's territorial waters and within the exclusive economic zone. Under the Act on Environmental Protection in Maritime Transport, the police are also responsible for monitoring oil discharges from vessels. According to Chapter 12, section 8 of the Act on Environmental Protection in Maritime Transport, the police are the competent authority to monitor discharges in inland waters and Finland's territorial waters.

The criminal justice system takes priority over the administrative oil discharge fee. When court has found someone guilty of impairment of the environment, for example, for an unlawful discharge of oil to the sea, it cannot impose an administrative oil discharge fee on the defendant. If an administrative oil discharge fee has been imposed to such party before the ruling, it must be waived upon appeal. No administrative oil discharge fees imposed by the Border Guard have been reversed as of yet.

9.4 Customs

9.4.1 Duties

Customs is tasked with facilitating trade in goods and ensuring its legality, the efficient collection of customs duties and protection of society, the environment and citizens in its operational field. Customs is responsible for levying customs duties, the customs control of imports and exports and international transport, other customs clearance measures and the compilation of statistics on foreign trade. Customs is a competent criminal investigation authority investigating customs offences within its jurisdiction.

For carrying out the principal tasks, Customs is divided into a Foreign Trade and Taxation Department, Supervision Department, Administrative Department and Customs Office Department. Customs consists of seven independent customs posts, each with its own offices. These are Maritime Customs, Airport Customs, Vaalimaa Customs, Nuijamaa Customs, Imatra Customs, Tornio Customs and Mariehamn Customs.

Finnish Customs is part of the EU customs system. It is a government agency steered by the Ministry of Finance through performance management. Customs cooperates with the private business sector as well as with domestic and foreign authorities.

9.4.2 Supervision and control of importing, exporting and transiting protected plants and animals

The import, export and transit of endangered plant and animal species and the products derived from them, specified in more detail in the Annex to the EU CITES Regulation 338/97, are subject to licence. A major part of CITES products is imported into the European Union from third countries, so the import restrictions protect the environment and biodiversity of those countries. The CITES export restrictions, on the other hand, protect the environment of the EU. EU Regulation 338/97 also provides for activities involving the above-mentioned species on one hand, between the Member States and, on the other hand, within each Member State.

In Finland, Customs is tasked with monitoring compliance with the regulations on the international trade in the endangered plant and animal species specified in the above-mentioned EU legislation.

9.4.3 Supervision and control of the transport of dangerous goods and radioactive substances

Customs also has a significant role in the protection of the environment as the supervisory and control authority for radioactive and hazardous substances. Shipments leaving and entering Finland are inspected at border crossing points both by customs officers on duty and mobile supervision teams. Efficient supervision seeks to ensure that shipments in violation of the regulations are handled right at the border.

All of the most important border crossing points have fixed measuring instruments for radiation – in other words, gates for both passenger and freight traffic. Customs also employs portable meters in addition to the gates. In the early 2000's, some radiating shipments were still sent off back to the countries of departure, but no such cases have occurred since then. A few alarms are caused by vehicles at the gates annually, but the amount of radiation has always been so low that locating the source of radiation has not been possible. Alarms are caused by calcium chloride, pottery and fertilisers, for example. No illegal shipments of actual nuclear materials (plutonium, uranium) have been detected as of yet.

Customs has organised special inspections of the road transport of hazardous substances and taken part in the EU-/EEA-wide waste shipment control operations conducted by the Finnish Environment Institute. Finnish border controls are some of the best in Europe, and the control systems have improved significantly in recent years.

9.4.4 Control of substances that deplete the ozone layer and fluorinated greenhouse gases

To protect the ozone layer, the manufacturing, use, import and export of substances that deplete the ozone layer are primarily prohibited. The import and export restrictions controlled by Customs apply both to substances that deplete the ozone layer and the products that contain such substances. The restrictions apply to new, regenerated and recycled substances alike. The import of fluorinated gases into the European Union as chemicals or in devices is regulated and requires a quota or a licence to use the quota. It is one of the duties of Customs to control the import and export of the above-mentioned substances and devices containing such substances. The Finnish Environment Institute is notified of the import and export of illegal substances and devices identified by the control activities, and criminal investigation is launched, if necessary. The Finnish Environment Institute then reports the illegal trade in substances that deplete the ozone layer and fluorinated gases to the European Commission.

9.4.5 Supervision and control of international shipments of waste

The National Board of Customs also controls international waste shipments regulated by Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (Waste Shipment Regulation). Section 22 of the Waste Act (646/2011) specifies that the Finnish Environment Institute is the competent authority referred to in Article 53 of the Waste Shipment Regulation in Finland. It is also responsible for the supervision and control of compliance with the regulations applying to cross border shipments of waste. The Finnish Environment Institute is also the contact point under the Waste Shipment Regulation. According to Section 25 of the Waste Act, the Finnish Environment Institute supervises compliance with the provisions on international shipments of waste in cooperation with Customs. The supervision and control measures are based on the national inspection plan referred to in the EU Waste Shipment Regulation²⁰.

²⁰ [Kansainvälisten jätesiiirtojen tarkastussuunnitelma 2023_2025](#)

Customs and the Finnish Environment Institute cooperate in the supervision and control of waste shipments. The efficient supervision and control by the authorities and joint operations have without a doubt contributed to the continued detection of illegal exports of waste.

The supervision and control have been focused on the waste streams which are either assessed or detected to relate to illegal activities. For example, scrap cars and their spare parts as well as scrap electrical and electronic devices are such waste. Checking containers used in the export takes a lot of human resources, because the containers have been loaded up, and indicating what part of the shipment is scrap, is possible only after testing. It is quite common that in cases like these, all goods in the shipment are not included in the export declarations or they are reported to Customs insufficiently. Collecting evidence may take time, and the exporter is responsible for storage costs incurred for the storage period. Especially when the container is sent back to Finland by some other country, transportation and storage costs may be significant. Pursuant to the EU Waste Shipment Regulation, the Finnish Environment Institute may require the exporter to deliver the waste for processing within a certain period of time. If the exporter does not comply, the Finnish Environment Institute takes care of delivering the waste at the exporter's expense.

According to the EU Waste Shipment Regulation, the exporter must be able to show that they are not exporting waste. Second-hand goods may be classified as waste, unless there is sufficient evidence to show that they are not. The supervisory authority may request the exporter to give an account of the goods within a specified period. If the exporter fails to give the account or the account is insufficient, the transportation or shipment is handled as illegal shipment of waste. For the detection of illegal international waste shipments, it is required that the national cooperation between the Finnish Environment Institute and Customs functions well. In addition to national cooperation and the exchange of information, the authorities facilitate international cooperation networks in many ways in the inter-agency operations.

Finnish Customs took part in Operation DEMETER VI organized by the World Customs Organization WCO between 01 and 31 October, 2022. The operation was supported by Europol and INTERPOL. In addition, OLAF, UNODC, Container Control Programme, WCO RILO network, UN Environment Programme UNEP and European Union Network for the Implementation and Enforcement of Environmental Law IMPEL participated in the project.

DEMETER operations have been organised since 2009, and DEMETER VIII in 2022 involved customs organisations from 90 countries in total. This was the largest number of participants to date in the history of DEMETER operations. The concerted enforcement effort resulted in a total of 139 seizures, including 3,647 tonnes of waste and an additional 8,662 pieces of waste materials. In addition, 25 tonnes of substances harmful to the ozone layer under the Montreal Protocol were seized.

In Finland, the operation was focused on the export of shipments of plastic waste, electronic waste and chemical waste. The operation was coordinated by the Customs and Finnish Environmental Institute. In Finland, the Finnish Environment Institute handles official tasks related to the control of international waste shipments. In Operation DEMETER VIII, documents were checked and other inspections related to international shipments of waste were carried out in co-operation between Customs and the Finnish Environment Institute.

During the operation, 23 document checks were carried out on export cargoes that may have contained waste. Consignments taken for document checks declared to contain "metal scrap",

"used televisions", "used car parts" and "used car engines". Five suspected waste shipments were inspected. No unlawful or non-compliant waste shipments were found during these inspections. Plastic or pharmaceutical was not detected during the operation. Finnish Customs participated Operation DEMETER for the sixth time.

9.4.6 International waste shipments as an environmental crime

In spring 2022, the Financial Crime Investigation Unit of the Finnish Customs investigated a case related to an international waste shipment in which a total of 1,678.7 tonnes of metal waste separated from municipal waste had been exported from Finland. The possible offence was spotted in the context of a routine customs control. The case was investigated as an environmental offence, because the activity was found to pose a risk to the state of the environment.

A Finnish company whose main activity is construction of roads and highways was the subject of the criminal investigation. The company has an internal unit specialising in the circular economy. The company's international waste shipments have mainly consisted of the treatment of slag waste and export of metals from Finland to Germany, the Netherlands and Denmark, and the export of combustible waste to Estonia.

It was found that the company had exported waste to the Netherlands, Germany and Denmark as individual shipments in 2019 and 2020. Only for one shipment, to a Danish waste treatment plant, was an export permit requested from the Finnish Environment Agency and appropriate guarantees provided.

The company's own interpretation was that the waste had been exported as so-called green waste, even though it did not meet EU green waste requirements. Green waste means non-hazardous waste of the same quality that is going to be recovered or recycled and that is not considered to pose a risk to the environment. For example, scrap metal, waste paper and untreated wood waste are classified as green waste. They can generally be transferred from one EU or OECD member country to another without a separate notification procedure, as the transfer is unlikely to pose a risk to the environment. Green waste is further regulated by Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste.

The waste examined came from the company's own slag processing plant, located in southern Finland. The waste was metal waste separated from the bottom ash from municipal waste incineration. Bottom ash means material remaining in the grate of a waste incineration plant after the incineration of mixed waste, which is a mixture e.g. glass, metals, aggregates, concrete, ash and melt products. From this material, the company had further separated the metals so that, according to the company, the waste was classified under the European Waste Classification as "19 12 03 - non-ferrous metal resulting from waste treatment operations".

As part of the criminal investigation, Customs requested an expert opinion from the Finnish Environment Institute (SYKE). According to the expert opinion, the metal content of the waste mixture, which consisted of four different particle sizes, was too low to allow the waste to be exported from Finland as green waste. The Finnish Environment Institute therefore considered that a waste shipment permit was required for the waste.

However, the waste shipment did not have such a permit. The criminal case was investigated as an environmental infraction because, according to SYKE, the activities may have put the environment at risk and thus harmed the public interest. An environmental infraction is punishable by a fine or imprisonment for up to six months

9.5 National Prosecution Service

The National Prosecution Authority comprises the Office of the Prosecutor General that acts as the general administrative unit, and five Prosecution Districts: Southern Finland, Western Finland, Northern Finland, Eastern Finland and Åland. The National Prosecution Service has 30 offices around Finland,

A national system of specialization is in place in the National Prosecution Service. There are posts for specialised senior prosecutors, whose main task is to prosecute the most challenging cases in the field of their specialization independent on the prosecution districts where they work. Based on the safeguarded objects of legal protection, the areas of specialization are divided into three: crimes targeted at economic life, individual persons and, more generally, at interests of security and safety. Environmental offences are classified as crimes against interests of security and safety. There are currently three senior prosecutors specialised in environmental crime, and there are other prosecutors specialising in environmental crime working in the prosecution districts. Each district also has an Environmental Crime Team, made up of prosecutors with an interest in environmental crime, which enables development of professional skills.²¹

10 Environmental offences reported to the authorities

Environmental crimes reported to the criminal investigation authorities are presented in this Report by offence type. Authorities conducting criminal investigation into environmental crime are the police, Customs and the Border Guard. Environmental crime statistics are compiled according to the offence type based on which the criminal act was investigated. If cases are referred to prosecution and to court, offence types may change. The statistics do not reflect the actual environmental crime situation or provide actual information on threats to the environment, because the dark figure of environmental crime is high, and the unreported mass of criminal incidents is not likely to be detected by the authorities.

10.1 Environmental offences under the Criminal Code

Chapter 48 of the Criminal Code provides for environmental offences. These are *impairment of the environment*, *aggravated impairment of the environment*, *environmental infraction*, *negligent impairment of the environment*, *nature conservation offence*, *aggravated nature conservation*

²¹ More information on the National Prosecution Service: [Frontpage | National Prosecution Service \(syyttajalaitos.fi\)](https://www.syyttajalaitos.fi)

offence and building protection offence. The offences carry a minimum fine and maximum penalties ranging from six months to six years imprisonment.

Environmental offences under the Criminal Code	2018	2019	2020	2021	2022
Impairment of the environment (Criminal Code, Chapter 48, section 1)	201	188	210	182	179
Aggravated impairment of the environment (Criminal Code, Chapter 48, section 2)	12	6	7	5	7
Negligent impairment of the environment (Criminal Code, Chapter 48, section 4)	0	0	2	4	4
Environmental infraction (Criminal Code, Chapter 48, section 3)	248	222	269	212	179
Nature conservation offence (Criminal Code, Chapter 48, section 5)	53	63	56	37	63
Aggravated nature conservation offence (Criminal Code, Chapter 48, section 5 a)	0	1	0	1	0
Building protection offence (Criminal Code, Chapter 48, section 6)	4	1	2	6	0
Total	518	481	546	447	432

Table 1. Environmental offences recorded by the criminal investigation authority under Chapter 48 of the Criminal Code 2018 – 2022.

10.2 Impairment of the environment (Criminal Code, Chapter 48, section 1)

Impairment of the environment refers to, for example, introducing, emitting or disposing an object or a substance into the environment or violating specific obligations provided for in environmental protection or waste legislation so that the act is conducive to causing contamination of the environment or a health hazard. The statutory definition of the offence is highly complex, containing a variety of *modi operandi* and many references to material environmental legislation. The offence is punishable when committed intentionally or through gross negligence. Impairment of the environment is punishable by a fine or imprisonment to at most two years.

The majority of suspected cases of impairment of the environment are investigated by the police. Criminal investigation into suspected environmental offences is generally conducted by the financial crime unit of the local police department. Typically, environmental offences that come under criminal investigation include the unlawful disposal or storage of various types of waste, either on small or industrial premises..

In addition to the police, Customs or the Border Guard can also conduct the criminal investigation into suspected impairment of the environment.

Cases investigated by the Border Guard mainly consist of unlawful oil discharges from ships.

Selected court cases in 2022

Criminal Code, Chapter 48, section 1 – Impairment of the environment

Helsinki Court of Appeal of 27 January 2022, decision number 22/103376, case ref. R 20/870

Western Uusimaa District Court on 14 February 2020, decision number 20/105963, case ref. 19/2027

A defendant was found guilty of impairment of the environment as they had transported goods to the site and constructed unauthorised buildings and structures on the same site. Another defendant was also found guilty of the same offences, as they owned the site.

Since 2011, the defendant had transported building materials and construction waste, scrap metal, machinery, vehicles and other goods to a property owned by another person. When the goods were brought to the site, some had been in a usable condition. However, over the years they had become unusable waste within the meaning of Article 5 of the Waste Act, as they were stored in a way that they got ruined or rendered unusable due to the weather and prolonged storage.

Some of the goods had been stored in buildings or structures constructed on the property without a required permit. Items that had become waste had not been taken to a waste reception facility. The environmental authorities estimated that there was about 650 m³ of waste on the property. Lubricating oil had leaked from the machinery, causing local soil degradation and a risk of groundwater pollution. The property owner was deemed to have authorised the defendant's conduct, and the activity had caused significant littering of the property, localised soil contamination and a risk to groundwater in a class 1 aquifer. They had repeatedly been told to clean up the property and return it to a legal state. However, despite the partial cleaning and requests from the authorities, there was still litter, and cleaning had not been completed as required.

The defendants were sentenced to fines of 40 and 50 euros and to forfeit 3,750 euros to the state as proceeds from the crime. The defendants appealed to the Court of Appeal on the issue of criminal proceeds but the Court of Appeal did not change the decision. (no information available on finality)

Criminal Code, Chapter 48, section 1 – Attempted impairment of the environment

Western Uusimaa District Court on 22 March 2022, decision number 22/112241, case ref. 21/1493

The defendant had attempted to export waste in violation of the Waste Act, the regulation adopted under the Waste Act and Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste. The defendant had transported to the port three damaged vehicles bound for Nigeria. Two of the vehicles had been loaded on top of the third one. The load had also

included a truck engine, car doors and tires. All vehicles and other objects had been classified as waste during an inspection by the authorities. The defendant had no authorisation to export waste, nor could one have been granted. The defendant had not been registered as a waste transporter, either. Because Customs stopped the shipment, the act remained an attempt. The objects were later delivered by the defendant for proper disposal. The district court found the defendant guilty of an attempt of an impairment of the environment and imposed 40 day fines to them for their conduct. (final)

10.2.1 Aggravated impairment of the environment (Criminal Code, Chapter 48, section 2)

Aggravated impairment of the environment is the aggravated form of the offence of impairment of the environment. If the damage or danger of damage caused by impairment of the environment is especially serious or the offence is committed in pursuit of considerable financial gain, or the offence was planned, the perpetrator can be sentenced for aggravated impairment of the environment. Punishment for the offence is imprisonment for at least four months and at most six years. In 2022, criminal investigation authorities filed a total of seven cases of aggravated impairment of the environment. Most of the cases had been reported by the environmental authority and concerned littering the environment with various types of waste, but some of the criminal investigations also concern the unlicensed/illegal use of soil materials.

The cases filed as aggravated impairment of the environment were committed all around the country. The fact that suspects of the aggravated environmental offences are generally known at the time the criminal incident reports are filed also supports the view that only a fraction of the environmental offences committed are reported to the police.

Selected court cases in 2022

Criminal Code, Chapter 48, section 2 – Aggravated impairment of the environment

South Ostrobothnia District Court on 27 April 2022, decision No. 22/117619, case ref. R 22/567

An industrial paint shop had been operating on a property located in a groundwater basin important for water supply. The soil in the area was very permeable sandy soil. The defendant was the CEO and the only member of the industrial painting company's board and factually responsible for the company's operations, including the organisation of its waste management. The municipality had granted an environmental permit to the company to engage in industrial painting as subcontracting. The defendant had failed to organise the company's waste management in accordance with the Waste Act and the environmental permit granted to the company. For example, the defendant had failed to deliver hazardous waste generated in the company's operations to an authorised treatment facility. The defendant had also failed to conclude an industrial waste water contract. The paint waste from the painting process had been stored in barrels, which had been stored not only in the paint shop and the storage building, but also in a weather-exposed yard with a partially deteriorated asphalt surface. The storage did not meet the conditions set for it.

Powder dust (paint residue) from the painting process had been blown out from the exhaust air ducts in the production hall to the wall of the hall. Sediment from the cleaning process of painted

objects containing trichloroethylene as a cleaning agent had also been unlawfully handled in the operation. The sediment had either been dumped on the property or stored in such a way that it had leaked into the ground. Waste water had leaked to the environment. Waste had been burnt in the property. Various paints, degreasing and cleaning solvents (including trichloroethylene) and detergents had been used. Keeping account for the waste materials had also been neglected. Elevated levels of contaminants were found in soil and ground water.

The defendant sought substantial financial profit in the offence. Taking into account, among other things, the long period over which the offence was committed and the defendant's exceptional indifference to compliance with rules and regulations on the protection of the environment in a groundwater area, the offence is aggravated also when assessed as a whole.

The matter was handled in the proceedings on the basis of a plea of guilty, and the defendant confessed that he had acted as described in the modus operandi in the draft judgment and admitted the charge.

The district court noted that the penal scale provided for aggravated impairment of the environment is imprisonment for at least four months and at most, six years. The relatively high maximum punishment indicates that aggravated environmental offences should not be treated with leniency. The importance of groundwater as a subject of environmental protection is underlined by the fact that the Environmental Protection Act lays down an absolute ban on groundwater pollution.

According to the district court's judgment, the offence committed by the defendant was more aggravated even as a basic offence of impairment of the environment. In principle, the defendant should have been sentenced to imprisonment of two years. Considering the effect of the defendant's confession, the district court found that a suspended prison sentence one year and six months sought by the prosecution, plus 60 days of community service, was a just sanction. The defendant was also subjected to a business ban of five years. The defendant was also ordered to pay approximately 150,000 euros for the clean-up of the property. (final)

10.2.2 Environmental infraction (Criminal Code, Chapter 48, section 3)

If the impairment of the environment referred to in Chapter 48, section 1 of the Criminal Code is considered of minor significance when assessed as a whole, the offender is sentenced for an environmental infraction. The penal scale ranges from a fine to imprisonment for at most of six months.

Nearly without exception, the suspected environmental infractions reported to the police concern waste or scrap disposed or left in inappropriate locations in small quantities. Offenders are usually not known at the time of reporting. In cases in which the offender is identified, the most common sanction is a fine imposed by the police.

Almost all of the environmental infractions investigated by the Border Guard concerned illegal oil discharges from ships that were considered of minor significance when assessed as a whole.

Summaries of selected court cases in 2022

Criminal Code, Chapter 48, section 3 – Environmental infraction

East Uusimaa District Court on 11 November 2022, decision No 22/144348, case ref. R 22/3599

The defendant had left household furniture, namely at least two bunk beds, in the parking lot in the company's yard without permission. Taking into account the minor significance of the damage caused to the environment and other circumstances, the district court considered the offence to be minor when assessed as a whole and imposed ten day fines to the defendant, who also had to reimburse the injured party 65 euros as dumping fees.. (final)

10.2.3 Negligent impairment of the environment (Criminal Code, Chapter 48, section 4)

The penal provision applied to negligent impairment of the environment extends punishment to certain negligent acts that otherwise would not be punishable as impairment of the environment due to the prerequisite of imputability. According to the basic legal definition, impairment of the environment is a criminal offence only if it is committed with intent or gross negligence. The application of the provision on negligent environmental damage requires that the damage caused to the environment or health, or the risk thereof, is particularly serious. The penal scale ranges from a fine to imprisonment of at most one year.

Negligent impairment of the environment is a rare offence, and only a few cases are investigated by the police each year. Four cases of negligent impairment of the environment were filed in 2022.

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Summaries of selected court cases in 2022

Criminal Code, Chapter 48, section 4 – Negligent impairment of the environment

Pirkanmaa District Court on 14 January 2022, decision number 22/101792, case ref. 21/1086

X, as chair of the board and CEO of a company, and Y, as a board member and majority shareholder of the same company, were charged with impairment of the environment because the company's thermal impregnation plant had been overfilled, causing fuel oil to spill onto the floor of the oil tank building and from there through a drainage pipe into the ground. From there, the oil discharge ended up into a storm drain, a drainage ditch and further into a lake via a discharge ditch. The rescue services had not been informed of the oil discharge until later, after which they carried out clean-up operations in the area. Approximately 400 – 700 litres of oil had seeped into the ground, resulting in soil remediation at the site, with a total of 44.9 tonnes of oily soil removed from an area of approximately 20 square metres to a depth of approximately 0.7 metres.

The oil tank building in question had been in violation of the city's regulations on environmental protection, as the storage area had not been submerged and had not been drained. As a result of the overfilling, oil had leaked into the ground. In addition, the emergency centre, regional rescue service, municipal environmental protection authority and the municipal health protection authority were not immediately informed of the incident. The oil spill in question only came to the attention

of the authorities following a report from a third party as they had detected oil in a body of water 1.4 km away.

The defendants admitted the conduct as described in the charge, but considered it to be more of an accident. The district court found the defendants guilty of negligent impairment of the environment and imposed 20 day fines to them for the conduct. (final)

10.2.4 Nature conservation offence (Criminal Code, Chapter 48, section 5)

Anyone who unlawfully destroys or cause damage to a natural area, animal, plant or other natural object protected, restricted or placed under the Nature Conservation Act is guilty of a nature conservation offence. Import and export of protected species of plant or animal in violation of the CITES Convention are also punishable. Punishment ranges from a fine to imprisonment of maximum of two years.

The nature conservation offences investigated by the police usually involve unlawful destruction species of flora or fauna or unauthorised logging in protected areas. Many of the suspected nature conservation crimes involved the killing of protected barnacle geese or were related to gull nesting or Siberian flying squirrels (*Pteromys volans*). Cases in the postal and passenger transport sectors are mainly detected by the customs authorities; in particular, online purchases have been found to contain illegal products.

Nature conservation offence (Criminal Code, Chapter 48, section 5)	2018	2019	2020	2021	2022
Police	52	58	52	34	61
Customs	0	4	4	2	2
Border Guard	1	1	0	1	0
Total	53	63	56	37	63

Table 2. Environmental offences against Ch. 48 of the Criminal Code filed by the criminal authorities in 2018 – 2022.

Summaries of selected court cases in 2022

Criminal Code, Chapter 48, section 5 – Nature conservation offence

Kanta-Häme District Court on 11 January 2022, decision number 22/100695, case ref. 21/1213

The defendant had imported or acquired for commercial purposes, sold and held for sale items listed in Annexes A and B of the Council Regulation on the protection of species of wild fauna and flora by regulating trade therein, in breach of the Council Regulation. They had sold two birds covered by Annex B of the Regulation, namely a galah (*Eolophus roseicapilla*) and an Australian king parrot (*Alisterus scapularis*). The birds had no documents approved by any competent authority proving their origin or legal acquisition. They had also sold a bird covered by Annex A of

the Council Regulation, namely a harpy parrot (*Psittacus erithacus*), to another person without an EU individual certificate for the bird. Both the seller and the buyers were found guilty of nature conservation offences. The seller was imposed 30 day fines and ordered to forfeit 2,400 euros i.e. the amount they had got from the sale to the state as criminal proceeds. The buyers were imposed 20 day fines each. (final)

10.2.5 Aggravated nature conservation offence (Criminal Code, Chapter 48, section 5 a)

A nature conservation offence can be considered aggravated if, when it is deemed aggravated when assessed a whole and it poses a serious threat to the nature, is committed for substantial financial gain or it is committed in a particularly methodical manner. Punishment for the offence ranges from four months to imprisonment for four years.

10.2.6 Building protection offence (Criminal Code, Chapter 48, section 6)

Anyone who intentionally or through gross negligence demolishes, destroys, impairs or covers an object of the built environment protected by the Land Use and Building Act without the required permit is guilty of a building protection offence. In addition to the protection of actual buildings, the provision also applies to the destruction of relics referred to in the Act on Archaeological Remains, for example. Punishment ranges from a fine to imprisonment of maximum of two years.

10.3 Natural resource offences under the Criminal Code

Chapter 48a of the Criminal Code provides for natural resource offences, see Table 3. The provisions cover hunting, fishing, forestry and timber, as well as protecting the Antarctic. The Chapter also provides for a ban on hunting for a minimum of one year and a maximum of five years. The number of natural resource crimes filed in 2022 was clearly higher than in the previous year.

Natural resource offences under the Criminal Code	2018	2019	2020	2021	2022
Hunting offence (Criminal Code, Chapter 48a, section 1)	163	120	149	135	138
Aggravated hunting offence (Criminal Code, Chapter 48a, section 1 a)	12	12	25	14	17
Fishing offence (Criminal Code, Chapter 48a, section 2)	8	2	3	6	9

Forestry offence (Chapter 48a, section 3)	1	6	9	1	5
Unlawful exploitation of mineral resources in the Antarctic (Criminal Code, Chapter 48a, section 3 a)	0	0	0	0	0
Timber offence (Criminal Code, Chapter 48a, section 3 b)	0	0	0	0	0
Concealing poached game (Criminal Code, Chapter 48a, section 4)	0	0	1	0	1
Aggravated concealing poached game (Criminal Code, Chapter 48a, section 4 a)	0	0	0	1	1
Total	184	140	187	157	171

Table 3. Natural resources offences filed by the criminal investigation authorities in 2018 – 2022.

10.3.1 Hunting offence (Criminal Code, Chapter 48a, section 1)

Anyone who intentionally or through gross negligence hunts using a prohibited trap or a trapping method or hunts in violation of an order issued on the protection of game or hunts without a hunting permit or hunts in a way that puts another person or their property in danger, commits a hunting offence. Punishment ranges from a fine to imprisonment of at most two years.

In terms of modus operandi, hunting offences investigated by the Border Guard take many forms. The suspected offences in the investigations launched in 2022 mainly concerned elks. Cases in which hunting methods prohibited by the Hunting Act were used, for example, were also investigated as hunting offences.

Hunting offence (Criminal Code, Chapter 48a, section 1)	2018	2019	2020	2021	2022
Police	156	116	141	124	131
Border Guard	7	4	8	11	7
Total	163	120	149	135	138

Table 4. Hunting offences filed by criminal investigation authorities in 2018 – 2022.

Summaries of selected court cases in 2022

Criminal Code, Chapter 48a, section 1: Hunting offence

Lapland District Court on 16 June 2022, decision number 22/125936, case ref. R 21/1547

The defendant had been hunting for grouse. However, they had shot someone else's Labrador retriever bird dog instead of making sure that the target animal was in fact a grouse. The dog had got shotgun pellets in its body. It was later euthanised due to injuries caused by the shooting.

The district court found that the defendant had had a heightened duty of care to identify the target before firing a shot. According to the defendant's own statement, they had not done so. It had therefore been a question of a conscious decision to take a risk, not an unconscious one. By the conduct described in the charge, the defendant was found guilty of a hunting offence through gross negligence. The District Court imposed 50 day fines to the defendant, the shotgun he had used was forfeited to the state as an instrument of crime, he was banned from hunting for a year and ordered to hand over his hunting card to the hunting association. The defendant was also ordered to pay around 3,500 euros as damages to the injured party. (final)

10.3.2 Criminal Code, Chapter 48: Aggravated hunting offence

A hunting offence is deemed aggravated when it is committed in a particularly brutal or cruel manner or if the target is a particularly large amount of game. An offence may be aggravated if it was planned or committed for substantial financial gain. The killing or injuring of certain animals, such as wolverine, lynx, bear, deer, otter or wolf, may also meet the statutory definition of an aggravated hunting offence if the offence is aggravated when considered as a whole. The media has covered the widespread hatred of wolves as well as poaching of wolves and other large predators extensively in recent years.

In 2022, there were 17 aggravated hunting offences filed in the Crime Report Index: the police opened a total of 13 investigations into aggravated hunting offences and the Border Guard opened a total of 4 investigations into suspected aggravated hunting offences.

Notable cases of animals illegally hunted in aggravated hunting offences in 2022 included bears and wolves.

A proportion of hunting offences go unreported or undetected, such as hunting without the required permit and unlawful killing of species, in particular. It has been estimated that a culture of silence among local residents and hunters may also contribute to the difficulties in reporting and investigating hunting crimes.

Criminal Code, Chapter 48: Aggravated hunting offence	2018	2019	2020	2021	2022
Police	10	11	10	8	13
Border Guard	2	1	15	6	4
Total	12	12	25	14	17

Table 5. Aggravated hunting offences filed by criminal investigation authorities in 2018 – 2022.

Selected court cases in 2022

Criminal Code, Chapter 48a, section 1 a – Aggravated hunting offence

Oulu District Court of 20 May 2022, decision number 22/121567, case ref. 21/4368

The defendant was suspected of aggravated hunting offences on the grounds that allegedly he had intentionally hunted and killed a fleeing wolverine by chasing it with a snowmobile. They were suspected of having run over a live wolverine with a snowmobile once or twice and then killing it by shooting or striking it with an axe or similar instrument. They were also suspected having tried to cover up the traces of his conduct. According to the charge, the offence was committed in a particularly brutal and cruel way. A wolverine was killed in the act, and the offence is aggravated also when assessed as a whole.

The district court found that it was undisputed that the wolverine had not been killed in the manner described in the charge. The dispute was over whether it was the defendant or someone else who had killed the wolverine. The witnesses had not been present at the scene of the incident. Therefore, they had not been able to make observations or identify the offender. The defendant denied the charge and said he had been at work. Having assessed the evidence as a whole, the district court summarily concluded that, in the light of the evidence received, reasonable doubt remained as to whether, contrary to their denial, the defendant had acted in the manner described in the charge, consequently, the charge against the defendant had to be dismissed. (no information available on finality)



10.3.3 Fishing offence (Criminal Code, Chapter 48a, section 2)

A person who is catching fish to a significant extent in contravention of an order relating to the protection of fish or crustaceans, fishing gear or the minimum size of fish or crustaceans is guilty of a fishing offence. Penal scale ranges from a fine to imprisonment for at most two years.

Fishing offence (Criminal Code, Chapter 48a, section 2)	2018	2019	2020	2021	2022
Police	3	1	2	6	9
Border Guard	5	1	1	0	0
Total	8	2	3	6	9

Table 6. Fishing offences filed by criminal investigation authorities in 2018 – 2022.

Summaries of selected court cases in 2022

Criminal Code, Chapter 48a, section 2 – Fishing offence

Ostrobothnia District Court on 30 June 2022, decision number 22/127470, case ref. R 22/524

The defendant had been catching fish to a considerable extent in violation of the Fishing Act. They had been using a fyke net, which, according to the Fishing Act, is intended only for professional fishing in public waters. The defendant did not catch fish for commercial purposes. Therefore, they had not had a permit to use a fyke net as fishing gear in public waters. The defendant was imposed 35 day fines for a fishing offence. The fyke was not forfeited to the state, and it had actually been already returned to the defendant. The court did not find it reasonable to forfeit to the state as an instrument of crime. There was no apparent risk of re-offending. (no information available on finality)

10.3.4 Criminal Code, Chapter 48a, sections 3 and 3 b: Forestry offence and timber offence

Anyone violating a provision of the Forestry Act relating to protection forests or protected areas, or damages a natural environment of special importance in terms of the biodiversity of a natural forest, is guilty of a forestry offence. Anyone placing unlawfully felled timber or timber products on the market in breach of the EU Timber Regulation is guilty of a timber offence. The maximum sentence for a forestry offence is imprisonment for two years and that for a timber offence, for six months.

Summaries of selected court cases in 2022

Criminal Code, Chapter 48a, section 3: Forestry offence

Satakunta District Court on 04 March 2022, decision number 22/109516, case ref. R 22/160

The defendant had damaged a habitat of particular importance for forest biodiversity in its natural or semi-natural state by taking a forest management or operational measure in such a way that the act was conducive to jeopardise the typical characteristics of that habitat. On a farm owned by the defendant together with his brother, the defendant had dug a ditch at least 30 metres long in an area where there is a habitat of special importance in terms of diversity within the meaning of section 10, sub-section 2 of the Forest Act, that is a mire environment, which is a small-scale undrained swamp with sparse trees and which is characterised by a natural or semi-natural water economy.

The defendant had dug a ditch on the aforementioned area in violation of section 1 a, sub-section 3 of the Forest Act, as a result of which the area and its immediate surroundings had lost their typical characteristics. The district court imposed 20 day fines to the defendant for a forestry offence.

10.3.5 Criminal Code, Chapter 48a, sections 4 and 4 a: Concealing of poached game and aggravated concealing of poached game

Anyone, who hides, obtains, transports, conveys or markets game that has been obtained through a hunting offence or fishing offence, is guilty of concealing of poached game. The sentence for the baseline statutory definition ranges from a fine to at most one year of imprisonment, and from a fine to at most three years of imprisonment for the aggravated offence.

10.4 Environment–related offences endangering health and safety under the Criminal Code

Offences endangering health and safety are listed under Chapter 44 of the Criminal Code. They also include criminal acts that may have a significant impact on the environment. Protected objects of these provisions include human life and health as well as personal property. In regard to the environment, the above–mentioned other penal provisions under the Criminal Code may also apply. In 2022, the total number of offences endangering health and safety increased clearly from the previous years.

Offences endangering health and safety under the Criminal Code	2018	2019	2020	2021	2022
Health offence (Criminal Code, Chapter 44, section 1)	13	11	28	15	29
Endangerment of health (Criminal Code, Chapter 34, section 4)	2	0	4	8	3
Aggravated endangerment of health (Criminal Code, Chapter 34, section 5)	0	0	0	0	0
Causing a risk of spreading an animal disease (Criminal Code, Chapter 44, section 4 a)	6	10	7	12	12

Genetic technology offence (Criminal Code, Chapter 44, section 9)	0	0	0	0	0
Nuclear energy use offence (Criminal Code, Chapter 44, section 10)	0	0	0	0	0
Explosives offence (Criminal Code, Chapter 44, section 11)	127	145	133	133	142
Careless handling (Criminal Code, Chapter 44, section 12)	269	318	341	368	365
Radioactive material possession offence (Criminal Code, Chapter 44, section 12 a)	0	0	1	0	0
Transport of dangerous substances offence (Criminal Code, Chapter 44, section 13)	15	3	4	3	13
Total	432	487	518	539	564

Table 7: Offences endangering health and safety under Chapters 34 and 44 of the Criminal Code filed by the criminal investigation authorities in 2018 – 2022.

10.5 Violations of the Water Act

Penal provisions under the Water Act are included Chapter 16 of the Act. The criminal acts are: violation of a permit under the Water Act and violation of the Water Act, unless a more severe punishment is provided for in the Criminal Code. Violation of a permit means, for example, undertaking a water management project subject to a permit without a permit issued by the permit authority, while, for example, obstructing the flow of water or watercourse or failing to comply with notification requirements constitutes a violation of the Water Act.

Penal provisions under the Water Act (Chapter 16, sections 2 - 3)	2018	2019	2020	2021	2022
Violation of a permit under the Water Act (Chapter 16, section 2)	5	4	5	3	3
Violation of the Water Act (Chapter 16, section 3)	10	8	12	8	5
Total	15	12	17	11	8

Table 8. Offences against the Water Act filed by the police in 2018 – 2022.

10.6 Offences under other Acts

In addition to the above penal provisions directly concerning or relating to the environment, there are numerous other penal provisions more. For example, section 147 of the Waste Act, section 225 of the Environmental Protection Act, section 118 of the Fishing Act, section 25 of the Off–

Road Traffic Act, section 58 of the Nature Conservation Act, section 17 of the Land Extraction Act and section 7 of the Act on Fishing in the River Tornionjoki Fishing Region – they all include penal provisions. Compared to the number of environmental and natural resources offences provided in the Criminal Code, the total numbers of these minor offences are clearly higher. Table 9 shows the violations reported to the criminal investigation authorities in 2018 – 2022. The authorities filed 142 violations of the Waste Act last year. In 2022, the police filed 402 violations of the Fishing Act. A closer look to individual penal provisions reveals that some of the offences have been hardly ever committed. These include chemical violations, building protection violations and antiquities violations, for example. Very rarely applied penal provisions have not been included in the Table below.

Offences under other Acts	2018	2019	2020	2021	2022
Violations of the Waste Act	163	174	219	187	142
Fishing offence	566	430	506	362	402
Off-road traffic violation	260	174	160	195	180
Violation of the Nature Conservation Act	21	27	45	40	22
Violation of the Extractable Land Resources Act	8	4	3	3	4
Violation of the Act on Fishing on the Tornionjoki Fishing Zone	0	0	0	0	0
Violation of the Environmental Protection Act	18	28	13	16	23
Transport violations (hazardous substances)	421	325	374	378	313
Building violation	23	42	33	23	29
Building protection violation	0	0	0	2	0
Violation of the Antiques Act	1	0	1	1	0
Hunting violation	90	106	102	115	101
Forestry violation	22	25	90	63	53
Violation of the provisions of the Hunting Act	173	129	188	166	160
Total	1766	1464	1734	1551	1429

Table 9. Other environmental violations filed by the criminal investigation authorities in 2018 – 2022.

Summaries of selected court cases in 2022

Land Use and Building Act, section 185: Building violation

Pirkanmaa District Court on 16 March 2022, decision number 22/111415, case ref. R 21/5570.

Defendants were negligent in carrying out duties prescribed or stipulated the Land Use and Building Act or the regulations or orders issued pursuant to the Land Use and Building Act on construction or management of the environment. They had started construction work on property their owned. When the property was inspected, it was found that a permit under section 125 of the Land Use and Building Act was required to carry out the work. A stop-work order was issued by a building inspector, and the decision of the environment and building section of the municipal

committee upheld the order. However, the defendants completed the construction work contrary to the order of the building control authority.

When assessing the evidence produced in the case as a whole, the District Court found that there was no evidence that the defendants had deliberately neglected to comply with the provisions of the Land Use and Building Act. They had a right to rely on the instructions they had received and, on that basis, they could reasonably have understood that they were entitled to complete the construction work on the existing structure and that the structure met the requirements of the code of practice. On those grounds, the District Court dismissed the case. (final)

Hunting Act, section 74: Hunting violation

Lapland District Court on 07 January 2022, decision number 22/100578, case ref. R 21/1559

The defendant was charged with a hunting offence, because he had shot a mother elk who twin calves under a year old had followed. At the time of the incident, hunting master's dog barked at the mother elk with the calves. The defendant attempted to shoot one of the two calves without success. Then the elks moved towards other hunters at vantage points. The hunting master communicated the movements of the elks by a walkie-talkie and gave permission to shoot the calves. As the animals had stopped roughly 50 – 100 metres from the line of vantage points, the hunting master reported on the elks again through walkie-talkie and said that he was trying to get the elks to move closer to the line. He also reported the same information in a WhatsApp group. When the mother elk saw the defendant, she moved closer to the line of vantage points and the defendant, who was in one of the vantage points, fired a shot at her. As the mother elk was only wounded, another hunter in another vantage point shot her to death. Later on, the police seized the carcass of the shot elk and sold the meat at an auction.

The defendant acted as described above, despite the fact that the hunting master had repeatedly forbidden him, before and during the hunt, to shoot the mother elk with calves. The District Court stated in the reasoning that the calves had not immediately followed their mother, nor had they arrived after a delay at the place where the female elk was shot, but the defendant had been aware that the mother and her calves were moving nearby. The defendant himself had also said that he did not see the feet of an approaching female or any other animal when he was observing the thicket, so he should have been particularly careful in an uncertain situation. The defendant had shot the mother elk shortly after she had jumped out of the thicket, leaving little time for observation and consideration. The District Court also found that during the closed season hunters must take special care to protect offspring dependent on the mother, and that in uncertain situations hunters often refrain from shooting the females. Considering the case as a whole, and in particular the fact that these calves were intended to be hunted anyway and were in fact hunted, the District Court found that the defendant's conduct was negligent rather than grossly negligent and that the act must therefore be charged as a hunting offence. The District Court imposed 20 day fines to the defendant and forfeited the funds received from selling the meat to the State. (not final)

Hunting Act, section 75: Violation of the provisions of the Hunting Act

Lapland District Court on 17 February 2022, decision number 22/107188, case ref. R 20/1542

The defendant had deliberately or out of negligence kept their dog unleashed outside the urban area both in breach of the prohibition of the Hunting Act and without the permission of the

landowner. The defendant had kept their dog on a leash in the yard of their cottage in such a way that the dog managed to run away. The dog had managed to run away on previous occasions and the defendant had been aware of this fact. <The dog had been running loose in the yard of someone else's cottage, barking in a disturbing manner. The District Court imposed four day fines on the defendant for the violation. (final)

Fishing Act, section 118: Fishing offence

South Karelia District Court on 09 March 2022, decision No 22/110245, case ref. R 12/180

The defendant had neglected the obligation to mark fishing gear laid down in the Fishing Act and had used fishing gear prohibited by the Agreement to protect the Saimaa Ringed Seal in the closed area under the Agreement. The six traps used by the defendant did not show the name or contact information of the placer of the fishing gear. The fish traps had been designed so that the opening in the mouth could have been more than 150 mm wide. The District Court found the defendant guilty of a fishing offence in so far as the six fish traps used by the defendant did not bear the name and contact details of the placer of the fishing gear. For other parts, the case was dismissed. Taking into consideration harmfulness of the defendant's conduct and their culpability as manifested in the offence, the District Court found the offence to be of minor significance when assessed as a whole and waived the punishment pursuant to Chapter 6, section 12 of the Criminal Code. The seized fish traps were returned to the defendant. (final)

10.6.1 Violations of the Waste Act

The majority of the incidents reported by the environmental authorities or citizens are filed as violations of the Waste Act. Typically they are cases of littering or dumping or uncontrolled handling of waste. Private persons or companies have neglected their duty to manage their own waste, and the waste (for example, domestic waste, furniture, appliances or construction waste) has been dumped in the forest or some other place where it does not belong. Society, and sometimes private property owners, incur costs from the collection of such waste.

Summaries of selected court cases in 2022

Waste Act, section 147: Violation of the Waste Act

Oulu District Court of 21 February 2022, decision number 22/107373, case ref. 21/2801

The defendant had treated waste on their property in violation of the Waste Act by burning a car tyre. The defendant admitted to the conduct charged, and his statement was supported by written evidence produced in the case. The defendant had only obtained a permit from the fire department for an open fire, which did not entitle it to dispose of the waste in a way that would be uncontrolled or cause danger or harm to health or to the environment. The defendant was sentenced to 10 day fines for his conduct. (final)

10.6.2 Oil discharges and spills detected and administrative oil discharge fees imposed

In addition to Finland's waters and exclusive economic zone, the Border Guard supervises and controls oil discharges from vessels in Estonian waters in the Gulf of Finland and Swedish waters in the Gulf of Bothnia. A high percentage of the oil discharges detected immediately in territorial waters and the exclusive economic zone through supervision and control are efficiently verified and the parties responsible for the discharges brought into the administrative oil discharge fee procedure. The Border Guard's Dornier aircraft patrols over Finnish waters nearly every day.

The Border Guard participates in international cooperation in the Baltic Sea in accordance with the common principles agreed under the Baltic Marine Environment Protection Commission (HELCOM). The above-mentioned cooperation in the field of oil discharge detection has demonstrated its functionality in practice. The busiest shipping routes are monitored in cooperation with Sweden and Estonia, in particular. Cross border cooperation is important especially in the Gulf of Finland where ships sail along the border between Estonian and Finnish exclusive economic zones. Finland also takes actively part in international operations where a certain sea area is monitored by patrol planes sent off by several countries.

Finnish, Swedish and Estonian aircrafts used in monitoring sea traffic in the Baltic Sea have equipment to monitor the environment, and with the help that equipment, monitoring sea traffic is also possible in bad weather conditions and in the dark. Side-looking radars enable detection of oil spills up to tens of kilometres distant from the route of the patrolling aircraft. The aircraft are also outfitted with equipment suitable for identifying vessels. Satellite images on suspected oil discharges were received from the CleanSeaNet service, a European satellite-based oil spill and vessel detection service of the European Maritime Safety Agency (EMSA).

A total of 55 observations on possible oil discharges were received in 2022. In 2021, the Border Guard detected six (6) oil discharges in comparison to 22 detected cases in Finland's territorial waters in 2021. The majority of the detected discharges occurred close to shore or port, the discharges were minor in volume. The focus areas of oil discharge detection are the exclusive economic zone and Finland's territorial waters. As in recent years, the number of oil discharges in these areas was low.

Five (5) new administrative oil discharge investigations were launched in 2022 to determine the conditions for imposing an oil discharge fee, and three of the five investigations were closed during the year. In one case, the investigation will be concluded in 2023. Furthermore, in one case the oil discharge occurred in inland waters, and the police did not require the Border Guard to impose an administrative oil discharge fee to the offender.

In 2022, a decision was taken to impose an oil discharge fee in six (6) cases, in one of which the charge was waived on the basis of Chapter 2, section 2 of the Marine Environmental Protection Act. In five cases, oil discharge fee amounting to 60,149 euros were imposed. The fees were imposed to two foreign and three Finnish vessels. One fine was imposed to a private person and four to carriers. Compared to the previous reporting period, the duration of investigations remained the same.

10.6.3 Criminal investigation into oil discharges from vessels

According to a memorandum of understanding (MoU) between the Border Guard and National Police Board, responsibility for criminal investigation of oil discharges from ships was transferred from the police to the Border Guard from the beginning of 2011. With the MoU, the competent criminal investigation authorities agreed on the referral of criminal investigation responsibilities in Finland's territorial waters and exclusive economic zone to the Border Guard. However, the police still conduct criminal investigation into oil discharges from vessels in inland waters and when the nature or scope of the investigation so requires or the police requests the referral of the investigation under its jurisdiction, for example due to a connection with another serious offence. During the year under review, there were no requests to refer criminal investigation to the police.

The Border Guard has centralised the investigation into oil discharges from ships, along with the administrative investigations related to oil discharge fees, with the West Finland Coast Guard. Criminal investigation into maritime environmental crimes is conducted by the head of criminal investigation and the criminal investigator, both specialised in the subject matter. The Gulf of Finland Coast Guard and Air Patrol Squadron support the West Finland Coast Guard also in taking measures related to criminal investigation of oil discharges from ships.

In 2022, no criminal investigation into impairment of the environment involving oil discharge were opened. Six cases were investigated as environmental infractions; a summary penal order for a fine was given in two of the cases, while one case resulted in caution. In other cases, investigation was either closed on the grounds that the discharge was minor or suspended due to a failure to identify the suspected source. One case is still under investigation.

10.7 Environmental offences referred to prosecution and courts of law

According to the Prosecution Authority's statistics, the annual numbers of environmental and natural resources offences (collectively, environmental offences) received by prosecutors are as follows:

Environmental offences	2018	2019	2020	2021	2022
Impairment of the environment (Criminal Code, Chapter 48, section 1)	91	71	77	85	109
Aggravated impairment of the environment (Criminal Code, Chapter 48, section 2)	10	7	3	9	13
Environmental infraction (Criminal Code, Chapter 48, section 3)	34	30	37	26	15
Negligent impairment of the environment (Criminal Code, Chapter 48, section 4)	2	0	3	0	5

Nature conservation offence (Criminal Code, Chapter 48, section 5)	17	19	20	19	7
Building protection offence (Criminal Code, Chapter 48, section 6)	1	1	1	1	9
Total	155	128	141	140	158

Table 10. Environmental offences and infractions referred to prosecution in 2018 – 2022.

Natural resource offences under the Criminal Code	2018	2019	2020	2021	2022
Hunting offence (Criminal Code, Chapter 48a, section 1)	32	39	37	36	33
Aggravated hunting offence (Criminal Code, Chapter 48a, section 1 a)	9	7	7	8	5
Fishing offence (Criminal Code, Chapter 48a, section 2)	4	1	0	3	0
Forestry offence (Chapter 48a, section 3)	1	0	4	2	3
Unlawful exploitation of mineral resources in the Antarctic (Criminal Code, Chapter 48a, section 3 a)	0	0	0	0	0
Timber offence (Criminal Code, Chapter 48a, section 3 b)	0	0	0	0	0
Concealing poached game (Criminal Code, Chapter 48a, section 4)	0	0	0	0	0
Aggravated concealing poached game (Criminal Code, Chapter 48a, section 4 a)	0	0	0	0	0
Total	46	47	48	49	41

Table 11. Natural resources offences referred to prosecution in 2018 – 2022.

Offences endangering health and safety under the Criminal Code	2018	2019	2020	2021	2022
Health offence (Criminal Code, Chapter 44, section 1)	5	7	8	6	7
Endangerment of health (Criminal Code, Chapter 34, section 4)	1	0	1	1	6

Aggravated endangerment of health (Criminal Code, Chapter 34, section 5)	0	0	0	0	0
Causing a risk of spreading an animal disease (Criminal Code, Chapter 44, section 4 a)	1	2	1	1	0
Genetic technology offence (Criminal Code, Chapter 44, section 9)	0	0	0	0	0
Nuclear energy use offence (Criminal Code, Chapter 44, section 10)	0	0	0	0	0
Explosives offence (Criminal Code, Chapter 44, section 11)	70	42	47	40	55
Careless handling (Criminal Code, Chapter 44, section 12)	59	63	59	63	52
Radioactive material possession offence (Criminal Code, Chapter 44, section 12 a)	0	0	0	0	0
Transport of dangerous substances offence (Criminal Code, Chapter 44, section 13)	4	5	1	5	9
Total	140	119	117	116	129

Table 12. Offences endangering health and safety referred to prosecution in 2018 – 2022.

Penal provisions included in the Water Act	2018	2019	2020	2021	2022
Violation of a permit under the Water Act (Chapter 16, section 2)	1	1	2	1	2
Violation of the Water Act (Chapter 16, section 3)	0	3	3	3	0
Total	1	4	5	4	2

Table 13. Offences against the Water Act referred to prosecution in 2018 – 2022.

Offences under other Acts	2018	2019	2020	2021	2022
Violations of the Waste Act	22	12	24	25	20
Fishing violation	17	12	21	12	15

Off-road traffic violation	9	4	4	3	7
Violation of the Nature Conservation Act	0	4	9	6	7
Hunting violation	16	13	0	0	8
Forestry violation	10	4	0	0	13
Violation of the Environmental Protection Act	2	7	3	5	4
Transport violations (hazardous substances)	2	5	5	2	1
Building violation	8	12	14	6	13
Violation of the Extractable Land Resources Act	0	4	3	2	0
Total	86	77	83	61	88

Table 14. Other environmental offences referred to prosecution in 2018 – 2022.

In 2022, prosecutors brought charges for offences provided for in Chapter 48 of the Criminal Code 70 times, that is, in 59.83 % of cases. The average time taken for the consideration of charges was 7.46 months. A total of 43 charges were brought for the offences provided for in Chapter 48a of the Criminal Code, amounting to 58.14 % of all cases. In these cases, the average duration of consideration of charges was 5.69 months.

Year	Sentenced as charged	Charge dismissed in full or in part	%	All decisions
2018	157	41	20,71 %	198
2019	135	49	26,63 %	184
2020	118	35	22,88 %	153
2021	138	48	25,81 %	186
2022	152	46	21,76 %	192

Table 15. Trends in the number and percentage of charges for environmental offences and natural resources offences dismissed in whole or in part 2018 – 2022.

In recent years, the average fine imposed for offences under Chapter 48, section 1 of the Criminal Code amounted to approximately 50 day fines.²²

²² Statistics Finland.

10.8 Environmental offences reported to the criminal investigation authorities and referred to prosecution

The Monitoring Group has monitored environmental crime in Finland since 1997. Insofar as an environmental offence may carry a sentence of imprisonment, penal provisions have been incorporated into the Criminal Code. Various other Acts contain more lenient penal provisions in addition to those. This, along with the classification criteria of environmental offences, has an impact on the monitoring of environmental crime. Our legislation provides for several criminal acts that also touch upon environmental matters. In monitoring it is, therefore, difficult to take into account all neglect and criminal acts related to the environment. This Report mainly monitors environmental offences punishable under the Criminal Code.

The police investigate all kinds of environmental crime. The environmental offences referred from the police to the prosecution are mainly pollution-related offences concerning the storage or disposal of waste. Often it is a question of an environmental crime committed in the course of business and motivated by cost-saving.

Cases investigated by the Customs in 2022 were mainly nature conservation offences, violations of the Waste Act, environmental offences, transport offences involving dangerous goods and animal smuggling.

The total number of environmental and natural resource offences filed by the Border Guard decreased compared to the previous year. There were no cases of environmental impairment involving oil discharges from vessels filed during the year under review, and the number of environmental infractions concerning emissions also dropped. The number of hunting offences and aggravated hunting offences also continued to fall.

Conclusions

Aggravated impairment of the environment is typically committed in the context of business activities when the offence usually relates to storing, handling or dumping waste materials, waste soil and various chemicals or dumping them or unlawful digging or handling and storing soil materials. Cases of impairment of the environment have been committed in handling liquid manure, carcasses and crops to be destroyed, for example. It is typical to the impairment of the environment committed in business life that cases involve considerable proceeds from crime as well as damages and significantly high restoration costs.

Environmental values are given priority in the assessment of the seriousness of environmental offences, and they are the primary objects of protection. More weight could be placed on the expenses incurred from recovering environmental damage caused by an offence and the amount of possible restoration costs in the assessment of the seriousness of environmental offences and the significance of environmental values. Restoration costs in even relatively minor environmental offences can be quite high. If this is not taken into consideration, it will distort the comparison between different types of crime and lead to a less severe legal practice deviating from the principle of proportionality in comparison to other crimes. On the other hand, when assessing the seriousness of crimes, it should be taken into account that restoration does not always return the environment to its original state, nor does it make the previously untouched nature untouched.

Criminal activities relating to technologies used in circular economy will increase. Criminal investigation authorities have investigated cases relating to biofuels in West–European countries, for example. In any society, organised crime penetrates such areas where the proceeds are as high as possible.

Based on the big picture of environmental crime, the following become emphasized: smoothness of mutual cooperation between supervisory and criminal investigation authorities, prevention and detection of criminal offences, confiscation of criminal proceeds, informing the public and implementation of The Environmental Crime Prevention Strategy and the Action Plan. The fight against environmental crime is tackled through an environmental crime prevention strategy and an operational action plan.

The environmental authorities have a key role in developing ways of environmental protection and control and, therefore, in prevention of environmental offences. This is why a network of liaison officers to prevent environmental crime has been set up to share expertise and good practice. Their success in prevention will decrease the number of environmental offences reported and detected by the criminal investigation authorities. Active operations of regional cooperation groups become emphasized in developing inter-agency cooperation between the authorities. Each police department has its own regional working group focused on environmental crime; those groups have contributed to the inter-agency cooperation and in building the big picture of environmental offences in Finland. With the help of good regional cooperation, the authorities aim to respond to unlawful acts efficiently and quickly.

Environmental crime can generate significant financial and other illicit benefits. In order to prevent such crime from being profitable for the offender, special attention should be paid at the investigation stage to tracing and recovering the proceeds of crime. Active inter–agency cooperation becomes emphasised in the tracing and recovering the proceeds of crime. The evaluation of the proceeds of crime is not always straightforward at the moment when a request for investigation is made. In the beginning of the criminal investigation, possible criminal proceeds are not always known or they have not been specified clearly enough. Defining the amount of criminal proceeds is a continuous process of assessment in the criminal investigation. The proceeds or a part thereof may remain unclaimed, if they are not presented and underscored in the request for investigation in a sufficient manner.

Releasing information to the public on measures taken by various authorities, outcomes of investigations and court decisions can improve the prevention of environmental crime in general. Training and guidance in environmental crime matters should be an on–going process. The National Monitoring Group emphasises the need for raising the level of expertise on environmental crime among the authorities and allocating resources in a way that special expertise in environmental crime prevention is enhanced.

The unstable situation in Europe and the sanctions on Russian crude oil call for the further enhancement and intensification of cooperation between authorities in preventing, detecting, investigating, minimising damage and holding perpetrators accountable for environmental crimes committed in the context of local or international conflicts.
