

ENVIRONMENTAL CRIME REPORT

2021



The National Working Group on Monitoring Environmental Crime, Finland

01 July, 2021

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1 General

In this Environmental Crime Report, environmental incidents reported to the police, Customs and Border Guard are presented per offence covering the years 2016 - 2020. Environmental crime statistics are compiled according to the offence type based on which the criminal act was investigated. The type of the offence may change when the case is referred to prosecution for consideration of charges and again in the court procedure. The Report also gives some examples of various environmental offences and includes statistics compiled by the criminal investigation authorities and courts.

The total numbers of environmental offences referred to in Chapter 48 and natural resource offences referred to in Chapter 48(a) of the Criminal Code both were higher in 2020 than in the previous year. The offences endangering health and safety listed under Chapter 44 of the Criminal Code also include criminal acts that can have a significant impact on the environment, and the number of such offences also grew in 2020. The number of violations and infringements classified into environmental offences also increased in 2020. Therefore, it can be stated that the total number of offences considered as environmental offences was higher in 2020 than in the previous year. Approximately one in every three investigated environmental offences pursuant to Chapters 48 and 48(a) and Chapter 44 is referred to prosecution.

The environmental supervision authorities and criminal investigation authorities are carrying out The Environmental Crime Prevention Strategy and the Action Plan in multi-agency cooperation. The first update of the Strategy was made in the beginning of 2021, and Strategy will be valid until 2026. The fourth Action Plan was published at the same time, and it will be valid for the next two years i.e. in 2021 - 2022.¹ The Implementation Group chaired by the Ministry of the Environment monitors and supervises the implementation of the Action Plan. Operations of regional cooperation groups consisting of the authorities responsible for environmental crime prevention have gotten off to a good start since their establishment in 2016. The well-established form of cooperation now covers the entirety of the national territory. Thematic cooperation groups have also been established, and they collaborate with the regional groups. 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 have 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 got organized better during the time the previous Strategy was implemented, in the current period, the focus in preventing environmental crime will be shifted to making grassroot operations more efficient. The prevention of environmental crime will also be addressed by raising public awareness of the obligations provided in legislation for protecting environment and nature as well as by organizing publicity campaigns on environmental crime themes.

The National Working Group on Monitoring Environmental Crime produces situational awareness of environmental crime in Finland. The Working Group has issued Annual Reports on environmental crime since 1997. In 1998, the Working Group issued its first Annual Report to the International Criminal Police Organization, INTERPOL. Contribution of Finnish authorities in the development, monitoring and annual reporting of environmental crime prevention efforts has achieved international attention as a unique example of best practices and a model report. Over the years, the Working Group has made numerous

¹ Environmental Crime Prevention Strategy 2021 - 2026 and Action Plan 2021 - 2022. www.valtioneuvosto.fi (in Finnish only)

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 Arto Hankilanoja 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, Katariina Paakkanen 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, District Prosecutor Heidi Nummela of the Prosecution Authority, South Finland Prosecution District, Senior Adviser Hannele Nikander of the Finnish Environment Institute, Jonna Lahdelma of the Häme Centre for Economic Development, Transport and the Environment and Heikki Holopainen of the North Karelia Centre for Economic Development, Transport and the Environment.

2 Interagency cooperation between supervisory bodies

The Centres for Economic Development, Transport, 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 wide-ranging series of nature conservation offences. Investigation into these cases has clearly highlighted the need for interagency 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 to criminal investigations their expertise, cooperation with prosecution and international collaboration. Regular exchange of information and development of cooperation in training are especially necessary in light 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 the supervision and control of international shipments of waste in order to detect and prevent illegal international shipments. Since the implementation of the National Inspection Plan in the beginning of 2017, other supervisory authorities, such as the ELY Centres, municipal environmental authorities and the police, have participated more actively in supervising and controlling international waste shipments. Cooperation between Customs and the Finnish Environment Institute also plays a major role in the control of the transport 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 supervision and control of oil discharges. At the same time, the Border Guard became the supervisory and control authority with primary responsibility for discharges from vessels. The Border Guard have the responsibility for combating oil and chemical spills from vessels in Finland's waters and economic zone and coordinate preparatory work for such incidents. The Border Guard also decide on guiding ships to safe harbour, and draw up respective plans in cooperation with Traficom,

the Finnish Environment Institute and the Finnish Transport Infrastructure Agency. Cooperation with other authorities prescribed in law is essential in carrying out both supervisory and preventing duties. In the fields of oil spill response and discharge monitoring, the Border Guard's principal partners are the Navy, Meritaito Oy and the Finnish Transport and Communications Agency Traficom. In respect to monitoring oil discharges, the border guard works in cooperation with the police, Finnish Environment Institute and Finnish Transport Agency (Trafi) in investigating prerequisites for imposing administrative oil discharge fees and criminal investigation relating to such discharges.

3 Training in environmental crimes at the Police University College

By: Detective Sergeant Kari Koppanen, Police University College

For the perspective of training, the year 2020 was very challenging. The global COVID-19 pandemic has reflected as cancellation of supplementary training courses, in particular, in the selection of courses offered by the Police University College. In 2020, the only course in environmental matters was a Course on Investigation into Serious Environmental Crime Cases held on 05 - 09 in October. It was targeted to prosecutors, heads of criminal investigation and environmental crime investigators. The course focused on criminal investigation authorities' basic work, and the participants practised recovering samples in environmental crime cases, for example.

A seminar on environmental crime for regional groups was first postponed from spring to autumn 2020. It was discovered in autumn 2020 that it was not possible to arrange a seminar gathering a great number of participants who were to network, for example, and so it was cancelled altogether. The possibility of remote participation was not even considered, as the output of the seminar would not have been equivalent to that of close contact.



4 Questions relating to the assessing the amount of criminal proceeds

Environmental offences are often committed on financial motives. Environmental obligations are not complied with, because they are thought cost too much money. From the perspective of crime prevention,

it is not only important to prevent criminals from profiting from environmental crimes, but also to confiscate and forfeit the proceeds from their crimes to the state, as it makes neglecting environmental obligations less tempting.

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 ordered forfeit. The proceeds may consist of additional income or generated savings. The principles of net and gross proceeds are often applied to the calculation of the proceeds of crime. Courts must consider which expenses are taken into account in the assessment of proceeds, so that only the actual proceeds of crime will be forfeit. 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 handled a few police-to-police and legal assistance cases in environmental matters and conducted criminal investigation into an illegal international waste shipment in 2020. 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 Threats relating to environmental offences

6.1 Situation in Finland

Statistically, the environmental crime situation has remained almost the same for several years. A slightly higher number of environmental crime cases were filed in 2020 than in previous four 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 some differences in national legislations 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, conditional imprisonment.

6.2 International situation

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.² 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 would not be a problem in Finland, but in general, it is considered a global threat. China put a halt to almost all import of plastic waste in the beginning of 2018. Before that, a considerable amount of waste collected in Europe and North America was shipped to China.³ When China and several other Asian countries no longer accept plastic waste, it will be necessary to find alternative recovery facilities for waste or increase the efficiency of plastic recycling.

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.

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 2020 are not available.

Sweden

Roughly 4,000 - 6,000 environmental offences are filed in Sweden every year. No statistics on environmental offences committed in 2020 had been published at the time of writing this report, but a total of 5,431 environmental offences/violations were registered in 2019, representing a 19 % increase from 2018 (4,567 environmental offences/violations). 1,248 of them were actual environmental offences and 143 were

² [INTERPOL makes public appeal to help track environmental fugitives](#)

³ [The Chinese import ban and its impact on global plastic waste trade | Science Advances \(sciencemag.org\)](#)

offences against protected species. The rest were offences or violations considered as some other environmental offences. Statistics on offences against the Swedish Criminal Code are published on the website of the Swedish National Council for Crime Prevention.⁴

Criminal investigation was conducted in 3,059 environmental crime cases in 2020. Roughly 13 % of all reported cases were referred to prosecution.⁵

According to the statistics, roughly 351 offences against the protected species were filed in Sweden in 2020; in Finland, these offences are considered as nature conservation offences. The 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 2020 had been published at the time of writing this Report. A total of 5,023 environmental offences/violations⁶ and 1,167 hunting and fishing offences or violations were filed in Norway in 2019. According to the statistics, 2,649 of the environmental offences/violations and 535 of the hunting and fishing cases were solved. Norway's criminal law statistics are published on the website of Statistics Norway.⁷

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. The agency also publishes Miljøkrim e-magazine.⁸ 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 agency⁹ 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.

The number of actual environmental offences in Estonia is quite small. Actual environmental offences are included in Chapter 20 of the Estonian Criminal Code. According to the statistics on offences against the Estonian Criminal Code, the annual number of actual environmental crimes has been about twenty in past years.¹⁰ Finnish and Estonian authorities work in exceptionally close cooperation in preventing environmental offences.

⁴ www.bra.se

⁵ [Processed offences \(bra.se\)](http://www.bra.se)

⁶ Offences classified as environmental offences: Offences against nature and the environment, poisoning as a danger to public health and serious environmental offences, other offences against nature and the environment.

⁷ [Offences investigated - SSB](http://www.ssb.no)

⁸ www.okokrim.no

⁹ Keskkonnainspeksiioon, [Avaleht](http://www.avalet.com) | Keskkonnaamet

¹⁰ www.kriminaalpolitika.ee

7 International operations

7.1 International cooperation

There are several international organisations and bodies focusing in prevention of environmental and natural resource offences. 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).

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 in 2018 - 2019. 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. Best practises were collected on prevention of waste crime and wild life crime. Broader guidance on the fight against environmental and related offences is also about to be finalized in 2021. The guidance is aimed to support the work of environmental authorities, police, customs, prosecutors and judges.

The Commission's work program for 2021 includes a reform of the Environmental Crime Directive (2008/99/EU). The work is based on an evaluation of the functioning of the Directive in 2020. A separate working group focusing on the sanctioning of environmental crimes has been set up to support the preparation of the amendment. A proposal to amend the directive is expected by the end of 2021.

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 home page.¹¹ Correspondingly, EUROPOL established the EnviCrimeNet cooperation body in 2011 for the development of best practices in the prevention of environmental crime.¹² Finland has sent a police officer to attend every EnviCrimeNet meeting since the beginning of the network's operations.

Slovakia raised the fight against environmental crime as one of the priorities of its first Presidency of the Council of the European Union in the latter half of 2016. Thanks to the initiative shown by Slovakia, the Council of the EU also made environmental crime one of the focus areas of EMPACT (European multi-disciplinary platform against criminal threats). Fight against environmental crime remains one of the priorities in the term 2018-2021. More information on the EMPACT cooperation platform is available on the website in the footnote.¹³

¹¹ [Environmental crime \(interpol.int\)](https://www.interpol.int)

¹² [Home - EnviCrimeNet](#)

¹³ [EU Policy Cycle - EMPACT | Organised Crime | Europol \(europa.eu\)](#)

7.2 Eurojust and environmental crime

Eurojust is to assist prosecutors in environmental crime cases with international dimensions and to support 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.¹⁴

Eurojust is to coordinate cooperation between national authorities through the various stages of criminal investigation and prosecution. Eurojust also resolves practical problems caused by the differences in the judicial systems of Member States.¹⁵

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 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 the illegal trade in protected species and the 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.¹⁶

7.3 Enhanced international cooperation detects crime

Waste crime is one of the most serious threats to the environment in Finland. A review of illegal waste trade published by the National Bureau of Investigation, Customs and the Finnish Environment Institute received a lot of media attention in May, 2021. Data used in the review were from the year 2020.¹⁷ The review focused in introducing various forms of international waste shipments, such as trade in non-hazardous waste, and their legal basis. The review pointed out how permitted export of waste from Finland to abroad has increased whereas permitted import decreased compared to the previous year. The review showed statistics on how the number of inquiries related to international waste shipments doubled in 2020 compared to the previous year.

¹⁴ [History | Eurojust | European Union Agency for Criminal Justice Cooperation \(europa.eu\)](#)

¹⁵ [What we do | Eurojust | European Union Agency for Criminal Justice Cooperation \(europa.eu\)](#)

¹⁶ Report by district prosecutor Heidi Nummela, a member of the National Working Group on Monitoring Environmental Crime, who served as national expert in Eurojust between 01 March - 31 October, 2018.

¹⁷ [Keskusrikospoliisin, Suomen ympäristökeskuksen ja Tullin ajankohtaiskatsaus](#) Review by the National Bureau of Investigation, Customs and the Finnish Environment Institute (in Finnish only).

The review was introduced to the public through a press release on criminal investigation to a major case involving international illegal waste shipments and on the joint investigation team set up by Finnish and Estonian authorities for the purposes of the investigation. According to the press release, the National Bureau of Investigation launched a large-scale criminal investigation into three partly overlapping cases of aggravated impairment of the environment in the beginning of 2020. Suspects in the three cases are partly the same. Illegal trade in hazardous waste is a rising trend.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 was amended 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 central environmental treaties signed under the UN and the environmental cooperation carried out in the framework of these treaties.¹⁹

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

¹⁸ [Ympäristölle vaarallisia jätteitä viedään laittomasti Suomesta ulkomaille entistä enemmän - Poliisi](#) (in Finnish only)

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

either through Acts or government decrees. Directives are normally 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 national borders of the countries in which offences are committed.

The changes required by the Directive were implemented in Finland with legislative amendments that entered in force on 25 December, 2010. Finland had the Presidency of the Council of the EU from July to December, 2019. Environmental crime was one of the topics that Finland introduced in discussions in the field of criminal justice. In addition, the eighth round of mutual evaluations concerning measures to counter environmental crime in the Member States was finalised during the Finnish Presidency. The Council is currently assessing the adequacy and sufficiency of the prevailing rules in the field of environmental criminal law.

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. Finland is currently making preparations for the ratification of the Convention.

8.3 Finnish legislation on environmental crime

Environmental offences are provided for in both the Criminal Code and special environmental laws. The most serious acts in which prison sentences are possible are included in 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. Provisions of Chapter 9 of the Criminal Code, “Corporate criminal liability”, on corporate fines also apply to the environmental offences referred to in Chapter 48. Inclusion of penal provisions in the Criminal Code emphasises the reprehensible nature 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 48(a) 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 48(a), section 1(a), corporate fines 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. 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 amendment to Chapter 48, Section 6 of the Criminal Code (1086/2020) supplemented the essential elements of a building protection offence as to cover activities that violate permit conditions or other protection regulations. In the same context, the Act on the Protection of the Architectural Heritage was also amended (1085/2020), inter alia by specifying Section 23 on building protection offences accordingly and by enacting a new Section 23a on the procedure in criminal matters. The new Section requires the ELY Centres to report suspicions of environmental crime to the police for criminal investigation. According to the Section, ELY Centres also have to be reserved the opportunity to be heard in the process of the act and the case. The amendments entered into force on 01 January, 2021.

9 Oversight of legality

9.1 Monitoring compliance with the environmental laws

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

Compliance with the environmental laws in Finland is chiefly monitored by Centres for Economic Development, Transport and the Environment (ELY Centres) and municipal environmental authorities. In addition, the Finnish Environmental Institute and Finnish Safety and Chemicals Agency (Tukes) also has certain monitoring duties. ELY Centres contribute to regional development by implementing and developing tasks of the state administration in their area. Their duties are regulated in the Act on Centres for Economic Development, Transport and the Environment (897/2009) and they relate to, among other things, environmental protection, controlling land use and construction, protecting nature and landscape, monitoring of the state of the environment together with the Finnish Environment Institute (SYKE), controlling waste management, water resources and fisheries as well as affairs of rural areas. ELY Centres supervise adherence to the environmental and water permits granted by regional state administrative agencies and ensure that public interest is taken into account in environmental and water issues. ELY Centres collect and publish environmental information, prevent and combat environmental damage and nuisances, and take care of carrying out works relating to the environment, water supplies and water works. In addition, ELY Centres act as contact authorities in impact assessments carried out in accordance with the Act on Environmental Impact Assessment Procedures and issue opinions in environmental impact assessments of plans and programmes and make decisions on e.g. cleaning polluted land.

Environmental authorities in municipalities, frequently municipal environmental boards, are appointed by municipal councils to carry out licensing and supervisory duties provided for in environmental legislation. According to the Local Government Act, a local authority committee or a joint committee of several municipalities or a decision-making body of a joint municipal authority may also act as a municipal environmental protection authority. Duties of the municipal environmental authority are provided in the Act on the administration of environmental protection in municipalities (64/1986). The municipal environmental authority is, among other things, to promote and monitor the state of the environment in the municipality through monitoring, surveys and studies, and give advice and provide training on environmental protection as well as makes proposals to other authorities and issues opinions on environmental matters in the municipality.

Environmental protection tasks are provided to the municipal environmental protection authority in, among other things, the Environmental Protection Act, Land Extraction Act, Waste Act, Water Act, Nature Conservation Act and Act on off-road traffic. The competence of the ELY Centres and the municipal environmental protection authority in matters relating to supervision and control is partly parallel.

The Environmental Protection Act requires the ELY Centre and the municipal environmental authority to draw up a plan for regular supervision in the municipality. The plan must include information on the environmental conditions of the area in question, identify all activities that pose a risk of pollution and describe resources and means available for supervisory purposes. The plan must describe the organisational structure of supervision, criteria for risk assessment and cooperation between the authorities in charge of the supervision. Plans prepared by the ELY Centres usually meet the requirements set for supervision in the Environmental Protection Act, Chemical Act, Waste Act and Water Act. ELY Centres and municipal environmental protection authorities carry out inspections of the facilities they supervise in accordance with the supervisory plans, so that all facilities are inspected periodically. Places of inspections and the frequency of inspections are determined on the basis of the environmental risk assessment of each installation. In addition, inspection visits are also carried out on the basis of reports from members of the public and, for example, due to failures at installations.

When detecting a situation against the law, the ELY Centre and municipal environmental protection authority are obliged to take measures to correct the situation in accordance with the provisions of the Administrative Procedure Act and the supervised Act in question. In addition to the administrative follow-up, the supervisory authorities must always assess the need to make a request for an investigation, depending on the situation. As a general rule, supervisory authorities should report suspicions of acts or omissions in breach of environmental laws to the police for criminal investigation. However, no report is necessary, if the act is considered of minor significance under the circumstances and the public interest does not require charges to be brought. The ELY Centres may appear as injured parties in environmental crime cases referred to in the Waste Act, Water Act and Environmental Protection Act. Any ELY Centre has then a right to be heard in the criminal investigation and court proceedings, to press charges and appeal court decisions.

Municipal environmental protection authorities and ELY Centres co-operate with the police and prosecution authority in suspected criminal cases. Cooperation has been further intensified and enhanced since the establishment of joint working groups in environmental matters on regional level. Where necessary, the supervisory authorities act as experts in environmental law in the course of the criminal investigation and in court proceedings, they usually also appear as witnesses summoned by the prosecutor.

In relation to supervision of environmental matters, the ELY Centres made 45 requests for investigation to criminal investigation authorities in 2020. The amount corresponds to the total annual average number of requests made by the ELY Centres. The requests for investigation concerned suspected violations of the Water Act, Environmental Protection Act, Waste Act, Nature Preservation Act and the Act on Managing the Risk Caused by Alien Species. The majority of requests for investigations concerned acts related to the Environmental Protection Act (33 %), the Water Protection Act (25 %) and the Nature Conservation Act (22 %).

Compliance with the Water Act

The ELY Centres and municipal environmental protection authorities serve as the supervisory authorities referred to in the Water Act (587/2011). Pursuant to the Water Act, the supervisory authorities issue permits required for water resources management projects and handle notifications on ditch drainage, dredging, reaping and reports on construction of water, sewer or power lines under main channels or brooks as well as other notifications and requests for opinions made by private persons, associations, entrepreneurs or

authorities in water resources management matters. The ELY Centres and municipal environmental protection authorities have the same competence over water management resources projects, excluding certain dredging matters falling to the scope of municipalities and certain other matters which are required to report to the ELY Centres. Both of the authorities have a right and obligation to take immediate action to eliminate the harm or danger and, if necessary, to suspend the on-going project and to lodge a criminal complaint. In case of exceptional natural conditions or other force major events, the ELY Centres are required to take measures for eliminating the risk of accident.

In case a project is carried out without a required permit or in violation of permit terms or if its consequences were unforeseen, the supervisory authorities intervene by supervisory measures and, if necessary, make a request for investigation to the police. In addition to legality control, the supervisory authorities also oversee the public interest in matters under the Water Act. If a public interest has been infringed in a criminal case, the state supervisory authority shall appear as the injured party in the case.

Overseeing the public interest means taking into account aspects relating to the land use, fisheries, waterborne transport, environmental protection and nature conservation. The supervisory authorities assess and monitor that projects do not endanger the natural state of small aquatic habitats referred to in the Water Act (Water Act, Chapter 2, section 11).

The number of requests for investigation increased somewhat compared to previous years. For example, in 2019 the number was 12 of which 8 were violations of the Water Act and 4 were permit violations. The corresponding number in 2020 was 17 of which 12 were violations of the Water Act and 5 were permit violations. Investigations under the Water Act are carried out under other criminal headings, for example, in cases filed as impairment of the environment.

The ELY Centres made most of the requests for criminal investigation in 2020; 14 cases are investigated as acts against the Water Act. A slight increase in the number of requests for investigation under the Water Act is also reflected in the contents of the requests made by the ELY Centres, as 25 % of all requests for investigation made by the ELY Centres concern the Water Act.

9.1.2 Duties of the 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 is 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. The 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 Finnish Environment Institute is the competent authority under the Ozone Regulation (EC) No 1005/2009 and F-Gas Regulation (EC) No 517/2014. Supervision authorities referred to in the Nature Conservation Act (527/2014) supervise and control the maintenance of refrigeration equipment in the side of their other supervision duties. The Finnish Environment Institute supervises 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 permit authority referred to in the CITES Regulation (EC) No 338/97 (this duty is related to the implementation of the CITES Convention and the permit authority referred to in the Act on the Protection of Whales and Arctic Seals (1112/1982).

The Finnish Environment Institute works in cooperation with the Finnish Transport and Communications Agency (Traficom) in prevention of evading and violating of the Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling and monitors implementation of the 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.

9.1.3 Duties of the Finnish Safety and Chemicals Agency

The Finnish Safety and Chemicals Agency (TUKES) is tasked with the supervision, control, inspection and licensing of the large-scale industrial handling and storage of hazardous chemicals in order to uphold technical safety. TUKES investigates accidents and collects information on accidents in the industries under its supervision into the Damage and Accident Register (VARO). TUKES maintains the qualifications register for refrigeration professionals and supervises compliance with their competence requirements.

9.2 Police

9.2.1 Duties of the Police

The police are the general crime prevention authority investigating all criminal acts regardless of type. Information on possible environmental offences usually reaches the police through three channels: from private citizens, the supervisory authorities or the observations made by the police, for example in connection with normal law enforcement or criminal investigations. As a rule, supervisory 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 have a duty to conduct criminal investigation into the matter reported, whenever there are grounds to believe that a criminal offence 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. Environmental offences nearly always require the criminal investigation authority to make an advance notification to the prosecutor and cooperate closely with the prosecution. Customs and the Border Guard also conduct criminal investigation into 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. Subject to certain conditions, the prosecutor may also waive charges in the matter. If charges are brought, the case will be heard by a district court. If the decision is appealed, the case will be heard by the Court of Appeal, followed in some cases by the Supreme Court.

9.2.2 Environmental crime coordinator to gain situational awareness of environmental crime in Finland

On the initiative of the National Police Board, and in line with the principles of the performance and financial negotiations of the National Bureau of Investigation, the Bureau set up a post of environmental crime coordinator for a fixed-term to enhance national fight against environmental crime. The aim is to create a big picture across the fields of the administration of the fight against environmental crime, develop new operational models, to enhance cooperation and detection of environmental crime and, in this way, maximize the impact of the fight against environmental and financial crime and proactively prevent impairment of the environment. The national environmental crime coordinator is Detective Chief Inspector Riku Lindqvist of the National Bureau of Investigation.

The environmental coordinator's tasks are both national and international, as he serves as an expert in environmental crime prevention, supports environmental crime investigations conducted at local police departments, develops ways to prevent, detect and investigate environmental crimes, maintains and updates big picture of environmental crimes in Finland, coordinates cooperation between environmental authorities and is responsible for various kinds of training. The coordinator also collects and exchanges information on environmental crime to police units from the Environmental Crime Strategy Implementation Group about international trends and new criminal trends in environmental crime. Information is also collected from police units to support strategic decision-making. The big picture on environmental crime is built on the basis of various sub-areas. The coordinator collects information on environmental crime from police units and collates the information into a report. To support reporting, the coordinator regularly requests information from police units using a form.

9.3 Border Guard

9.3.1 Duties of the Border Guard

Alongside its other statutory duties, the Border Guard also has jurisdiction over criminal investigation into environmental offences and natural resource offences. For example, the Border Guard supervises 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 petty violations of the above-mentioned material Acts under the supervision and control of the Border Guard. 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 crime detected in the context of the Border Guard's own supervision and control measures are investigated. The Border Guard investigates cases falling under its competence or refers them to the police if required by the scope of the investigation or the availability of resources. Offences falling outside the Border Guard's jurisdiction are reported to the competent criminal investigation authority.

Pursuant to section2(2) of the Act on Cooperation between the Police, Customs and the Border Guard (687/2009), the Border Guard may carry out an urgent crime preventive measure in the area of responsibility of the police or Customs on behalf of those authorities using its statutory powers, if such measure cannot be

postponed. The competent criminal investigation authority concerned must be notified of the measure without undue delay. The above-mentioned Act ensures an expeditious response by the authorities and the efficient performance of their statutory duties. The Border Guard and police have set up joint investigation teams when necessary to enhance the investigation of hunting offences, in particular.

The Border Guard performs a variety of official duties in Finland's territorial waters. It is a multi-sectoral marine authority that maintains a high level of readiness at all times (24/7) with highly trained personnel, equipped with the marine and aerial fleets and technical surveillance equipment required by its operations. The Border Guard is a modern European Coast Guard Authority 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 already has command of maritime rescue operations in response to accidents 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 and serves as the lead supervisory 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. The Border Guard is responsible for the prevention of environmental damage in accordance with the Rescue Act (379/2011). Rescue departments are responsible for management of response operations 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 at 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 and to safeguard the investigation of administrative oil discharge fees and to secure criminal investigation conducted in the case. The Border Guard's Dornier aircraft patrol over Finnish waters nearly every day. Both Finland's territorial waters and exclusive economic zone are comprehensively covered by the patrol flights. Aerial monitoring has also been coordinated with Swedish and Estonian authorities, and the Border Guard also monitors the territories of those states to an extent.

The Dornier aircraft have been specially outfitted for detecting oil spills in cooperation with the Finnish Environment Institute. 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, which provides satellite images of Finland's territorial waters. 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 Command Centre of the West Finland Coast Guard District inspects the images and 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 serves also as the Command Centre is also the national fisheries monitoring and control centre.

9.3.2 Administrative oil discharge fee

Pursuant to the Act on Environmental Protection in Maritime Transport, the Border Guard is the only authority with the powers to impose an administrative oil discharge fee on a vessel for an illegal oil discharge into the sea. 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.

Under the Act on Environmental Protection in Maritime Transport, the Border Guard shall impose an oil discharge fee on vessels discharging mineral oil or oily mixtures into the sea in Finland's territorial waters or exclusive economic zone. The fee can only be waived for discharges that are minor in volume and impact on the environment. For foreign ships in transit in Finland's exclusive economic zone, the discharge must also cause a considerable damage or a risk of damage to Finland's natural resources for the fee to be imposed. If the party liable to pay the fee shows that imposing the fee would be manifestly unreasonable because of a distress or accident situation or some other similar reason, the fee would not be imposed at all or its amount would be reduced. 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 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 originated from a specific vessel and that it was not a question of the above-mentioned exceptional circumstances. The Border Guard conducts the investigation required for the administrative oil discharge fee procedure. Statements 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 fees. 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) 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. The Act entered into force from 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 heavier 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, and as they are based on the Table of Rates appended to the above-mentioned Act, raising the oil discharge fee would require amending the Act.

According to a comparison made in 2019, the oil discharge fee rates of Finland and Sweden are very close to each other. The Border Guard considers it important that the oil discharge fees of the two countries would be maintained at the same level in order to avoid making oil discharges more lucrative in the territory of one

state than of 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 primary supervisory and control authority in the detection of ship-to-water discharges from vessels in Finland's territorial waters and within Finland's 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 supervisory and control authority 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. An administrative oil discharge fee imposed on a person before the ruling the punishment must reversed 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 of the Customs

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 the performance of its 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. 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. Activities on endangered species between Member States and within each Member State are also regulated by Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein.

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 Monitoring 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 Controlling international shipments of waste

Customs is also tasked with the supervision and control of 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.

Customs and the Finnish Environment Institute cooperated in the supervision and control of waste shipments in 2020. 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 during the time between 14 September and 11 October, 2020. The operation was supported by Europol and INTERPOL. In addition, the EU Network for Implementation and Enforcement of Environmental Law (IMPEL), and United Nations Environment Programme (UNEP) ensured a collective approach in support of the operation. In total, 73 countries participated in the operation.

The concerted enforcement effort resulted in a total of 131 seizures, including 99,000 tonnes of waste and an additional 78,000 pieces of waste materials. 90,872 tonnes i.e. 92 % of the seized waste commodities consisted of metal waste, 6,859 tonnes i.e. 7 % consisted of various types of plastic waste and the rest included machines and electric/electronic waste as well as waste from production and manufacturing. Other commodities seized also included used tyres, paper waste, textile waste and mixed wood waste.

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 VI, 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.

Documents of three waste shipments intended for export were checked. Documents of one shipment of WEEE waste i.e. electric/electronic waste were found to contain errors. When the errors had been corrected, the shipment was approved for the export procedure.

Finnish Customs participated in Operation DEMETER for the third time.

9.5 National Prosecution Authority

The National Prosecution Authority carried out an organisational reform on 01 October 2019 when it started its operations as a national authority. It comprises of five prosecution districts: Southern Finland, Western Finland, Northern Finland, Eastern Finland and Åland.. A national system of specialization was implemented in the context of the reform. Posts of senior specialised prosecutors were set up for the most specialised 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 were 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.

10 Environmental offences reported to the authorities

Environmental crimes reported to the criminal investigation authorities are presented in this Report by the offence types. 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. The offences are: *impairment of the environment*, *aggravated impairment of the environment*, *environmental infraction*, *negligent impairment of the environment*, nature conservation offence and building protection offence.

Environmental offences under the Criminal Code	2016	2017	2018	2019	2020
Impairment of the environment (Criminal Code, Chapter 48, section 1)	188	198	201	188	210
Aggravated impairment of the environment (Criminal Code, Chapter 48, section 2)	11	6	12	6	7
Negligent impairment of the environment (Criminal Code, Chapter 48, section 4)	7	2	0	0	2
Environmental infraction (Chapter 48, section 3)	275	215	248	222	269
Nature conservation offence (Criminal Code, Chapter 48, section 5)	29	47	53	63	56
Aggravated nature conservation offence (Criminal Code, Chapter 48, section 5a)	2	1	0	1	0
Building protection offence (Criminal Code, Chapter 48, section 6)	1	2	4	1	2
Total	511	470	518	480	546

Table 1. Environmental offences under Chapter 48 of the Criminal Code filed by the criminal investigation authorities in 2016 - 2020.

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. Environmental offences referred to criminal investigation typically involve unlicensed destruction of various types of waste or storage of waste on residential or industrial properties.

In addition to the police, Customs or the Border Guard can also conduct the criminal investigation into suspected impairment of the environment. Cases of impairment of the environment detected by Customs in 2020 consisted of exports or imports of waste without a waste shipment permit.

Cases investigated by the Border Guard mainly consisted of illegal oil discharges from ships.

Summaries of selected court cases in 2020:

Criminal Code, Chapter 48, section 1: Aggravated impairment of the environment (incl. aggravated animal welfare offence)

West Uusimaa District Court on 03 January, 2020, decision number 20/100153, case ref. R 15/980 (not final)

About a hundred cows suffered from shortcomings in their care on a dairy farm for a long period of time. Some of the cows were overly skinny as they had not been offered enough food and drink. Their exercise area and resting places were dirty and rundown. They suffered at least hunger, thirst, filth and darkness. Calves were stunted because of the lack of food. Young cattle and calves suffered from hunger, thirst, dehydration, stunted growth and underweight, narrowness of space, filth, heat and darkness as well as from the fact that mature beasts mated young animals, because all animals of different age were kept in the same space. Despite various admonitions by the Supervising Veterinarian, the situation had not improved.

Defendants had cows on the farm, although the storage place for manure did not meet the requirements of section 4 of the Government Decree on Limiting Certain Emissions from Agriculture and Horticulture in force at the time (Nitrate Decree; 931/2000) in respect to the size and permeability, and the exercise area did not meet the requirements of section 7 of the new Nitrate Decree (1250/2014). The manure storage facility and urine tank were permeable and too full as they leaked to the environment. The exercise area was not covered. Liquids were not prevented from entering the environment and they leaked to the environment. They caused an additional water load on the storage place for manure and exercise area, increasing the nutrient and bacterial load on the environment. In addition, the waste water disposal system in the milking room was not functioning. The defendants' actions on the farm, nutrients (including nitrate and ammonia) and bacteria had leaked into the soil and further into at least the surface waters of the area; the increased loading of nutrients cause eutrophication of water bodies and bacteria impair hygiene. In addition, their

actions had been likely to pose a risk to groundwater and soil. The defendants should have applied for an environmental permit in which authorities had given orders for protecting the environment.

The District Court sentenced both of the defendants for aggravated animal welfare offence and impairment of the environment to a suspended prison sentence of eleven months, imposed a supplementary fine and issued a life-long ban of keeping farm animals to them both. During the last inspection, the veterinarian had ordered the cows to be put down.

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 basic offence. 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 2020, the police filed seven cases of aggravated impairment of the environment. In most of the cases, a suspicion of an aggravated environmental offence was reported by an environmental authority. The majority of the cases involve 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.

Summaries of selected court cases in 2020

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

Pirkanmaa District Court on 20 October, 2020, decision number 20/139414, case ref. R 18/5534 (no information available on finality)

The defendant had managed waste materials in violation of the Waste Act and without a permit required in the Environmental Protection Act on six properties situated in two locations and discarded the materials on the properties without delivering them to a waste treatment plant. The defendant had also brought waste to the properties in the very last few years. According to the charge, his action had caused danger or harm to health or the environment and it had been conducive to cause and had caused impairment of the environment. He had also violated the prohibition on pollution of soil laid down in the Environmental Protection Act because the waste discarded on the property had at least caused danger or harm to health or the environment.

Approximately 11 hectares in total had been covered by waste on the properties. The materials included deregistered cars and other vehicles, work machines, excavators, cans and other vessels for chemicals, barrels, batteries, iron/steel, for example, and other miscellaneous waste. The total amount of waste remaining as of 01 October, 2010 had been at least 1,500,000 kg. Some of the liquids in the car and oil in the oil tank had leaked into the soil. All waste materials had been discarded on the ground without any protective elements or other structures. Due to the defendant's actions, in addition to the oil and other liquids, mercury and various kinds of heavy metals were also found in the soil.

Environmental authorities had several times requested the defendant to remove the waste. However, the defendant had not, however, removed great amounts of waste, but brought more to the properties. It was a question of a very large amount of waste stored over a large area. Contaminants were detected in the soil of all studied areas. The soil was contaminated with petroleum hydrocarbons or heavy metals. The District Court considered that the damage caused to the environment and the risk of such damage was particularly high and ordered the defendant to forfeit the sum of 155,340 euros to the state as the proceeds of crime, including the cost of transporting the waste. The defendant was sentenced to a suspended imprisonment of one year and two months and to pay 80 euros as a victim surcharge.

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 discarded or abandoned 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 2020

Criminal Code, Chapter 48, section 3: Environmental infraction

East Uusimaa District Court on 23 November, 2020, decision number 20/145507, ref. R 19/4267 (final)

According to the charge, the defendant had discarded construction waste, pieces of furniture and a fridge on the plaintiff's property in violation of the prohibition on littering in section 72 on of the Waste Act in such a way that the act was conducive to cause littering. The District Court found that considering the number of the objects and the small amount of damage caused and low risk posed to the environment, the offence is to be deemed petty and imposed 10 day fines and a victim surcharge of 40 euros to the defendant.

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 baseline statutory definition, impairment of the environment is only a criminal offence when committed intentionally or through gross negligence. Application of the provision requires the damage or risk of damage caused to health or the environment to be particularly great. The penal scale ranges from a fine to a maximum of one year of imprisonment.

Negligent impairment of the environment is a rare offence, with only a few criminal investigations conducted by the police each year. Two cases of negligent impairment of the environment were filed in 2020.

Summaries of selected court cases in 2020

Criminal Code, Chapter 48, section 4: Aggravated impairment of the environment

Satakunta District Court on 06 March, 2020, decision number 20/139414, case ref. R 18/5534 (no information available on finality)

Approximately 48,000 litres (48 m³) of light fuel oil had been discharged in the river in the context of activities of the company's energy unit. The activities violated the provisions of the issued environmental permit and was in breach of the prohibition of significant environmental pollution provided for in the Environmental Protection Act. According to the environmental permit, any discharge of oil into the river was not allowed.

The company had leased the whole business of a thermal power plant and carried out renovation work there. As the renovation work was still underway, in connection with the unloading of the ordered amount of fuel oil, it was discharged in the public storm water drainage system. The fuel oil was poured in a pipe of the flotation line pipe instead of the oil pipe.

Approximately 4,000 litres of the fuel oil had been collected so that it did not end up in the river, but still at least about 44,000 litres was discharged into the drainage system and river. The fuel oil had spread some 20 kilometres downstream.

The control and alarm system in the above-mentioned thermal power plant were switched off at the time of the incident. There were no external gauge to measure the oil level, and a valve in oil separation well was open.

The damage or danger of damage caused by the fuel oil discharge was especially serious, with regard to the long duration, wide effect and other circumstances of the realised or imminent damage.

The thermal power plant is situated in the groundwater area. Light fuel oil poses a danger to the environment. The fuel oil that discharged in the river through the storm water drainage system polluted soil over a large area. The fuel oil posed a risk of groundwater pollution and put fish and other benthic fauna in danger. The oil spill disrupted fisheries research in the lower reaches of the river. The damage was long lasting.

The act violated the public interest. The fuel oil discharged into the storm water drainage system and further into the river posed a risk to the supply of drinking water of water used in irrigation for communities (congregation) and private persons and prevented the use of water for those purposes in the area affected by the damage. Recreational use of the water body was not possible, and oil spill clean-up work impeded the use of properties on the river shores. The oil had affected the air; there was a strong odour of fuel oil in the vicinity of the dam basin and its shores.

The District Court imposed 30 days fines and a victim surcharge of 80 euros to the individual in charge of the maintenance of the thermal power plant for negligent impairment of the environment.

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

A person, who unlawfully destroys or impairs a natural area, an animal, a plant or another natural object protected by the Nature Conservation Act or protected, restricted or placed under an injunction based thereon shall be sentenced for a nature conservation offence. Import or export of protected species of plant or animal

in violation of the CITES Convention is also punishable. The penal scale ranges from a fine to a maximum of two years of imprisonment.

The nature conservation offences investigated by the police usually involve unlawful destruction species of plant or animal or unauthorised logging in protected areas. The existence of the Siberian flying squirrel has been jeopardised in many cases due to unauthorised logging. Many of the suspected cases of nature conservation offences concerned killing protected barnacle geese or wolves, either alive or dead. In 2020, the customs filed only a few nature conservation offences and violations of the CITES Convention. Cases are most often detected in international mail and passenger traffic, and online purchases in particular have been found to include unlawful products.

Nature conservation offences (Criminal Code, Chapter 48, section 5)	2016	2017	2018	2019	2020
Police	29	46	52	58	52
Customs	0	1	0	4	4
Border Guard	0	0	1	1	0
Total	29	47	53	63	56

Table 2. Nature conservation offences under Chapter 48 of the Criminal Code filed by the criminal investigation authorities in 2016 - 2020.

Summaries of selected court cases in 2020

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

Oulu District Court on 07 January, 2020, decision number 20/100227 ref. R 19/3496 (final)

The defendants had killed an animal protected by the Nature Conservation Act. They had killed a hedgehog first by setting it in fire and then killed it. Hedgehogs are protected all year around, The District Court imposed 45 - 50 day fines the two defendants for an animal welfare offence and one of the two offenders, for an alcohol offence. They were also ordered to pay the value of the hedgehog i.e. 101 euros to the state as damages.

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

A nature conservation offence could be considered aggravated if it is deemed aggravated when assessed a whole and it puts nature in serious risk, there financial benefit was sought in the offence or it was committed in a particularly methodical manner. Punishment for the offence ranges from four months to four years of imprisonment.

In 2020, no cases of aggravated nature conservation offence were filed by the criminal investigation authorities.

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

A person, who intentionally or through gross negligence, without a permit required by the law, demolishes, destroys, impairs or covers an object of a built environment which is protected by the Land Use and Building Act is sentenced for 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, among other things. Punishment ranges from a fine to imprisonment of maximum of two years.

Two building protection offences were filed in 2020.

Summaries of selected court cases in 2020

Criminal Code, Chapter 48, section 6: Building protection offence

West Uusimaa District Court on 09 September, 2020, decision number 20/128167, R 20/300 (no information available on finality)

The defendants were charged for having demolished, destroyed or damaged a stationary relic referred to in the Antiquities Act without a permit required by law. The defendants, operating together, had unlawfully dug holes in the ground within the protective zone around the Rasborg Castle, and took artefacts i.e. at least tens of medieval bullets they had found with them.

By their actions the defendants substantially damaged the stationary relic by breaking beyond repair the connection between the artefacts and the place where they were found. They had also misappropriated movables owned by state of Finland/Finnish Heritage Agency that they had found in the protective zone around the Rasborg Castle. The movables are considered as ancient relics found at a known stationary relic that have a connection to the stationary relic in question.

The defendants had stolen bullets they had found. The acts were targeted at historically or culturally valuable property, causing substantial damage to archaeological research data.

The District Court found one of the two defendants guilty of a building offence and embezzlement. The charge against the other defendant was dismissed. The District Court considered that the damage caused by the offences and the defendant's guilt required imposing a prison sentence. Therefore the court passed him a suspended prison sentence of nine months and imposed a victim surcharge of 80 euros. The relics (lead bullets) were forfeited to the state of Finland.

10.3 Natural resource offences under the Criminal Code

Chapter 48(a) of the Criminal Code provides for natural resource offences, which are presented in Table 3. The penal provisions concern hunting, fishing, forestry and timber as well as protection of the Antarctic. A hunting prohibition with a minimum duration of one year and maximum duration of five years is also provided for in the Chapter. Compared to the previous four years, the highest total number of natural resource offences was filed in 2020.

Natural resource offences	2016	2017	2018	2019	2020

Hunting offence (Criminal Code, Chapter 48 a, section 1)	131	131	163	120	149
Aggravated hunting offence (Criminal Code, Chapter 48 a, section 1 a)	15	16	12	12	25
Fishing offence (Criminal Code, Chapter 48 a, section 2)	8	9	8	2	3
Forestry offence (Chapter 48 a, section 3)	0	4	1	6	9
Unlawful exploitation of mineral resources in the Antarctic (Criminal Code, Chapter 48 a, section 3 a)	0	0	0	0	0
Timber offence (Criminal Code, Chapter 48 a, section 3 b)	0	0	0	0	0
Concealing poached game (Criminal Code, Chapter 48 a, section 4)	0	0	0	0	1
Aggravated concealing poached game (Criminal Code, Chapter 48 a, section 4 a)	0	2	0	0	0
Total	207	154	162	184	140

Table 3. Natural resource offences recorded by the criminal investigation authorities in 2016 - 2020.

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

A person, who intentionally or through gross negligence hunts using a prohibited trap or trapping method or hunts in violation of an order given on protecting game or without a hunting permit, or when hunting, endangers or harms a person or the property of another person. Punishment ranges from a fine to imprisonment of maximum two years. A total of 149 hunting offences were reported to the criminal investigation authorities last year.

The hunting offences investigated by the Border Guard are committed in a wide variety of ways. In the investigations begun in 2020, the subjects of the suspected offences included elk, deer and weasels. Cases involving the use of hunting devices and hunting methods prohibited by the Hunting Act were also investigated as hunting offences.

Hunting offence (Criminal Code, Chapter 48 a, section 1)	2016	2017	2018	2019	2020
Police	121	126	156	116	141
Border Guard	10	5	7	4	8
Total	131	131	163	120	149

Table 4. Hunting offences recorded by the criminal investigation authorities in 2016 - 2020.

Summaries of selected court cases in 2020

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

Oulu District Court on 02 April, 2020, decision number 20/112170, R 20/5 (no information available on finality)

The defendant had hunted a bear cub younger than twelve months in violation of the Hunting Act or the protection of game animals granted under the Act. The bear is strictly protected species. Not even an exceptional permit may be granted for hunting a bear cub younger than twelve months. The bear shot by the defendant was exceptionally small in size. He shot the bear from a distance of roughly twenty metres. Weather conditions at the moment of shooting were fine, and he must have taken a note of the bear cub was exceptionally small in size. He was charged for an aggravated hunting offence. The District Court found that the defendant had been seriously negligent and imposed a hunting prohibition of 18 months and to hand in his hunting card to the game management association. During the prohibition, the defendant is not allowed to hunt nor can he be appointed as a hunting master referred to in the Hunting Act, section 28. The District Court found that as it was a question of strictly protected species i.e. a bear cub younger than twelve months, a prison sentence was to be ordered to the defendant. The suspended prison sentence was for 60 days. The bear was forfeited to the state of Finland. The rifle used in the commission of the offence was also forfeited to the state. The District Court also ordered the defendant to pay 80 euros as the victim surcharge.

10.3.2 Aggravated hunting offence (Criminal Code, Chapter 48, section 1 a)

A hunting offence is deemed aggravated when it is committed in a particularly brutal or cruel manner or if the object of the offence is a particularly large amount of game. An offence committed in a planned manner or one seeking considerable financial gain may also be considered aggravated. Killing or injuring certain animals, such as wolverine, lynx, bear, deer, otter or wolf, may also meet the statutory definition of the aggravated hunting offence, if the offence is aggravated also when assessed 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 2020, criminal investigation authorities filed in 25 suspected aggravated hunting offences; when compared to the previous year, the number is double and clearly the highest in the previous five years. The Border Guard launched criminal investigation into 15 suspected cases of aggravated hunting offence in 2020.

In eleven cases, the police or Border Guard was able to identify the culprit. The criminal investigation authorities succeeded in investigating those criminal acts in a particularly efficient manner by detecting suspected offences through various means of control and supervision, for example.

The notable cases of the aggravated hunting offences last year concerned lynx, bears, wolverines, wolves and European roe deer, most often wolves and bears.

Hunting offences, such as game offences and poaching, are not always reported to the criminal investigation authorities. Detection and criminal investigation into hunting offences is also hindered by the “law of silence” possibly observed by local residents and hunters.

Aggravated hunting offence (Criminal Code, Chapter 48, section 1 a)	2016	2017	2018	2019	2020
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Police	13	14	10	11	10
Border Guard	2	2	2	1	15
Total	15	16	12	12	25

Table 5. Hunting offences recorded by the criminal investigation authorities in 2016 - 2020.

Summaries of selected court cases in 2020

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

Rovaniemi Court of Appeal, on 08 July, 2020, decision number 20//124448, ref. R 19/464 (no information available on finality)

Prosecutor requested the Court of Appeal to punish the defendant for shooting a bear cub younger than twelve months to death. The defendant had hunted a bear cub younger than twelve months in violation of the protection and hunting prohibition of a game animal referred to in the Hunting Act. According to prosecutor, the offence was to be considered aggravated also when assessed as a whole, because the bear is a strictly protected animal and hunting bears is possible only on the basis of a special permit. And it is not possible to issue a permit to hunt a bear cub younger than twelve months at all. The Court of Appeal upheld the District Court's ruling. The Court of Appeal considered, like the District Court, that it had been proven that the defendant could not have been fully certain of the bear's age and, therefore, his conduct in this situation was been seriously negligent. The Court of Appeal approved the District Court's reasoning and conclusions of gross negligence on the part of the defendant. As regards the overall assessment of the offence, the Court of Appeal found that the defendant had substantially breached the hunter's emphasized duty of care by killing a small bear cub under twelve months, who weighed approximately 30 kilograms less than the amount notified to The Finnish Wildlife Agency. Similarly to the District Court, the Court of Appeal considered that the offence was to be considered aggravated also when assessed as a whole.

The defendant was sentenced to a suspended prison sentence of four months. The rifle used in the commission of the offence was also forfeited to the state. The Court of Appeal also imposed a hunting prohibition of 18 months and to hand in his hunting card to the game management association. The bear was also forfeited.



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

Rovaniemi Court of Appeal, on 24 June, 2020, decision No 19/122873, case ref. R 19/591

The defendant unlawfully killed a forest reindeer although the species is protected. The defendant was tired and he had decided to shoot very quickly in the dusk so that he had not been able to identify the animal/species. He had been separately reminded about the differences between a moose calf and a forest reindeer and of the fact there were forest reindeer in the area. For those reasons, the offence was to be considered aggravated also when assessed as a whole. The District Court had imposed 40 day fines on the defendant for a hunting offence. Based on prosecutor's appeal, the Court of Appeal considered that the assessment of seriousness of the offence must be based on the premise that when grounds for increasing the punishment exist, the offence is, in principle, aggravated. But the case could be considered as a basic hunting offence when there are some mitigating circumstances relating to the offence. For example, the offence would not necessarily be considered aggravated when assessed as a whole, if the animal in question was killed, from the hunter's perspective, in a surprising situation. Special characteristics of situations like that could be taken into account when the offence is assessed as a whole i.e. when it is assessed whether the offender has committed an aggravated offence or not. The Court of Appeal considered that the arguments in favour of the seriousness of the offence outweigh the counter-arguments, and that is why the hunting offence was to be considered aggravated when assessed as a whole. The defendant was sentenced to a suspended prison sentence of four months, and Court of Appeal imposed a hunting ban of approximately three years on him. His rifle was forfeited, and he was ordered to hand in his hunting card to the hunting association. The Court of Appeal upheld the game management fee for a cervid imposed by the District Court as well as the forfeiture of the moose calf and the imposed victim surcharge fee of 80 euros.

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

A person, who fishes to a considerable extent in violation of an order given regarding the protection of fish or crayfish, fishing tackle, or the minimum size of fish or crayfish, shall be sentenced for a fishing offence. Punishment ranges from a fine to imprisonment of maximum of two years.

Fishing offence (Criminal Code, Chapter 48 a, section 2)	2016	2017	2018	2019	2020
Police	4	8	3	1	2
Border Guard	4	1	5	1	1
Total	8	9	8	2	3

Table 6. Fishing offences filed by the criminal investigation authorities in 2016 - 2020.

10.3.4 Forestry and timber offences (Criminal Code, Chapter 48 a, sections 3 and 3 b)

A person, who violates a provision of the Forest Act pertaining to protected forest areas or protected areas, or harms a natural environment that is particularly important from the point of view of the biodiversity of the natural forest, shall be sentenced for a forestry offence. A person, who in violation of the EU Timber Regulation places on the market unlawfully harvested timber or products made from such timber, shall be sentenced for a timber offence. The maximum sentence for a forestry offence is two years of imprisonment and that for a timber offence six months of imprisonment.

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

A person, who hides, obtains, transports, conveys or markets game that has been obtained through a hunting offence or fishing offence, shall be sentenced for 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.

Summaries of selected court cases in 2020

Criminal Code, Chapter 48a, section 4: Concealing of poached game

Kainuu District Court on 01 December, 2020, decision number 20/147249, case ref. R 20/539 (final)

The defendant hid a female capercaillie, although he knew that the bird had been unlawfully obtained. He had kept it in a fridge.

The District Court imposed the defendant a joint amounts of 40 day fines for concealing of poached game and violation of the Firearms Act (he had kept his firearm in violation of the Firearms Act) and a victim surcharge of 80 euros.

Criminal Code, Chapter 48 a, section 4 a: Aggravated concealing of poached game

Rovaniemi Court of Appeal, on 08 July, 2020, decision number 20/124448, ref. R 19/464 (no information available on finality)

The District Court had sentenced the defendant for concealing of poached game. The defendant had participated in weighing the carcass of an unlawfully hunted bear by lending his scales from the purpose and by assessing the effect of the missing body parts on the total weight of the carcass. In the view of the Court of Appeal, this could not be regarded as hiding, obtaining, transporting, conveying or marketing the game within the meaning of the Act. Likewise, the fact that the other defendant had undertaken to skin the game with the permission of the authority and, in addition, had reported the game on the basis of information given to him, did not meet the essential elements of the offence in question. Therefore, the Court of Appeal repealed the District Court's ruling and dismissed the charges.

According to the District Court, the third defendant, who had not appealed the Oulu District Court's ruling (26 April, 2019, decision 19/119081, case ref. R 18/200) had weighed the carcass of the bear and given the reading to another defendant. He had also skinned the bear i.e. handled and participated in the handling of the carcass in various ways. The Court of Appeal imposed 20 day fines on him.

10.4 Environment related offences endangering health and safety

The offences endangering health and safety listed under Chapter 44 of the Criminal Code also include criminal acts that may have a significant impact on the environment. The protected objects of these provisions include human life and health and personal property. The above-mentioned other penal provisions of the Criminal Code may also apply to environmental offences. The total number of offences endangering health and safety increased clearly from the previous years.

Offences endangering health and safety provided for in the Criminal Code	2016	2017	2018	2019	2020
Health offence (Criminal Code, Chapter 44, section 1)	5	13	13	11	28
Endangerment of health (Criminal Code, Chapter 34, section 4)	2	2	2	0	4
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)	3	6	6	10	7
Genetic technology offence (Criminal Code, Chapter 44, section 9)	0	0	0	0	0
Nuclear energy use offence (Criminal Code, Chapter 44, section 10)	1	1	0	0	0
Explosives offence (Criminal Code, Chapter 44, section 11)	149	119	127	145	133
Careless handling (Criminal Code, Chapter 44, section 12)	277	275	269	318	341

Radioactive material possession offence (Criminal Code, Chapter 44, section 12 a)	0	0	0	0	1
Transport of dangerous substances offence (Criminal Code, Chapter 44, section 13)	6	6	15	3	4
Total	443	422	432	487	518

Table 7. Offences endangering health and safety under the Criminal Code filed by the criminal investigation authorities in 2016 - 2020.

10.4.1 Health offence, endangerment of health and aggravated endangerment of health (Criminal Code, Chapter 44, section 1 and Chapter 34, sections 4 and 5)

A health offence may be committed by a person, who deliberately or through gross negligence and in violation of the Pesticide Act, Product Safety Act, Chemical Act, Health Protection Act, Food Act or Act on Hygiene of Food Derived from Animals produces, handles, imports or deliberately attempts to import, keeps in his possession, stores, transports, keeps for sale, conveys or gives goods or substances so that the act is conducive to endangering the life or health of another person. The penal scale ranges from a fine to imprisonment for at most of six months.

A person, who operates a radiation source in violation of the Radiation Act, uses nuclear energy in violation of the Nuclear Energy Act or spreads organisms that have been altered through genetic technology into the environment in violation of the Genetic Technology Act so that the act is conducive to causing general danger to life or health, shall be sentenced for endangerment of health as provided for in chapter 34, section 4 of the Criminal Code. The penal scale ranges from a minimum of four months to a maximum of four years of imprisonment. If the endangerment of health is committed so that serious danger is caused to the life or health of a great number of people and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for aggravated endangerment of health to imprisonment for at least two and at most ten years.

Summaries of selected court cases in 2020

Criminal Code, Chapter 44, section 1: Health offence

East Uusimaa District Court on 02 December, 2020, decision number 20/146041, case ref, R 20/3823 (no information available on finality)

The defendants, as liable persons and actual operators of the company they represented, failed to ensure compliance with the requirements and conditions referred to in the Foodstuffs Act in their activities. The defendants failed to observe sufficient care to see that the food, food premises as well as premises where the food was prepared, stored and handled would meet the requirements of the Foodstuffs Act; that the activities in the food premises was organised in such a way that safety of the food produced, stored or handled was not compromised; and that the food was prepared, handled and stored in a way not jeopardizing the good hygienic quality of the food. The defendants failed to ensure compliance with the rules and regulations governing preparation, storage and traceability of foodstuffs as well as suitability and cleanliness of the premises and equipment.

The following deficiencies and violations, among others, were found in the inspection:

There was no water point or drain in the inspected warehouse; during operation the large double doors of the warehouse were kept open; there were kebab chips prepared on the day before in the freezer that had not yet been completely frozen yet; there was one partially melted kebab cylinder on the floor next to the grill; the floor and wall surfaces were not easy to keep clean; goods that were not allowed to be stored on the food production premises were stored on the premises; there was no possibility to properly wash utensils, equipment or surfaces; dishes were done in deep tubs to which water was carried in canisters and heated in pans on a stove; dishwashers were poured on the yard; the countertops were lined with newspapers; the refrigeration and freezing of the products did not meet the requirements; a counterfeit logo of a German company was used as a label on the prepared products; and the operator had not notified the control authority about the activities pursuant to the Foodstuffs Act, nor had he applied for approval of the premises as food establishment.

Due to the findings, a number of instructions for further action were issued as well as calls for immediate cessation of the activities, including the disposal of products. The defendants were imposed 60 day fines for a health offence, marketing offence and forgery and a victim surcharge of 80 euros.

10.4.2 Explosives offence and radioactive material possession offence (Criminal Code, Chapter 44, sections 9-11 and 12 a)

An explosives offence involves violations of the Act on the Safety of the Handling of Dangerous Chemicals and Explosives or of provisions given pursuant to it. Punishment ranges from a fine to imprisonment of maximum of two years.

The police investigate roughly 100 - 150 cases of explosives offences each year, either reported to or detected by the police. An explosives offence is typically detected when police find unlicensed (stolen, for example) explosives during a search conducted in relation to another suspected offence.

Summaries of selected court cases in 2020

Criminal Code, Chapter 44, section 11: Explosives offence

East Uusimaa District Court on 10 November, 2020, decision number 20/143633, ref. R 20/2704 (final)

The defendant was in possession of explosives in violation of the Act on the Safety of Handling Dangerous Chemicals and Explosives. i.e. about 20 grams of gunpowder in a private home. He made two pipe bombs using the gunpowder. The District Court sentenced the defendant to a suspended imprisonment of three months for this and several other offences and ordered him to pay a victim surcharge of 80 euros.

10.4.3 Careless handling (Criminal Code, Chapter 44, section 12)

A person, who uses, handles or stores a firearm, fire or an explosive, a chemical or other corresponding substance that is dangerous to health or the environment or a radioactive substance so that the act is conducive to causing a danger to the life, health or property of another, shall be sentenced for careless handling. The penal scale ranges from a fine to imprisonment for at most of six months. The police investigate around 200 - 350 cases of careless handling in a year.

Summaries of selected court cases in 2020

Criminal Code, Chapter 44, section 12: Careless handling

East Uusimaa District Court on 24 September, 2020, decision number 20/134308, ref. R 20/767 (final)

The defendant carelessly used fire in an apartment building owned by Asunto Oy in such a way that it was conducive to jeopardize someone's life or health or to cause danger to another person's property. He had burned an oil candle in a lantern made of plastic on the balcony of the apartment he resided in and failed to pay attention to the candle. The fire spread at least to movables on the balcony. In addition, the interior of the apartment had suffered damage from smoke as a result of the fire, and the apartment had to be renovated. The act had caused financial loss to Asunto Oy. The District Court imposed 60 day fines and a victim surcharge of 40 euros to the defendant and ordered him to pay damages to the injured party.

10.4.4 Transport of dangerous substances offence (Criminal Code, Chapter 44, section 13)

A person, who violates the Act on the Transporting of Dangerous Substances so that the action is conducive to endangering the life or health of another or endangering the property of another, shall be sentenced for a transport of dangerous substances offence. The annual number of cases reported to the authorities has varied from a few to less than two dozen cases.

Summaries of selected court cases in 2020

Criminal Code, Chapter 44, section 13: Transport of dangerous substances offence

Varsinais-Suomi District Court on 15 October, 2020, decision number 20/138620, case ref. R 20/1199 (final)

The defendant transported a dangerous substance in a manner in violation of the Act on Transporting of Dangerous Substances so that the act was conducive to cause danger to the lives, health or property of other persons. He drove a truck carrying a large number of batteries containing battery fluid. Battery terminals were also unprotected. He had not a driving license required by regulations, the truck he was driving did not comply with regulations and the vehicle lacked the required warning signs / markings. The District Court imposed 40 day fines to the defendant for a transport of dangerous substances offence and ordered him to pay 80 euros as a victim surcharge.

10.5 Violations of the Water Act

The penal provisions applying to the Water Act are compiled in 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. Permit violations include undertaking a water resources management project requiring a permit without a permit granted by the permit authority, while violations of the Water Act include preventing the free flow of water in a body of water and neglecting to inform the authorities.

Penal provisions of the Water Act (Chapter 16, sections 2-3)	2016	2017	2018	2019	2020
Violation of a permit under the Water Act (Chapter 16, section 2)	3	3	5	4	5
Violation of the Water Act (Chapter 16, section 3)	4	6	10	8	12
Total	7	9	15	12	17

Table 8. Violations of the Water Act filed by the police in 2016 - 2020.

Summaries of selected court cases in 2020

Water Act, Chapter 16, section 2: Violation of a permit under the Water Act

North Karelia District Court on 10 December, 2017, decision number 20/147291, case ref. R 19/1523 (final)

The defendant had a dredging project done along the shoreline of his property. The quantity of dredged material exceeded 500 cubic metres and the material was placed on a shore embankment, so due to the amount and location of the dredged material, a permit under the Water Act would have been required. The defendant was charged for violation of a permit under the Water Act.

The District Court considered that the defendant had committed a permit violation under the Water Act through negligence and imposed 40 day fines on him. As the defendant had not applied for the permit, he had also evaded his payment obligation which he would have incurred in processing the permit for the water management project. The District Court ordered the defendant to forfeit 1.670 euros i.e. the amount he would have paid for the permit.

Water Act, section 16, section 3: Violation of the Water Act

Pirkanmaa District Court on 04 December, 2020, decision number 20/147777, case ref. R 20/5355 (no information available on finality)

The defendant intentionally or through negligence violated the Water Act by neglecting to inform the ELY Centre on carrying out a dredging project in 2019 at least 30 days before the project was started. By failing to do so, the defendant had violated the Water Act. The District Court imposed 10 day fines to the defendant.

10.6 Offences under other Acts

In addition to the penal provisions presented above, there are more than two dozen penal provisions applying directly to the environment or touching on it. 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. When compared to the number of environmental and natural resources offences provided in the Criminal Code, the total number of minor offences is clearly higher. Table 9 shows violations reported to the criminal investigation authorities in 2016 - 2020. In total, 219 violations of the Waste Act were filed last year. In 2020, the police

filed 506 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	2016	2017	2018	2019	2020
Violations of the Waste Act	215	160	163	174	219
Fishing violation	602	485	566	430	506
Off-road traffic violation	251	280	260	174	160
Violation of the Nature Conservation Act	26	28	21	27	45
Violation of the Extractable Land Resources Act	4	7	8	4	3
Violation of the Act on Fishing on the Tornionjoki Fishing Zone	0	0	0	0	0
Violation of the Nature Conservation Act	18	14	18	28	13
Transport violations (hazardous substances)	374	419	421	325	374
Building violation	38	28	23	42	33
Building protection violation	0	0	0	0	0
Violation of the Antiques Act	2	3	1	0	1
Hunting violation	114	63	90	106	102
Forestry violation	3	12	22	25	90
Violation of the Hunting Act	173	176	173	129	188
Total	1,820	1,675	1,766	1,464	1,734

Table 9. Other environmental offences filed by criminal investigation authorities in 2016 - 2020.

Summaries of selected court cases in 2020

Nature Conservation Act, section 58: Violation of the Nature Conservation Act

East Uusimaa District Court on 17 February, 2020, decision number 20/106768, case ref, R 19/4849 (no information available on finality)

In violation of the European Community Regulation (EC 338/97) on the protection of species of wild fauna and flora by regulating trade therein, the defendant had imported an item described in the Annex B of without a permit or certificate required by the said Regulation and acquired the same for commercial purposes, used the same for commercial purposes, sold as well as kept in possession and for sale. As a private entrepreneur,

the defendant had ordered and thus imported so-called CITES regulated cosmetics without required import permits. The delivery was made to Finland by air, and the Customs stopped it in order to have further information about it. One of the ingredients of the cosmetics was the Siberian sturgeon (*Acipenser baerii*), and this species and products made of it are included in Annex B of the European Community Regulation number 338/97. Both a CITES export permit issued by the export country and CITES import permit issued by the import country i.e. Finland would have been required for the products. The total number of individual products was 1,031 of which 228 remained with the Customs. The Customs seized the products and, with the defendants consent, destroyed them. Some of the products received by the defendant requiring the same permits had already been sold. The District Court considered that from the point of view of conserving nature, it was not a question of a significant act. It had not been established that the defendant would not have been issued a permit to import the products, if he had fulfilled his reporting obligations and obtained the necessary import permits. The District Court considered that the act met the essential elements of the violation of the Nature Conservation Act and imposed 20 day fines to the defendant.

Land Use and Building Act, section 185: Building violation

Turku Court of Appeal, on 02 October, 2020, decision number 20/136191, case ref. R 19/1332 (no information available on finality)

According to the charge, the defendant cut down or had cut down trees from 0.71 - 7.0 hectares on a property as a so-called open felling. He should have had a permit for landscape work under the Building and Land Use Act issued by the municipality, because the area has a shore plan. The need for the permit was also mentioned in the town's building ordinance. A permit for landscape work would not have been issued, because the plan did not allow it and felling deviated from other land use in the area. According to the plan, the whole shore area is reserved for recreational use or building holiday homes. As a professional forest owner and forestry entrepreneur, the defendant was aware of the fact that a permit is required for felling trees when the area has a shore-plan in place. He was also aware of the shore-plan, because when he bought the property, the shore plan was mentioned in the deeds. Cutting down the trees had impaired the landscape and made the environment less attractive. The Court of Appeal considered that the area where the trees were cut was 0.92 hectares, and in that respect, the defendant was guilty of building violation, and imposed 30 day fines to the defendant, ordered him to forfeit approximately 359 euros as criminal proceeds and to pay 4,000 euros instead of the amount ordered by the District Court as damages to the injured party to cover the decrease in the value of the summer house.

Environmental Protection Act, section 225: Violation of the Environmental Protection Act

East Uusimaa District Court on 12 November, 2020, decision number 20/143732, case ref, R 20/2608 (no information available on finality)

As the company's CEO, the defendant failed to notify the municipal environmental protection authority of measures or events causing temporary noise or vibration, when there was reason to expect that such noise or vibration would be especially disturbing. No notification had been made on two music events, and the required measurements required for other events had been partially omitted.

The District Court ordered the company to forfeit 600 euros as financial proceeds from the omitted noise measurements and imposed 45 day fines to the defendant for two violations of the Environmental Protection Act.

Forest Act, section 18: Forest infringement

North Karelia District Court on 26 October, 2020, decision number 20/140375 (no information on finality)

Working as a procurement manager in a company holding the felling right and in this position, representing the forest harvester, the defendant through gross negligence carried out a management or utilisation operation targeted at a habitat of special importance in terms of forest biodiversity referred to the Forest Act, section 10, paragraph 2 contrary to the same Act, section 10 a. As the holder of felling rights, the company cut trees on a farm jointly owned by two individuals. The defendant had made a forest use declaration concerning the intended felling. The declaration included two compartments, both bordered by a rivulet considered a habitat of special importance for the biological diversity of the forest whose characteristic features include the special growing conditions and microclimate due to the closeness of water and tree and shrub layer, and its immediate surroundings. According to the charge, the defendant had failed to ensure that the rivulet together with its immediate surroundings were taken into consideration in felling the trees so that no trees the surroundings of the rivulet were cut at a distance from the rivulet corresponding to the average height of the trees or the felling was otherwise carried out in such a way that the special characteristics of the rivulet and the surrounding area were preserved. < Furthermore, as the protection zone of trees left to shelter the surroundings of the rivulet was made too narrow, it increased a risk of damages caused by the wind and storm and, subsequently several trees had brought down within the protection zone, which in part, increased the damage of the special characteristics.

However, the District Court dismissed the charge stating that the defendant had no reason to consider it likely that despite all measures taken by him, trees were cut in an area too close to the rivulet. Quite the opposite, the District Court considered that the defendant had taken due account of the conservation aspects of the area and that he had acted accordingly. < Consequently, the defendant's actions to ensure that a particularly important habitat was excluded from the felling were to be regarded as adequate and he had acted diligently. As no evidence had been shown proving that the defendant would have acted through gross negligence, the District Court dismissed the charge.

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.

The violations of the Waste Act investigated by Customs mostly consisted of the export of used batteries from Finland to Estonia and the other Baltic States by Estonian, Latvian and Lithuanian citizens.

Summaries of selected court cases in 2020

Waste Act, section 147: Violation of the Waste Act

North Savonia District Court on 02 March, 2020, decision number 20/108961, case ref. R 19/2841 (no information on finality)

The defendant failed to comply with municipal waste management regulations i.e. he had not joined in the municipal waste management system or delivered waste to a reception or management point designated by

municipal authorities. The defendant had not immediately joined his property into the organized waste management system, despite a written request of the environmental authorities dated 31 March, 2017.

The District Court considered that an order issued by the municipal environmental board was to be considered as an order issued by a supervisory authority under the Waste Act, section 126, sub-section 1 and that failing to comply with such order is punishable under the Waste Act, section 147, sub-section 2, paragraph 16. As the District Court weighed the evidence produced in the case, the court pointed out that the defendant had not failed to comply with the order issued by the municipal environmental board, but joined his property to the municipal waste management system prior to the service of the order. The charge was dismissed.

10.6.2 Detected oil discharges and imposed oil discharge fees

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 patrol 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).

In 2019, the Border Guard detected 39 oil discharges in comparison to 52 detected cases in Finland's territorial waters in 2019. The majority of the detected discharges occurred close to shore or port, and were very minor in volume. The focus areas of oil discharge detection are the exclusive economic zone and Finland's territorial waters. As in recent years, discharges in these areas were low.

Six new administrative oil discharge investigation were launched in 2020 to determine the conditions for imposing an oil discharge fee, but no oil discharge fee decisions were made. Investigations take more time than before partly because the NBI Forensic Laboratory has sent oil and sea water samples to Sweden for analysis. In two cases, the investigation is still going on. In three cases, investigations were terminated on the account of insignificance of the leaked amount. In one case, it was not possible to identify the substance leaked into the sea.

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 of 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.

The Border Guard has centralised the investigation of 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 2020, one case was investigated as impairment of the environment and eleven cases as environmental infractions in which a demand for a fine was made in two cases and one cases resulted in caution. One case is still under investigation and the matter is processed in the context of another criminal investigation. In other cases, investigations were terminated on the account of insignificance of the leaked amount.

10.7 Environmental crime cases in prosecution and courts

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

Environmental offences	2016	2017	2018	2019	2020
Impairment of the environment (Criminal Code, Chapter 48, section 1)	65	79	91	71	77
Aggravated impairment of the environment (Criminal Code, Chapter 48, section 2)	5	3	10	7	3
Environmental infraction (Criminal Code, Chapter 48, section 3)	34	32	34	30	37
Negligent impairment of the environment (Criminal Code, Chapter 48, section 4)	3	0	2	0	3
Nature conservation offence (Criminal Code, Chapter 48, section 5)	8	20	17	19	20
Building protection offence (Criminal Code, Chapter 48, section 6)	3	1	1	1	1
Total	118	135	155	128	141

Table 10. Environmental offences and infractions forwarded to prosecution in 2016 - 2020.

Natural resource offences	2016	2017	2018	2019	2020
Hunting offence (Criminal Code, Chapter 48 a, section 1)	41	36	32	39	37
Aggravated hunting offence (Criminal Code, Chapter 48 a, section 1 a)	2	5	9	7	7
Fishing offence (Criminal Code, Chapter 48 a, section 2)	1	4	4	1	0
Forestry offence (Chapter 48 a, section 3)	1	0	1	0	4
Unlawful exploitation of mineral resources in the Antarctic (Criminal Code, Chapter 48 a, section 3 a)	0	0	0	0	0
Timber offence (Criminal Code, Chapter 48 a, section 3 b)	0	0	0	0	0
Concealing poached game (Criminal Code, Chapter 48 a, section 4)	0	0	0	0	0
Aggravated concealing poached game (Criminal Code, Chapter 48 a, section 4 a)	0	0	0	0	0
Total	45	45	46	47	48

Table 1. Natural resources offences forwarded to prosecution in 2016 - 2020.

Offences endangering health and safety provided for in the Criminal Code	2016	2017	2018	2019	2020
Health offence (Criminal Code, Chapter 44, section 1)	5	6	5	7	8
Endangerment of health (Criminal Code, Chapter 34, section 4)	0	1	1	0	1
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	0	1	2	1
Genetic technology offence (Criminal Code, Chapter 44, section 9)	0	0	0	0	0
Nuclear energy use offence (Criminal Code, Chapter 44, section 10)	1	1	0	0	0
Explosives offence (Criminal Code, Chapter 44, section 11)	48	49	70	42	47

Careless handling (Criminal Code, Chapter 44, section 12)	67	53	59	63	59
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	0	4	5	1
Total	126	110	140	119	117

Table 12. Offences endangering health and safety referred to prosecution in 2016 - 2020.

Penal provisions included in the Water Act	2016	2017	2018	2019	2020
Permit violation against the Water Act (Chapter 16, section 2)	1	3	1	1	2
Violation of the Water Act (Chapter 16, section 3)	2	0	0	3	3
Total	3	3	1	4	5

Table 13. Offences against the Water Act forwarded to prosecution in 2016 - 2020.

Offences under other Acts	2016	2017	2018	2019	2020
Violations of the Waste Act	19	21	22	12	24
Fishing violation	10	18	17	12	21
Off-road traffic violation	10	10	9	4	4
Violation of the Nature Conservation Act	7	10	0	4	9
Hunting violation	18	11	16	13	0
Forestry violation	3	4	10	4	0
Violation of the Nature Conservation Act	6	2	2	7	3
Transport violations (hazardous substances)	7	2	2	5	5
Building violation	16	16	8	12	14
Violation of the Extractable Land Resources Act	5	1	0	4	3
Total	101	95	86	77	83

Table 14. Other environmental offences forwarded to prosecution in 2016 - 2020.

In 2020, prosecutors brought charges for offences provided for in Chapter 48 of the Criminal Code 76 times, that is, in 52.05 % of cases. The average time taken for the consideration of charges was 6.92 months. A total of 27 charges were brought for the offences provided for in Chapter 48 a of the Criminal Code,

amounting to 61.36 % of all cases. In these cases, the average duration of consideration of charges was 4.26 months. The average fine imposed for offences under Chapter 48, section 1 of the Criminal Code amounted to approximately 50 day fines.

Year	Sentenced as charged	Charge dismissed in full or in part	% of dismissed cases	All decisions
2016	160	50	23.81 %	210
2017	113	37	24.67 %	150
2018	157	41	20.71 %	198
2019	142	52	22.71 %	229
2020	119	35	22.73 %	154

Table 2. Trend in the number and proportion of charges dismissed in full or in part in 2016 - 2020.

10.8 Environmental crimes reported to criminal investigation authorities and referred to prosecution

The National Working Group on Monitoring Environmental Crime has been monitoring environmental crime since 1997. To the extent an offence may carry a sentence of imprisonment; the penal provisions for environmental offences are collected in the Criminal Code. Various other Acts contain more lenient penal provisions in addition to those. This has an effect on monitoring environmental crime and so does assessing which offences are to be regarded as environmental offences. Our legislation provides for several criminal acts that also touch upon environmental matters. Thus, it is difficult to take all neglect and criminal acts related to the environment into account in the monitoring. This Report mainly deals with environmental related criminal acts decreed as criminal offences in the Criminal Code.

The police are the general crime prevention authority investigating all criminal acts regardless of type. Environmental crimes referred to prosecution by the police are mainly offences related to impairment of the environment as they concern storing or disposing waste. It is often a question of an environmental crime committed in the course of business, motivated by cost savings.

The environmental offences and violations with an environmental dimension detected by Customs and forwarded to prosecution have mostly concerned the export of scrap electrical and electronic devices and scrap batteries. The nature conservation offences and violations detected by Customs usually consist of imported goods of animal or plant origin requiring a licence, either sent to Finland by post or brought by passengers. In some cases, offences were committed in the course of business operations. Offenders in the investigated cases have been Finnish and foreign individuals, along with some Finnish legal entities. These offences are described in more detail in the Chapters above. The number of environmental and nature conservation offences referred to Customs for criminal investigation decreased slightly from the past year.

The numbers of environmental and natural resource offences filed by the Border Guard took a decrease from the previous year. The number of hunting offences, and especially of aggravated hunting offences, detected by the Border Guard increased significantly in 2020.

11 Conclusions

Importance of nature and environmental values and of protecting them has recently become emphasized, partly due to the social debate on the climate change and the increasing threat to the endemic diversity and biodiversity of nature. Therefore, it can be assumed that new, stricter regulations will be introduced in the near future, which will increase costs in the form of, among other things, reducing emissions and treating waste and soil. Thus, there is a risk that environmental offences where offenders aim to avoid proper emission and waste management in order to minimize their environmental protection costs and required investments in protective measures will produce more lucrative profits to criminals. It is likely that the number of environmental offences detected and reported to the authorities will increase in future years due to intensified operations by the authorities and stricter regulations.

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 the 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 with regard to environmental offences. More weight could be placed on the expenses incurred from repairing 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 the offenses, it should be kept in mind that even so-called restoration does not restore the environment to its original state and does not render untouched nature to the state it was before the commission of an illegal act.

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 filters in 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 Environmental Crime Strategy Implementation Group will continue its well-established work and update its program regularly.

The environmental supervision authorities have a key role on developing environmental protection and control and therefore, in prevention of environmental offences. Their success in prevention decreases 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 overall 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 may produce considerable financial and other illegal benefits. To prevent such crime being profitable to the perpetrator, attention should be specifically paid to tracing and recovering the criminal proceeds at the criminal investigation phase. 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. 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 different authorities, results of investigations and court decisions can increase 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.